

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Houston Independent School District) File No. SLD-203737
Houston, Texas)
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 24, 2000

Released: November 27, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration two Letters of Appeal filed by Houston Independent School District (Houston Independent), Houston, Texas, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company. Houston Independent seeks review of SLD's refusal to consider Houston Independent's appeal to SLD on the ground that it was untimely filed. For the reasons set forth below, we grant in part Houston Independent's appeals, and remand its application to SLD for further action.

2. SLD issued a Funding Commitment Decision Letter on June 16, 2000, denying Houston Independent's requests for discounted internal connections services under the schools and libraries universal service support mechanism. On June 23, 2000, Houston Independent filed a letter of "inquiry" regarding SLD's decision. On July 18, 2000, Houston Independent

1 Letter from Daryl Ann Borel, Houston Independent School District, to Federal Communications Commission, filed August 18, 2000; Letter from Daryl Ann Borel, Houston Independent School District, to Federal Communications Commission, filed August 21, 2000 (Letters of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Daryl Ann Borel, Houston Independent School District, dated June 16, 2000 (Funding Commitment Decision Letter).

3 Letter from Daryl Ann Borel, Houston Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 23, 2000 (Letter of Inquiry).

filed an appeal of SLD's decision.⁴ On July 20, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Houston Independent's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁵ Houston Independent subsequently filed the instant Letters of Appeal with the Commission.⁶

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.⁷ Documents are considered to be filed with the Commission or SLD only upon receipt.⁸ 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.

4. On review, we determine that Houston Independent's letter of inquiry dated June 23, 2000, should have been considered as a timely appeal of SLD's Funding Commitment Decision Letter. Houston Independent specifically questions several aspects of SLD's decisions in a manner that appears to have been designed to provoke further consideration of the issues by SLD. The context of the letter reasonably indicates that it is an appeal of SLD's decision, despite that Houston Independent styled the letter an "inquiry," rather than an appeal. Because Houston Independent filed the letter within 30 days of SLD's June 16, 2000, Funding Commitment Decision Letter, it was timely filed. Accordingly, we grant in part Houston Independent's Letters of Appeal and direct SLD to review Houston Independent's initial appeal.

5. 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 Letters of Appeal filed by Houston Independent School District, Houston, Texas on August 18, 2000 and August 21, 2000, ARE GRANTED to the extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from Daryl Ann Borel, Houston Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 18, 2000.

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Daryl Ann Borel, Houston Independent School District, dated July 20, 2000.

⁶ Letters of Appeal.

⁷ 47 C.F.R. § 54.720.

⁸ 47 C.F.R. § 1.7.