

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Congregation Bnos Yaakov
Lakewood, New Jersey
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD- 147655
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: September 12, 2001

Released: September 13, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. This Order dismisses the Request for Review of the Congregation Bnos Yaakov (Bnos Yaakov), Lakewood, New Jersey, seeking review of a decision issued by the Universal Service Administrative Company's Schools and Libraries Division on April 18, 2000. The Commission received Bnos Yaakov's Request for Review on September 1, 2000. Under section 54.720 of the Commission's rules, any such appeal must be filed within 30 days of the issuance of the decision as to which review is sought. Documents are considered to be filed with the Commission only upon receipt. Because the instant Request for Review was not filed within the specified 30-day period, it will be dismissed without further consideration.

2. A review of the record indicates that SLD issued two letters to Bnos Yaakov on April 18, 2000 and that both letters were mailed to Bnos Yaakov's current address. The first letter indicated that SLD had rejected Bnos Yaakov's application because it had "insufficient support resources." Bnos Yaakov admits that it received this letter. The other letter provided an

1 See Letter from the Schools and Libraries Division, Universal Service Administrative Co., to Rabbi Yosef Herskovits, Congregation Bnos Yaakov, dated April 18, 2000.

2 Letter from Rabbi Yosef Herskovits, to Federal Communications Commission, filed September 1, 2000 (Request for Review).

3 47 C.F.R. § 54.720. On September 1, 2000, Congregation Bnos Yaakov filed an appeal with the School and Libraries Division, Universal Service Administrative Co., which was also untimely filed.

4 47 C.F.R. § 1.7.

5 See Letter from the Schools and Libraries Division, Universal Service Administrative Co., to Rabbi Yosef Herskovits, Congregation Bnos Yaakov, dated April 18, 2000.

expanded description of Bnos Yaakov's failure to demonstrate sufficient resources in the areas of hardware, professional development, software, and retrofitting.⁷ The more detailed letter also alerted Bnos Yaakov to the timetable and process for appealing the SLD decision.⁸

3. Bnos Yaakov asserts that it did not receive the more detailed April 18, 2000 decision letter, and became aware of the decision only after having contacted SLD on August 8, 2000 and receiving a faxed copy.⁹ We have held that 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.¹⁰ Because the record demonstrates that Bnos Yaakov received mail from SLD at the same address listed in the more detailed letter, we find no reason to deviate from this standard.

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 June 28, 2000, by Congregation Bnos Yaakov, Lakewood, New Jersey, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁶ Request for Review.

⁷ See Letter from the Schools and Libraries Division, Universal Service Administrative Co., to Rabbi Yosef Herskovits, Congregation Bnos Yaakov, dated April 18, 2000.

⁸ *Id.*

⁹ Request for Review.

¹⁰ See *Request for Review by Whitehall City School District*, Docket Nos. 96-45 and 97-21, 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.”).