

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Sacred Heart Elementary School)	File No. SLD-260585
San Francisco, California)	
)	
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: October 2, 2001

Released: October 3, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, indicating that Sacred Heart's requests for discounted services under the schools and libraries universal service support mechanism for Funding Request Number (FRN) 659981 was as yet unfunded; the letter also informed Sacred Heart that FRN 660047 was denied.² On August 24, 2001, Sacred Heart filed an appeal of SLD’s decision.³ On August 27, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Sacred Heart’s appeal

¹ Letter from Savita Sahi, Sacred Heart Elementary School, to Federal Communications Commission, filed September 11, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Savita Sahi, Sacred Heart Elementary School, dated July 23, 2001.

³ Letter from Savita Sahi, Sacred Heart Elementary School, to Schools and Libraries Division, Universal Service Administrative Company, filed August 24, 2001.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Sacred Heart 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 that the party seeks to have reviewed.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 Sacred Heart 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 Sacred Heart'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 Sacred Heart Elementary School, San Francisco, California on September 11, 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 Savita Sahi, Sacred Heart Elementary School, dated August 27, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.