

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Matawan-Aberdeen Regional School District
Matawan, New Jersey
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-184168
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: January 5, 2001

Released: January 8, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Matawan-Aberdeen Regional School District (Matawan-Aberdeen), Matawan-Aberdeen, New Jersey, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Matawan-Aberdeen seeks review of SLD's refusal to consider Matawan-Aberdeen's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Matawan-Aberdeen's appeal.

2. SLD issued a Funding Commitment Decision Letter on May 5, 2000, denying Matawan-Aberdeen's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Matawan-Aberdeen's request for

1 Letter from Roland R. Pare, Ed.D, Matawan-Aberdeen Regional School District, to Federal Communications Commission, filed November 28, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Roland Pare, Matawan-Aberdeen Regional School District, dated May 5, 2000 (Funding Commitment Decision Letter). Matawan-Aberdeen asserts that it did not receive the May 5, 2000 decision letter, and became aware of the decision only after having contacted SLD. A review of the record indicates that SLD did issue a funding commitment letter on May 5. Merely stating that a letter was not received at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for reconsideration. See Request for Review by Whitehall City School District, Docket Nos. 96-45 and 97-21, DA 00-1892 (rel. August 18, 2000); Juan Galiano, Memorandum Opinion and Order, 5 FCC Rcd 6442, 6443 (1990) ("[I]f the Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered... procedural havoc and abuse would result.").

discounts for telecommunications services, Funding Request Numbers (FRNs) 397276 and 397523. On October 27, 2000, Matawan-Aberdeen filed an appeal of SLD's decision to deny FRNs 397276 and 397523.³ On October 31, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Matawan-Aberdeen's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Matawan-Aberdeen subsequently filed the instant Letter of Appeal with the Commission.

3. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision as to which review is sought.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 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because Matawan-Aberdeen failed to file an appeal of the May 5, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Matawan-Aberdeen's appeal to SLD as untimely and deny the instant Letter of Appeal.

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 Letter of Appeal filed by Matawan-Aberdeen Regional School District, Matawan, New Jersey on November 28, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

³ Letter from Roland R. Pare, Ed.D, Matawan-Aberdeen Regional School District, to Schools and Libraries Division, Universal Service Administrative Company, filed October 27, 2000.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Roland R. Pare, Ed.D, Matawan-Aberdeen Regional School District, dated October 31, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.