

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Request for Waiver by)
Pinellas County Schools) File No. SLD- 203512
Largo, Florida)
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 19, 2001

Released: November 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review and Waiver filed by Pinellas County Schools (Pinellas), Largo, Florida, on September 19, 2000. In its Request for Review and Waiver, Pinellas seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on June 23, 2000. Because Pinellas failed to appeal SLD's funding decision within 30 days of the Funding Commitment Decision Letter, it also requests a waiver of the 30-day appeal period. For the reasons set forth below, we deny Pinellas's Request for Review and its Request for Waiver.

2. Under section 54.720(b) of the Commission's rules, any appeal must be filed within 30 days of the issuance of the decision that the party seeks to have reviewed. Documents are considered to be filed with the SLD only upon receipt. As noted, the Funding Commitment

1 Letter from Shannon Eddinger, Pinellas County Schools, to Federal Communications Commission, filed September 19, 2000 (Request for Review and Waiver).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Shannon Eddinger, Pinellas County Schools, dated June 23, 2000 (Funding Commitment Decision Letter).

3 47 C.F.R. § 54.720(b).

4 47 C.F.R. § 1.7.

Decision Letter was issued on June 23, 2000. Pinellas filed an appeal of the funding decision with SLD on August 31, 2000.⁵ SLD dismissed that appeal as untimely.⁶ Upon review of the record, we find that, because Pinellas failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Pinellas's appeal to SLD was correctly denied as untimely.

3. Pinellas requests that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules.⁷ The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.⁸ Pinellas has not shown cause for the untimely filing of its initial appeal beyond the assertion that it had not received a Receipt Acknowledgement Letter and without that letter it could not correlate the various Funding Request Numbers (FRNs) in the Funding Commitment Decision Letter to its 154 district sites and thus complete its review of the funding commitment decision. In fact, the Funding Commitment Decision Letter restates all of the information contained in the Receipt Acknowledgement Letter and correlates each FRN to a site identifier.⁹ In light of the thousands of applications that the SLD must review and process each funding year, we believe it administratively appropriate for the SLD to require applicants to adhere strictly to its filing deadlines. Accordingly, we believe that waivers of these deadlines should not be routinely granted. For these reasons, we find that the circumstances here do not warrant relief and, therefore, we deny Pinellas's request to waive section 54.720(b).

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 and the Request for Waiver filed on September 19, 2000, by Pinellas County Schools, Largo, Florida ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ Letter from Bob Liles, Pinellas County Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed August 31, 2000.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Bob Liles, Pinellas County Schools, dated September 1, 2000 (Administrator's Decision on Appeal).

⁷ See 47 C.F.R. § 54.720(b).

⁸ See 47 C.F.R. § 1.3.

⁹ See Funding Commitment Decision Letter, at 6-42.