

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
Potter Valley Community Unified School District
Potter Valley, California
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD- 266960
CC Docket No. 96-45
CC Docket No. 97-21

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 Potter Valley Community Unified School District (Potter Valley), Potter Valley, California, on October 9, 2001. In its Request for Review and Waiver, Potter Valley seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on July 23, 2001. Because Potter Valley 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 Potter Valley'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 Commission or the SLD only upon receipt. As noted above,

1 Letter from Gail Albin, Potter Valley Community Unified School District, to Federal Communications Commission, filed October 9, 2001 (Request for Review and Waiver).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael A. Distefano, Potter Valley Community Unified School District, dated July 23, 2001 (Funding Commitment Decision Letter).

3 47 C.F.R. § 54.720(b).

4 47 C.F.R. § 1.7.

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SLD issued a Funding Commitment Decision Letter on July 23, 2001. Potter Valley filed an appeal of the funding decision with SLD on September 10, 2001.<sup>5</sup> SLD dismissed that appeal as untimely.<sup>6</sup> Upon review of the record, we find that, because Potter Valley failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Potter Valley's appeal to SLD was correctly denied as untimely.

3. Potter Valley requests that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules.<sup>7</sup> The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.<sup>8</sup> Potter Valley has not shown cause for the untimely filing of its initial appeal beyond stating that the person responsible for handling the E-rate process was on vacation and then hospitalized and could only work half days. In light of the thousands of applications that SLD must review and process each funding year, we believe it administratively appropriate for 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 Potter Valley'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 October 9, 2001, by Potter Valley Community Unified School District, Potter Valley, California ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>5</sup> Letter from Gail Albin, Potter Valley Community Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed September 10, 2001.

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Gail Albin, Potter Valley Community Unified School District, dated September 28, 2001 (Administrator's Decision on Appeal).

<sup>7</sup> See 47 C.F.R. § 54.720(b).

<sup>8</sup> See 47 C.F.R. § 1.3.