

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
DeKalb Independent School District) File No. SLD-266395
DeKalb, 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: September 12, 2001

Released: September 13, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying DeKalb's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied DeKalb's request for discounts for Internet access, Funding Request Number (FRN) 698159. On August 23, 2001, DeKalb filed an appeal of SLD's decision to deny FRN 698159. On August 27, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider DeKalb's appeal because it was

1 Letter from Timothy Williams, DeKalb Independent School District, to Federal Communications Commission, filed September 4, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Timothy Williams, DeKalb Independent School District, dated July 23, 2001.

3 Letter from Timothy Williams, DeKalb Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 23, 2001.

received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ DeKalb 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 DeKalb failed to file an appeal of the July 23, 2001 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss DeKalb'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 DeKalb Independent School District, DeKalb, Texas on September 4, 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 Timothy Williams, DeKalb Independent School District, dated August 27, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.