

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
MetroCon Communications
New York, New York
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-68742
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: January 29, 2001

Released: January 30, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by MetroCon Communications (MetroCon), New York, New York, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). MetroCon seeks review of SLD's refusal to consider MetroCon's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny MetroCon's appeal.

2. SLD issued a Funding Commitment Decision Letter on February 18, 1999, approving a request by Monsignor Scanlon High School (Scanlon) for discounted services under the schools and libraries universal service support mechanism. On May 19, 2000, MetroCon filed an appeal with SLD, stating that, with respect to Funding Request Number 65190, Scanlon received funding only for the period between January 1998 to December 1998 and should have also received discounts for the rest of Funding Year One, i.e. through to June 1999. On May 24,

1 Letter from Al Garcia, MetroCon Communications, to Federal Communications Commission, filed June 22, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sr. Marie O'Donnell, Monsignor Scanlan High School, dated February 18, 1999 (Funding Commitment Decision Letter). MetroCon is a service provider that provides Internet access and internal connections to Scanlon.

3 Letter from Al R. Garcia, MetroCon Communications, to Schools and Libraries Division, Universal Service Administrative Company, filed May 19, 2000. In June 1998, the Commission changed the funding year for the schools and libraries universal service support mechanism from a calendar year cycle (January 1 - December 31) to

2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider MetroCon's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ MetroCon subsequently filed the instant Letter of Appeal 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 neither Scanlon or MetroCon filed an appeal of the February 18, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss MetroCon's appeal to SLD as untimely and deny the instant Letter of Appeal.

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 Letter of Appeal filed by MetroCon Communications, New York, New York on June 22, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

a fiscal year cycle (July 1 – June 30). *Federal-State Joint Board on Universal Service*, Docket No. 96-45, Fifth Order on Reconsideration and Fourth Report and Order in CC Docket No. 96-45, 13 FCC Rcd 14 915, 14920, para. 8 (1998). Funding Year One was extended to cover the 18-month period from January 1, 1998 to June 30, 1999.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Al Garcia, MetroCon Communications, dated May 24, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.