

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request for Review of the )
Decision of the )
Universal Service Administrator by )
Northeastern Educational Intermediate Unit 19 ) File No. SLD-188358
Archbald, Pennsylvania )
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 Northeastern Educational Intermediate Unit 19 (Northeastern), Archbald, Pennsylvania. Northeastern seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to reject Northeastern's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Northeastern's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on July 7, 2000, denying part of Northeastern's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Northeastern's request for discounts for telecommunications services, Funding Request Number (FRN) 397733. On December 26, 2000, Northeastern filed an appeal of SLD's decision to deny FRN 397733. On January 2,

1 Letter from Brian R. Dolan, Northeastern Educational Intermediate Unit 19, to Federal Communications Commission, filed January 16, 2001 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Brian R. Dolan, Northeastern Educational Intermediate Unit 19, dated July 7, 2000 (Funding Commitment Decision Letter).

3 Id.

4 Letter from Brian R. Dolan, Northeastern Educational Intermediate Unit 19, to Schools and Libraries Division, Universal Service Administrative Company, filed December 26, 2000 (Request for Administrator Review).

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2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Northeastern's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.<sup>5</sup> Northeastern 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.<sup>6</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>7</sup> 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 Northeastern failed to file an appeal of the July 7, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Northeastern'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 Northeastern Educational Intermediate Unit 19, Archbald, Pennsylvania on January 16, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>5</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Brian R. Dolan, Northeastern Educational Intermediate Unit 19, dated January 2, 2001 (Administrator's Decision on Appeal).

<sup>6</sup> 47 C.F.R. § 54.720(b).

<sup>7</sup> 47 C.F.R. § 1.7.