

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Educational Service Unit No 06	)	File No. SLD-133727
Omaha, Nebraska	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: November 9, 2000**

**Released: November 13, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Educational Service Unit No. 06 (ESU No. 6), Omaha, Nebraska, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).<sup>1</sup> ESU No. 6 seeks review of SLD's refusal to consider ESU No. 6's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny ESU No. 6's appeal.

2. SLD issued a Funding Commitment Decision Letter on October 26, 1999, denying ESU No. 6's request for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> Specifically, SLD denied ESU No. 6's request for discounts for telecommunications services, Funding Request Numbers (FRNs) 198760 and 198761. On August 3, 2000, ESU No. 6 filed an appeal of SLD's decision to deny FRNs 198760 and 198761.<sup>3</sup> On August 4, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider ESU No. 6's appeal because it was received more than 30 days after the

<sup>1</sup> Letter from Don Ferneding, Educational Service Unit No. 06, to Federal Communications Commission, filed August 30, 2000 (Letter of Appeal).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Don Ferneding, Educational Service Unit No. 06, dated October 26, 1999 (Funding Commitment Decision Letter).

<sup>3</sup> Letter from Don Ferneding, Educational Service Unit No. 06, to Schools and Libraries Division, Universal Service Administrative Company, filed August 3, 2000.

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Funding Commitment Decision Letter was issued.<sup>4</sup> ESU No. 6 subsequently filed the instant Letter of Appeal with the Commission.

3. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision as to which review is sought.<sup>5</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>6</sup> The 30-day deadline contained in section 54.720 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because ESU No. 6 failed to file an appeal of the October 26, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss ESU No. 6's appeal to SLD as untimely and deny the instant Letter of Appeal.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed by Educational Service Unit No. 06, Omaha, Nebraska on August 30, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Accounting Policy Division  
Common Carrier Bureau

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<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Don Ferneding, Educational Service Unit No. 06, dated August 4, 2000 (Administrator's Decision on Appeal).

<sup>5</sup> 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 1.7.