

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Montgomery County School District
Montgomery, Alabama
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-203346
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: April 25, 2001

Released: April 26, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Montgomery County School District (Montgomery County), Montgomery, Alabama, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).1 Montgomery County seeks review of SLD's refusal to consider Montgomery County's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Montgomery County's appeal.

2. SLD issued a Funding Commitment Decision Letter on June 23, 2000, denying Montgomery County's request for discounted services under the schools and libraries universal service support mechanism.2 Specifically, SLD denied Montgomery County's request for discounts for internal connections. On January 8, 2001, SLD received Montgomery County's appeal of SLD's decision to deny funding.3 The Letter of Appeal was dated December 22, 2000.4 On January 12, 2001, SLD issued an Administrator's Decision on Appeal indicating that

1 Letter from Carol A. Doucet, Ed.D, Montgomery County School District, to Federal Communications Commission, filed January 29, 2001 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carol A. Doucet, Montgomery County School District, dated June 23, 2000 (Funding Commitment Decision Letter).

3 Letter from Carol A. Doucet, Ed.D, Montgomery County School District, to Schools and Libraries Division, Universal Service Administrative Company, dated December 22, 2000 (Letter of Appeal).

4 Id.

it would not consider Montgomery County's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁵ Montgomery County subsequently filed the instant Request for Review 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.⁶ Documents are considered to be filed with the Commission or SLD only upon receipt.⁷ 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 Montgomery County failed to file an appeal of the June 23, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Montgomery County's appeal to SLD as untimely and deny the instant Request for Review.

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 Request for Review filed by Montgomery County School District, Montgomery, Alabama on January 29, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carol A. Doucet, Ed.D, Montgomery County School District, dated January 12, 2001 (Administrator's Decision on Appeal).

⁶ 47 C.F.R. § 54.720.

⁷ 47 C.F.R. § 1.7.