

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Saint Patrick School) File No. SLD-235975
Stoneham, Massachusetts)
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 Saint Patrick School (Saint Patrick), Stoneham, Massachusetts, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Saint Patrick seeks review of SLD's decision to reject Saint Patrick's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Saint Patrick's appeal.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying Saint Patrick's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Saint Patrick's request for discounts for telecommunications services, Funding Request Numbers (FRNs) 553491 and 553492. On August 29, 2001, Saint Patrick filed an appeal of SLD's decision to deny FRNs 553491 and 553492. On September 10, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Saint Patrick's appeal because it was received more than 30 days after

1 Letter from Cecilia Phelan, Saint Patrick School, to Federal Communications Commission, filed October 9, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sister M. Winifred, Saint Patrick School, dated July 23, 2001.

3 Letter from Cecilia Phelan, Saint Patrick School, to Schools and Libraries Division, Universal Service Administrative Company, filed August 29, 2001.

the Funding Commitment Decision Letter was issued.⁴ Saint Patrick 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 Saint Patrick 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 Saint Patrick'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 Saint Patrick School, Stoneham, Massachusetts on October 9, 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 Cecilia Phelan, Saint Patrick School, dated September 10, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.