

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Amherst Independent School District	)	File No. SLD- 168514
Amherst, Texas	)	
	)	
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: August 10, 2001**

**Released: August 13, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. Before the Division is a letter filed by Amherst Independent School District (Amherst), Amherst, Texas, that we construe as a Petition for Reconsideration.<sup>1</sup> In the Petition, Amherst asks the Division to reconsider its April 26, 2001 decision dismissing Amherst’s Request for Review as untimely.<sup>2</sup> Because the Petition for Reconsideration was itself untimely filed, we must dismiss it without further consideration.

2. Petitions for reconsideration of Commission actions must be filed within 30 days of the public notice of the action.<sup>3</sup> For non-rulemaking documents released by the Commission or staff, the date of public notice is the release date.<sup>4</sup> The release date of the Division’s prior decision was April 26, 2001.<sup>5</sup> Because Amherst’s Petition does not bear a date-stamp, we cannot determine its exact filing date. Due to this administrative error, we look at the date of the

<sup>1</sup> Letter from Joe Rackley, Amherst Independent School District, to Federal Communications Commission, dated June 6, 2001 (Petition for Reconsideration). Because the Petition for Reconsideration was not date-stamped upon receipt at the Commission, we are unable to determine the filing date.

<sup>2</sup> Petition for Reconsideration at 1.

<sup>3</sup> 47 C.F.R. § 1.106(f).

<sup>4</sup> 47 C.F.R. § 1.4(b)(2).

<sup>5</sup> *Request for Review by Amherst Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-168514, CC Dockets No. 96-45 and 97-21, Order, DA 01-1050 (Com. Car. Bur. rel. April 26, 2001).

Petition, which is June 6, 2001.<sup>6</sup> Even using this date as the filing date, the Petition was still filed 41 days after public notice and hence is untimely.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 1.106(a)(1) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.106(a)(1), that the Petition for Reconsideration filed by Amherst Independent School District, Amherst, Texas, dated June 6, 2001 IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>6</sup> Petition for Reconsideration at 1.