

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request for Review of the )
Decision of the )
Universal Service Administrator by )
Otsego Northern Catskills BOCES ) File No. SLD-204083
Stamford, 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: June 8, 2001

Released: June 11, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a letter dated July 5, 2000, notifying ONC that their entire FCC Form 471 did not meet the Minimum Processing Standards and would not be processed.2 Specifically, SLD indicated that "The Form 471 Entity/Entities receiving this [s]ervice (Block 5, Item 22) [did] not correspond with a Worksheet provided to the SLD with the application."3 On March 26, 2001, ONC filed an appeal asserting that it filed its Form 471 within the application window.4 ONC also stated that it received a letter from SLD on or about July 4, 2000, notifying

1 Letter from Rodger Oesterle, Otsego Northern Catskills BOCES, to Federal Communications Commission, filed May 3, 2001 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rodger Oesterle, Otsego Northern Catskills BOCES, dated July 5, 2000 (Administrator Letter).

3 Id.

4 Letter from Rodger Oesterle, Otsego Northern Catskills BOCES, to Schools and Libraries Division, Universal Service Administrative Company, filed March 26, 2001.

ONC that it was to respond to the notice as soon as possible by submitting a corrected Form 471. ONC further stated that as directed, it sent a corrected Form 471 to the Administrator, on July 10, 2000.<sup>5</sup>

3. On April 23, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider ONC's March 26, 2001 appeal because it was received more than 30 days after the July 5, 2000 Administrator Letter rejecting ONC's application for failure to meet Minimum Processing Standards was issued.<sup>6</sup> ONC subsequently filed the instant Request for Review with the Commission.

4. 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.<sup>7</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>8</sup> 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 ONC failed to file an appeal of the July 5, 2000 Administrator Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss ONC's appeal to SLD as untimely and deny the instant Request for Review.

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 Request for Review filed by Otsego Northern Catskills BOCES, Stamford, New York on May 3, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>5</sup> *Id.*

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rodger Oesterle, Otsego Northern Catskills BOCES, dated April 23, 2001 (Administrator's Decision on Appeal).

<sup>7</sup> 47 C.F.R. § 54.720.

<sup>8</sup> 47 C.F.R. § 1.7.