

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Estelline School District 28-2
Estelline, South Dakota
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-157608
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. The Accounting Policy Division has under consideration a Request for Review filed by Estelline School District 28-2 (Estelline), Estelline, South Dakota, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Estelline seeks review of SLD's decision to reject Estelline's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Estelline's appeal.

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, denying Estelline's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Estelline's request for discounts for internal connections, Funding Request Number (FRN) 305555. On July 25, 2001, Estelline filed an appeal of SLD's decision to deny FRN 305555. On August 3, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Estelline's appeal

1 Letter from Kristina Atyeo, Estelline School District 28-2, to Federal Communications Commission, filed August 20, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dennis Rieckman, Estelline School District 28-2, dated April 14, 2000.

3 Letter from Kristina Atyeo, Estelline School District 28-2, to Schools and Libraries Division, Universal Service Administrative Company, filed July 25, 2001.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Estelline 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 Estelline 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 Estelline'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 Estelline School District 28-2, Estelline, South Dakota on August 20, 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 Kristina Atyeo, Estelline School District 28-2, dated August 3, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.