

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Mississippi Department of Education
Jackson, Mississippi
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File Nos. SLD-118216, 123553,
124556, 126967,
130827, 132048,
142017
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: October 5, 2001

Released: October 10, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Mississippi Department of Education (Mississippi DOE), Jackson, Mississippi, on behalf of eight school districts (School Districts), seeking review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Mississippi DOE seeks review of SLD's refusal to consider the School District's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Mississippi DOE's appeal.

2. SLD issued Funding Commitment Decision Letters denying the Schools Districts' requests for discounted services under the schools and libraries universal service support mechanism on July 8, 1999. Specifically, SLD denied the School Districts' request for

1 Amory School District, Greenwood Springs, MS; Coahoma County School District, Clarksdale, MS; Lee County School District, Tupelo, MS; Monroe County School District, Aberdeen, MS; Nettleton School District, Nettleton, MS; Simpson County School District, Mendenhall, MS; South Tippah School District, Jackson, MS; and Yazoo City Municipal School District.

2 Letter from Ellen Davis Burnham, Mississippi Department of Education, to Federal Communications Commission, filed April 17, 2000 (Request for Review).

3 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Janice Russell, Amory School District, dated July 8, 1999; Letter from Schools and Libraries Division, Universal Service Administrative

discounts for internal connections and telecommunications services. On September 13, 1999, Mississippi DOE filed an appeal of SLD's decision not to fund the School Districts because 30% or more of their Funding Requests sought support for ineligible products.⁴ On September 15, 1999, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Mississippi DOE's September 13, 1999 appeal because it was received more than 30 days after the Funding Commitment Decision Letters were issued.⁵ On October 18, 1999, Mississippi DOE filed an appeal challenging SLD's decision to treat Mississippi DOE's September 13, 1999 appeal as untimely filed.⁶ On March 20, 2000, SLD issued another letter stating that Mississippi DOE's October 18, 1999 appeal was received more than 30 days after the Funding Commitment Decision Letters and thus would not be considered.⁷ Mississippi DOE subsequently filed the instant Request for Review with the Commission.

Company, to Dr. Keith Shaffer, Coahoma County School District, dated July 8, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Sara C. Johnson, Lee County School District, dated July 8, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Alan Pearson, Monroe County School District, dated July 8, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joyce Boatman, Nettleton School District, dated July 8, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Kay Berry, Simpson County School District, dated July 8, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Terry Foley, South Tippah School District, dated July 8, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Larry Summers, Yazoo City Municipal School District, dated July 8, 1999 (collectively, Funding Commitment Decision Letters).

⁴ Letter from Ellen Davis Burnham, Mississippi Department of Education, to Schools and Libraries Division, Universal Service Administrative Company, filed September 13, 1999. The Mississippi Department of Education filed that appeal on behalf of the following eight school districts: Amory School District, Greenwood Springs, MS; Coahoma County School District, Clarksdale, MS; Lee County School District, Tupelo, MS; Monroe County School District, Aberdeen, MS; Nettleton School District, Nettleton, MS; Simpson County School District, Mendenhall, MS; South Tippah School District, Jackson, MS; and Yazoo City Municipal School District. In addition to the appeal filed by the Mississippi Department of Education on behalf of Yazoo City Municipal School District, Yazoo City Municipal School District filed a separate appeal. *See* Letter from Larry Summers, Yazoo City Municipal School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 21, 1999.

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Amory School District, dated September 15, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Coahoma County School District, dated September 15, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Lee County Schools, dated September 15, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Monroe County School, dated September 15, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Nettleton School District, dated September 15, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Simpson County School District, dated September 15, 1999; Letters from Schools and Libraries Division, Universal Service Administrative Company, to Larry Summers, Yazoo City Municipal School District, dated March 20, 2000 (collectively, Administrator's Decision on Appeals). The Administrator granted the Yazoo City Municipal School Districts' appeal that was filed separately.

⁶ Letter from Ellen Davis Burnham, Mississippi Department of Education, to Schools and Libraries Division, Universal Service Administrative Company, filed October 18, 1999. This appeal was also filed on behalf of the same eight school districts.

⁷ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Amory School District, dated March 20, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Coahoma County School District, dated March 23, 2000; Letter

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.⁸ Documents are considered to be filed with the Commission or SLD only upon receipt.⁹ 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 Mississippi DOE failed to file an appeal of the July 8, 1999 Funding Commitment Decision Letters within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Mississippi DOE'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 Mississippi Department of Education, Mississippi DOE, Mississippi on April 17, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Lee County Schools, dated March 25, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Monroe County School, dated March 20, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Nettleton School District, dated March 23, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, Simpson County School District, dated March 21, 2000; Letters from Schools and Libraries Division, Universal Service Administrative Company, to Ellen Davis Burnham, South Tippah School District, dated March 21, 2000 and March 23, 2000.

⁸ 47 C.F.R. § 54.720.

⁹ 47 C.F.R. § 1.7.