

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Pomona Unified School District
Pomona, California
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-208452
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: July 18, 2001

Released: July 19, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Pomona Unified School District (Pomona), Pomona, California, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Pomona seeks review of SLD's dismissal of its appeals to SLD on the grounds that they were untimely filed. For the reasons set forth below, we deny Pomona's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on April 27, 2001, denying Pomona's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Pomona's request for discounts for internal connections, Funding Request Numbers (FRNs) 476986, 476987, 476988, and 476993. On May 30, 2001, Pomona filed three appeals, which challenged SLD's decision to deny FRNs 476986, 476987, 476988, and 476993. On May 30, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Pomona's appeals because they were received more

1 Letter from David Jaramillo, Pomona Unified School District, to Federal Communications Commission, filed July 2, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to David Jaramillo, Pomona Unified School District, dated April 27, 2001.

3 Letters from David Jaramillo, Pomona Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 30, 2001.

than 30 days after the Funding Commitment Decision Letter was issued.⁴ Pomona 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.⁵ Documents are considered to be filed with the Commission or SLD only upon receipt.⁶ 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 Pomona failed to file its appeals of the April 27, 2001 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Pomona's appeals 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 Pomona Unified School District, Pomona, California on July 2, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to David Jaramillo, Pomona Unified School District, dated June 1, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.