

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Soille San Diego Hebrew Day School
San Diego, California
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-166197
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: December 13, 2000

Released: December 14, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration an appeal filed by Soille San Diego Hebrew Day School (Soille San Diego), San Diego, California, seeking review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Soille San Diego seeks review of SLD's refusal to consider Soille San Diego's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we grant Soille San Diego's appeal.

2. SLD issued a Funding Commitment Decision Letter on July 21, 2000, denying Soille San Diego's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Soille San Diego's request for discounts for internal connections, Funding Request Numbers (FRNs) 369592, 369658, and 369691. On August 21, 2000, Soille San Diego filed an appeal of SLD's decision to deny FRNs 369592, 369658, and 369691. On August 24, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Soille San Diego's appeal because it was received more

1 Letter from Rabbi Simcha Weiser, Soille San Diego Hebrew Day School, to Federal Communications Commission, filed September 15, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Nomi Levy, Soille San Diego Hebrew Day School, dated July 21, 2000 (Funding Commitment Decision Letter).

3 Letter from Rabbi Simcha Weiser, Soille San Diego Hebrew Day School, to Schools and Libraries Division, Universal Service Administrative Company, filed August 21, 2000.

than 30 days after the Funding Commitment Decision Letter was issued.⁴ Soille San Diego subsequently filed the instant 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. Section 1.4(j) of the Commission's rules, however, provides that in cases where the close of the 30-day period falls on a holiday, the document shall be filed on the next business day.⁷ Because the close of the 30-day period after the issuance of the July 21, 2000 Funding Commitment Decision Letter fell on August 20, 2000, a holiday, Soille San Diego's August 21, 2000 appeal should have been considered timely filed. Accordingly, we grant Soille San Diego's appeal and direct SLD to review Soille San Diego's appeal to SLD.

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 appeal filed by Soille San Diego Hebrew Day School, San Diego, California on September 15, 2000, IS GRANTED to the extent provided herein.

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 Nomi Levy, Soille San Diego Hebrew Day School, dated August 24, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.

⁷ 47 C. F. R. § 1.4(j). The term "holiday" includes Saturdays and Sundays. 47 C. F. R. § 1.4(e)(1).