

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Louisville Public Library)	File No. SLD-264462
Louisville, Nebraska)	
)	
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 Louisville Public Library (Louisville), Louisville, Nebraska, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Louisville seeks review of SLD’s decision to reject Louisville’s appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Louisville’s appeal.

2. SLD issued a Funding Rejection Letter on July 26, 2001, notifying Louisville that its FCC Form 471, Services Ordered and Certification Form, did not meet the Minimum Processing Standards and that SLD was returning the FCC Form 471 because SLD could not process any portion of it.² In its letter, SLD explained that the Form 471 submitted by Louisville was not the correct OMB-approved FCC Form 471 dated October 2000, as indicated in the lower right-hand corner of the form.³ On August 29, 2001, Louisville filed an appeal with SLD in which Louisville stated it accidentally used the wrong form but asked staff at SLD to call if its

¹ Letter from Ruth Ann Hlavac, Louisville Public Library, to Federal Communications Commission, filed October 9, 2001 (Request for Review).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ruth Ann Hlavac, Louisville Public Library, dated July 26, 2001 (Funding Rejection Letter).

³ *Id.*

submission of missing information from its Form 471 was incorrect.⁴ On September 10, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Louisville's appeal because it was received more than 30 days after the Funding Rejection Letter was issued.⁵ Louisville 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.⁶ Documents are considered to be filed with the Commission or SLD only upon receipt.⁷ 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 Louisville failed to file an appeal of the July 26, 2001 Funding Rejection Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Louisville'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 Louisville Public Library, Louisville, Nebraska on October 9, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from Ruth Ann Hlavac, Louisville Public Library, to Schools and Libraries Division, Universal Service Administrative Company, filed August 29, 2001.

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ruth Ann Hlavac, Louisville Public Library, dated September 10, 2001 (Administrator's Decision on Appeal).

⁶ 47 C.F.R. § 54.720(b).

⁷ 47 C.F.R. § 1.7.