

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Richland Colfax No. 1)	File No. SLD-177994
Richland, 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 28, 2000

Released: November 29, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Richland Colfax No. 1 (Richland Colfax), Richland, Nebraska, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Richland Colfax seeks review of SLD’s refusal to consider Richland Colfax’s appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Richland Colfax’s appeal.

2. SLD issued a Funding Commitment Decision Letter on May 26, 2000, approving Richland Colfax’s request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD approved Richland Colfax’s request for discounts for telecommunications services. On August 17, 2000, Richland Colfax filed an appeal of SLD’s decision to approve its funding at a lower amount than requested.³ On August 24, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Richland Colfax’s appeal because it was received more than 30 days after the Funding

¹ Letter from Judith Kabourek, Richland Colfax No. 1, to Federal Communications Commission, filed September 6, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Judy Kabourek, Richland Colfax No. 1, dated May 26, 2000 (Funding Commitment Decision Letter).

³ Letter from Judith Kabourek, Richland Colfax No. 1, to Schools and Libraries Division, Universal Service Administrative Company, filed August 17, 2000.

Commitment Decision Letter was issued.⁴ Richland Colfax 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.⁵ Documents are considered to be filed with the Commission or SLD only upon receipt.⁶ 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 Richland Colfax failed to file an appeal of the May 26, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Richland Colfax'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 Richland Colfax No. 1, Richland, Nebraska on September 6, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Judy Kabourek, Richland Colfax No. 1, dated August 24, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.