

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request for Review of the )
Decision of the )
Universal Service Administrator by )
Grandview Independent School District ) File No. SLD-233114
Grandview, Texas )
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 30, 2001

Released: October 31, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Grandview Independent School District (Grandview), Grandview, Texas, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).1 Grandview seeks review of SLD's refusal to consider Grandview's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we grant Grandview's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying Grandview's request for discounted services under the schools and libraries universal service support mechanism.2 Specifically, SLD denied Grandview's request for discounts for Telecommunications service, Funding Request Number (FRN) 544607. The record shows, that the U.S. Postal Service returned Grandview's Funding Commitment Decision Letter to SLD deeming it "un-deliverable." In this situation, SLD's practice is to attempt to obtain the correct address. If SLD is successful, it then modifies the address and date on the Funding Commitment Decision Letter and re-mails the Funding Commitment Decision Letter to the applicant at the new address.

1 Letter from Lynn Whitaker, Grandview Independent School District, to Federal Communications Commission, filed September 4, 2001.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Lynn Whitaker, Grandview Independent School District, dated July 23, 2001 (Funding Commitment Decision Letter).

3. On August 7, 2001, SLD re-issued the July 23, 2001 Funding Commitment Decision Letter to Grandview and attached a Schools and Libraries Division FCDL Re-Mail Advisory Cover Sheet, which notified Grandview that its original Funding Commitment Decision Letter was deemed un-deliverable and that if the school or library is considering filing an appeal the appeal must be filed within 30 days of the date of the re-issued Funding Commitment Decision Letter with the new date.<sup>3</sup> On August 27, 2001, Grandview filed an appeal of SLD's August 7, 2001 decision to deny FRN 544607.<sup>4</sup> On August 27, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Grandview's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.<sup>5</sup> Grandview subsequently filed the instant Request for Review with the Commission. Upon review of the record, we find that, because Grandview filed a timely appeal with SLD of the re-issued Funding Commitment Decision Letter, Grandview's appeal to SLD was incorrectly denied as untimely.

4. Because the new date on the Funding Commitment Decision Letter was August 7, 2001 and because Grandview filed an appeal of the SLD decision on August 27, 2001, we find that SLD incorrectly denied Grandview's appeal as untimely. Accordingly, we grant Grandview's Request for Review and direct SLD to review Grandview's appeal to SLD.

5. 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 appeal filed by Grandview Independent School District, Grandview, Texas on September 4, 2000, IS GRANTED to the extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>3</sup> See FCDL Re-Mail Advisory Cover Sheet Letter from Schools and Libraries Division, Universal Service Administrative Co., to Lynn Whitaker, Grandview Independent School District, dated August 7, 2001.

<sup>4</sup> Letter from Lynn Whitaker, Grandview Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 27, 2001.

<sup>5</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Lynn Whitaker, Grandview Independent School District, dated August 27, 2001.