

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
McClave School District RE-2)	File No. SLD-239439
McClave, Colorado)	
)	
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 19, 2001

Released: October 22, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by McClave School District RE-2 (McClave), McClave, Colorado, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ McClave seeks review of SLD’s decision to reject McClave’s appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny McClave’s appeal.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying McClave’s request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied McClave’s request for discounts for telecommunications services, Funding Request Numbers (FRNs) 684292 and 684293. On August 27, 2001, McClave filed an appeal of SLD’s decision to deny FRNs 684292 and 684293.³ On August 31, 2001, SLD issued an Administrator’s Decision on Appeal indicating that it would not consider McClave’s appeal because it was received more than 30 days after the

¹ Letter from Terry M. Weber, McClave School District RE-2, to Federal Communications Commission, filed September 25, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Terry M. Webber, McClave School District RE-2, dated July 23, 2001.

³ Letter from Terry M. Weber, McClave School District RE-2, to Schools and Libraries Division, Universal Service Administrative Company, filed August 27, 2001.

Funding Commitment Decision Letter was issued.⁴ McClave 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 McClave 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 McClave'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 McClave School District RE-2, McClave, Colorado on September 25, 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 Terry M. Weber, McClave School District RE-2, dated August 31, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.