

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Mary C. O'Brien Accomodation School District) File No. SLD-259179
Florence, Arizona)
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: November 13, 2001

Released: November 14, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Mary C. O'Brien Accomodation School District (Mary O'Brien), Florence, Arizona, on behalf of Pinal County School. Mary O'Brien seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to reject Mary O'Brien's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Mary O'Brien's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying Mary O'Brien's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Mary O'Brien's request for discounts for internal connections and telecommunications services, Funding Request Numbers (FRNs) 654207 and 655521. On August 23, 2001, Mary O'Brien filed an appeal of SLD's decision to deny FRNs 654207 and 655521. On August 24, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Mary O'Brien's appeal because it was received more than

1 Letter from Jack W. Harmon, Mary C. O'Brien Accomodation School District, to Federal Communications Commission, filed September 13, 2001 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Orlenda F. Roberts, Mary C. O'Brien Accomodation School District, dated July 23, 2001 (Funding Commitment Decision Letter).

3 Letter from Jack W. Harmon, Mary C. O'Brien Accomodation School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 23, 2001 (Request for Administrator Review).

30 days after the Funding Commitment Decision Letter was issued.⁴ Mary O'Brien subsequently filed the instant Request for Review with the Commission.

3. Under section 54.720(b) 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(b) of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because Mary O'Brien 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 Mary O'Brien'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 Mary C. O'Brien Accomodation School District, Florence, Arizona on September 13, 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 Jack W. Harmon, Mary C. O'Brien Accomodation School District, dated August 24, 2001 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720(b).

⁶ 47 C.F.R. § 1.7.