

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Sealy Independent School District) File No. SLD-239043
Sealy, 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 25, 2001

Released: September 26, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying Sealy's request for discounted services under the schools and libraries universal service support mechanism.2 Specifically, SLD denied Sealy's request for discounts for Telecommunications services, Funding Request Number (FRN) 613865. On August 24, 2001, Sealy filed an appeal of SLD's decision to deny FRN 613865.3 On August 27, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Sealy's appeal because it was received

1 Letter from Rosa Ojeda, Sealy Independent School District, to Federal Communications Commission, filed September 10, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rosa Ojeda, Sealy Independent School District, dated July 23, 2001.

3 Letter from Rosa Ojeda, Sealy Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 24, 2001.

more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Sealy 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 Sealy 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 Sealy'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 Sealy Independent School District, Sealy, Texas on September 10, 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 Rosa Ojeda, Sealy Independent School District, dated August 27, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.