

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Arizona Agribusiness and Equine Center, Inc.
Phoenix, Arizona
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-187412
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: July 5, 2001

Released: July 6, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on June 30, 2000, denying Arizona Agribusiness's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Arizona Agribusiness's request for discounts for internal connections, Funding Request Numbers (FRNs) 392407, 392600, 392673, and 392785. On March 16, 2001, Arizona Agribusiness filed an appeal of SLD's decision to deny FRNs 392407, 392600, 392673, and 392785. On March 23, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Arizona Agribusiness's

1 Letter from Linda Proctor Downing, Arizona Agribusiness and Equine Center, Inc., to Federal Communications Commission, filed April 20, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Linda Proctor-Downing, Arizona Agribusiness and Equine Center, Inc., dated June 30, 2000.

3 Letter from Linda Proctor-Downing, Arizona Agribusiness and Equine Center, Inc., to Schools and Libraries Division, Universal Service Administrative Company, filed March 16, 2001.

appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Arizona Agribusiness subsequently filed the instant Request for Review with the Commission.

3. Arizona Agribusiness asserts that it did not receive the June 30, 2000 decision letter, and became aware of the decision only after having contacted SLD. A review of the record indicates that SLD did issue an Administrator's Decision on Appeal on June 30, 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 reconsideration.⁵

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.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 Arizona Agribusiness failed to file an appeal of the June 30, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Arizona Agribusiness'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 Arizona Agribusiness and Equine Center, Inc., Phoenix, Arizona on April 20, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Katherine L. Schroder
Chief, Accounting Policy Division
Common Carrier Bureau

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Linda Proctor-Downing, Arizona Agribusiness and Equine Center, Inc., dated March 23, 2001.

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.”).

⁶ 47 C.F.R. § 54.720.

⁷ 47 C.F.R. § 1.7.