

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Gallatin R-V School District
Gallatin, Missouri
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-179551
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: August 8, 2001

Released: August 9, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, denying Gallatin's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Gallatin's request for discounts for internal connections, Funding Request Number (FRN) 383557. On October 17, 2000, Gallatin filed an appeal of SLD's decision to deny FRN 383557. On October 23, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Gallatin's appeal

1 Letter from Jeanette Sprague, Gallatin R-V School District, to Federal Communications Commission, filed November 7, 2000 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jeanette Sprague, Gallatin R-V School District, dated April 14, 2000 (Funding Commitment Decision Letter).

3 Letter from Jeanette Sprague, Gallatin R-V School District, to Schools and Libraries Division, Universal Service Administrative Company, filed October 17, 2000.

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because it was received more than 30 days after the Funding Commitment Decision Letter was issued.<sup>4</sup> Gallatin 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.<sup>5</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>6</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 Gallatin failed to file an appeal of the April 14, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Gallatin's appeal 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 Gallatin R-V School District, Gallatin, Missouri on November 7, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jeanette Sprague, Gallatin R-V School District, dated October 23, 2000 (Administrator's Decision on Appeal).

<sup>5</sup> 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 1.7.