

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Taylor County Board of Education) File Nos. SLD-241393, 241462,
Campbellsville, Kentucky) 241521, 245426, 245519
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 19, 2001

Released: December 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Taylor County Board of Education (Taylor County), Campbellsville, Kentucky, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Taylor County seeks review of SLD's decision to reject Taylor County's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Taylor County's Request for Review.

2. SLD issued a Funding Commitment Decision Letter (FCDL) on July 23, 2001 regarding SLD application number 241521, denying Taylor County's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Taylor County's request for discounts for telecommunications service, Funding Request Number (FRN) 574017. On August 29, 2001, Taylor County filed an appeal of SLD's decision to deny FRN 574017. On September 10, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Taylor County's appeal because it was received

1 Letter from Linda E. Beal, Taylor County Board of Education, to Federal Communications Commission, filed September 17, 2001 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Linda E. Beal, Taylor County Board of Education, dated July 23, 2001.

3 Letter from Linda E. Beal, Taylor County Board of Education, to Schools and Libraries Division, Universal Service Administrative Company, filed August 29, 2001.

more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Taylor County subsequently filed the instant Request for Review with the Commission. Taylor County attached Funding Commitment Decision Letters (FCDLs) for five applications to its Request for Review.⁵ Specifically, Taylor County attached a FCDL dated July 23, 2001 for application number 241521, the application which was the subject of SLD's September 10, 2001 Administrator's Decision on Appeal. Taylor County also attached the FCDLs for application numbers 241393, 241462, 245426, and 245519 to its Request for Review; the Administrator issued three of these Funding Commitment Decision Letters on July 23, 2001 and the fourth on August 7, 2001.⁶ Taylor County's Request for Review asks that the Commission "review this material, and override [USAC's] decision..."⁷

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 that the party seeks to have reviewed.⁸ Documents are considered to be filed with the Commission or SLD only upon receipt.⁹ 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 Taylor County failed to file an appeal of the July 23, 2001 Funding Commitment Decision Letter, regarding SLD application number 241521, within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Taylor County's appeal to SLD as untimely and deny the instant Request for Review. Further, to the extent that Taylor County seeks to have the Commission review SLD's decision to deny Taylor County's applications for funding requested by SLD application numbers 241393, 241462, 245426 and 245519, we dismiss that request without further consideration because Taylor County failed to seek review of the Administrator's decisions from the Commission within the 30 day period set forth in our rules.¹⁰

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Linda E. Beal, Taylor County Board of Education, dated September 10, 2001 (Administrator's Decision on Appeal).

⁵ Request for Review at 1.

⁶ *Id.*

⁷ Request for Review at 1.

⁸ 47 C.F.R. § 54.720.

⁹ 47 C.F.R. § 1.7.

¹⁰ 47 C.F.R. § 54.720.

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 Taylor County Board of Education, Campbellsville, Kentucky on September 17, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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