

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Mid-Peninsula Library Cooperative
Kingsford, Michigan
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-251128
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: October 17, 2001

Released: October 18, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Mid-Peninsula Library Cooperative (Mid-Peninsula), Kingsford, Michigan, on behalf of Dickinson County Library, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Mid-Peninsula seeks review of SLD's decision to reject Mid-Peninsula's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Mid-Peninsula's appeal.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, granting Mid-Peninsula's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD granted Mid-Peninsula's request for discounts for telecommunications services, Funding Request Numbers (FRNs) 615613 and 615767 but indicated that the one-time and/or monthly charge was changed to reflect the documentation provided by the applicant. On August 24, 2001, Mid-Peninsula filed an appeal of SLD's

1 Letter from Barbara Brewer, Mid-Peninsula Library Cooperative, to Federal Communications Commission, filed September 17, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Renee Augustine, Mid-Peninsula Library Cooperative, dated July 23, 2001 (Funding Commitment Decision Letter).

3 Funding Commitment Decision Letter.

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decision.<sup>4</sup> On August 27, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Mid-Peninsula's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.<sup>5</sup> Mid-Peninsula 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.<sup>6</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>7</sup> 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 Mid-Peninsula 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 Mid-Peninsula'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 Mid-Peninsula Library Cooperative, Kingsford, Michigan on September 17, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> Letter from Barbara Brewer, Mid-Peninsula Library Cooperative, to Schools and Libraries Division, Universal Service Administrative Company, filed August 24, 2001.

<sup>5</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Barbara Brewer, Mid-Peninsula Library Cooperative, dated August 27, 2001.

<sup>6</sup> 47 C.F.R. § 54.720.

<sup>7</sup> 47 C.F.R. § 1.7.