

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

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Ellenville Central School District)	File No. SLD- 201560
Syracuse, New York)	
)	
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: May 10, 2001

Released: May 11, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. This Order dismisses the Request for Review filed by Ellenville Central School District (Ellenville), Ellenville, New York, seeking review of a decision issued by the Universal Service Administrative Company's Schools and Libraries Division on June 15, 2000 and a waiver of our appeal rules.¹ The Commission received Ellenville's Request for Review on February 12, 2001.² Under section 54.720 of the Commission's rules, any such appeal must be filed within 30 days of the issuance of the decision as to which review is sought.³ Documents are considered to be filed with the Commission only upon receipt.⁴ Ellenville asserts that it did not receive the June 15, 2000 decision letter and became aware of the decision on January 24, 2001 only after having contacted SLD.

2. A review of the record indicates that SLD did issue an Administrator's Decision on Appeal on May 12, 2000. Merely stating that a letter was not received at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for

¹ See Letter from the Schools and Libraries Division, Universal Service Administrative Co., to Shari L. Dwyer, Ellenville Central School District, dated June 15, 2000.

² Letter from Shari L. Dwyer, to Federal Communications Commission, filed February 12, 2001 (Request for Review).

³ 47 C.F.R. § 54.720.

⁴ 47 C.F.R. § 1.7.

waiver of our rules.⁵ Moreover, because the instant Request for Review was not filed within the specified 30-day period, it will be dismissed without further consideration.

3. 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 February 12, 2001, by Ellenville Central School District, Ellenville, New York, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ See *Request for Review by Whitehall City School District*, Docket Nos. 96-45 and 97-21, Order, DA 00-1892 (rel. August 18, 2000); *Juan Galiano*, Memorandum Opinion and Order, 5 FCC Rcd 6442, 6443 (1990) (“[I]f the Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered... procedural havoc and abuse would result.”).