

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Starr King-Edison Academy)	File No. SLD-255065
Long Beach, California)	
)	
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: December 3, 2001

Released: December 4, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Starr King-Edison Academy (Starr King-Edison), Long Beach, California.¹ Starr King-Edison seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to reject Starr King-Edison’s appeal on the grounds that it was untimely filed.² For the reasons set forth below, we deny Starr King-Edison’s Request for Review.

2. SLD issued a Funding Commitment Decision Letter on August 7, 2001, denying Starr King-Edison’s request for discounted services under the schools and libraries universal service support mechanism.³ Specifically, SLD denied Starr King-Edison’s request for discounts for Internet access and telecommunications services, Funding Request Numbers (FRNs) 651500, 655033, and 655436.⁴ On September 10, 2001, Starr King-Edison filed an appeal of SLD’s

¹ Letter from Barbara J. Falfas, Starr King-Edison Academy, to Federal Communications Commission, filed October 18, 2001 (Request for Review).

² *Id.*

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Barbara J. Falfas, Starr King-Edison Academy, dated August 7, 2001 (Funding Commitment Decision Letter).

⁴ *Id.*

decision to deny FRNs 651500, 655033, and 655436.⁵ On September 28, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Starr King-Edison's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁶ Starr King-Edison 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.⁷ Documents are considered to be filed with the Commission or SLD only upon receipt.⁸ 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 Starr King-Edison failed to file an appeal of the August 7, 2001 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Starr King-Edison's appeal to SLD as untimely and deny the instant Request for Review.

4. To the extent that Starr King-Edison is requesting that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules, we deny that request.⁹ The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.¹⁰ Starr King-Edison has not shown good cause for the untimely filing of its initial appeal beyond stating that its office was closed during summer vacation when the Funding Commitment Decision Letter was delivered.¹¹ Starr King-Edison asserts that, as a result, it did not receive the Funding Commitment Decision letter until August 30, 2001.¹² Starr King-Edison further contends that it repeatedly attempted to contact SLD for assistance, but its efforts were frustrated first by a busy signal and later by a message stating that the telephone number was out of service.¹³

5. We are unpersuaded by these arguments. The records shows that on August 30, 2001, Starr King-Edison received the Funding Commitment Decision Letter and two to three days thereafter received an e-mail response from SLD confirming Starr King-Edison's right to appeal SLD's denial. We note further that, even if Starr King-Edison had never reached SLD by

⁵ Letter from Barbara J. Falfas, Starr King-Edison Academy, to Schools and Libraries Division, Universal Service Administrative Company, filed September 10, 2001 (Request for Administrator Review).

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Barbara J. Falfas, Starr King-Edison Academy, dated September 28, 2001 (Administrator's Decision on Appeal).

⁷ 47 C.F.R. § 54.720(b).

⁸ 47 C.F.R. § 1.7.

⁹ See 47 C.F.R. § 54.720(b).

¹⁰ See 47 C.F.R. § 1.3.

¹¹ Request for Review.

¹² *Id.*

¹³ *Id.*

telephone or e-mail, it was sufficiently apprised of its rights to appeal, including the 30-day filing deadline, in the Funding Commitment Decision Letter.¹⁴ Because both of these events occurred within 30 days of the issuance of the Funding Commitment Decision Letter, we find that Starr King-Edison had sufficient notice and opportunity to appeal SLD's denial.

6. Further, in light of the thousands of applications that SLD reviews and processes each funding year, we believe it is administratively appropriate for SLD to require applicants to adhere strictly to its filing deadlines.¹⁵ Starr King-Edison has failed to demonstrate good cause for waiving the filing deadline. For these reasons, we find that the circumstances here do not warrant relief, and therefore, we deny Starr King-Edison's request to waive section 54.720(b).

7. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Request for Review filed by Starr King-Edison Academy, Long Beach, California on October 18, 2001, and the request to waive the 30-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

¹⁴ *Id.* See Funding Commitment Decision Letter at 2-3.

¹⁵ See *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, File No. SLD-13364, CC Docket Nos. 96-45 and 97-21, Order, DA 00-2630 (Comm. Car. Bur. Rel. November 24, 2000) at para. 8 (“In light of the thousands of applications that SLD reviews and processes each funding year, it is administratively necessary to place on the applicant the responsibility of understanding all relevant program rules and procedures.”).