

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Northern Berkshire Vocational Regional)	File No. SLD-193810
School District)	
North Adams, Massachusetts)	
)	
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 ON RECONSIDERATION

Adopted: June 26, 2001

Released: June 27, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. We reconsider on our own motion, pursuant to sections 0.291 and 1.108 of the Commission's rules, our May 11, 2001 decision dismissing a Request for Review filed by Northern Berkshire Vocational Regional School District (Northern Berkshire), North Adams, Massachusetts, on behalf of Charles H. McCann Tech School, North Adams, Massachusetts.¹ In that Order, we found that Northern Berkshire had a simultaneous Request for Review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on February 23, 2001 pending before the Administrator and the Commission.² Therefore, we dismissed its Request for Review without prejudice.

2. After further review of the record, we have learned that the Northern Berkshire's Request for Review pending before the Commission was not filed simultaneously with an appeal

¹ 47 C.F.R. §§ 0.291, 1.108. The Commission may, on its own motion, reconsider any action taken by it within 30 days from the date of public notice of such action. 47 C.F.R. § 1.108; see *Request for Review by Northern Berkshire Vocational Regional School District*, CC Dockets Nos. 96-45 and 97-21, Order, DA 01-1181 (rel. May 11, 2001).

² 47 C.F.R. § 54.720 (allowing appeals to either the Commission or the Administrator, but tolling the filing period with the Commission, when an applicant has an appeal pending with the Administrator, until the Administrator issues a decision on the appeal).

to SLD. We therefore vacate our Order dismissing Northern Berkshire's Request for Review as simultaneous. We now consider Northern Berkshire's Request for Review.

3. On April 14, 2000 SLD issued a Funding Commitment Decision Letter to Northern Berkshire which denied its application for discounts on telecommunications services and Internet access. The record shows that Northern Berkshire appealed this SLD decision on May 5, 2000. On February 23, 2001, SLD issued an Administrator's Decision on Appeal affirming its denial of Northern Berkshire's application. Northern Berkshire then simultaneously appealed this decision to SLD, and to the Commission on April 2, 2001.³ The Commission's rules regarding appeals of SLD decisions do not permit applicants to seek reconsideration of the Administrator's decision from the Administrator.⁴

4. The Commission received Northern Berkshire's Request for Review on April 2, 2001 seeking review of a decision issued by SLD on February 23, 2001.⁵ 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.⁶ Documents are considered to be filed with the Commission only upon receipt.⁷ Because Northern Berkshire's Request for Review was not filed within the specified 30-day period, it will be dismissed without further consideration.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 0.291 and 1.108 of the Commission's rules, 47 C.F.R. §§ 0.291, 1.108, we hereby reconsider and vacate, on our own motion, our May 11, 2001 decision to dismiss the Request for Review filed by Northern Berkshire Vocational Regional School District, North Adams, Massachusetts.

FEDERAL COMMUNICATIONS COMMISSION

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

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to James J. Brosnan, Charles H. McCann Tech School, dated February 23, 2001 (Administrator's Decision on Appeal).

⁴ 47 C.F.R. § 54.720.

⁵ Letter from James J. Brosnan, Northern Berkshire Vocational Regional School District, to Federal Communications Commission, filed April 2, 2001 (Request for Review). *See* Letter from Schools and Libraries Division, Universal Service Administrative Company, to James J. Brosnan, Northern Berkshire Vocational Regional School District, dated February 23, 2001.

⁶ 47 C.F.R. § 54.720.

⁷ 47 C.F.R. § 1.7.