

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
New Hampshire School Administrative Unit No. 53) File No. SLD-203789
Pembroke, New Hampshire)
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: 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 New Hampshire School Administrative Unit No. 53 (New Hampshire School), Pembroke, New Hampshire, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).1 New Hampshire School seeks review of SLD's refusal to consider New Hampshire School's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny New Hampshire School's appeal.

2. SLD issued a Funding Commitment Decision Letter on July 28, 2000, denying New Hampshire School's request for discounted services under the schools and libraries universal service support mechanism.2 Specifically, SLD denied New Hampshire School's request for discounts for Internet access. On October 20, 2000, New Hampshire School filed an appeal of SLD's decision to funding.3 On October 23, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider New Hampshire School's appeal

1 Letter from Mary I. Rubega, New Hampshire School Administrative Unit No. 53, to Federal Communications Commission, filed October 31, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mary Rubega, New Hampshire School Administrative Unit No. 53, dated July 28, 2000 (Funding Commitment Decision Letter).

3 Letter from Mary I. Rubega, New Hampshire School Administrative Unit No. 53, to Schools and Libraries Division, Universal Service Administrative Company, filed October 20, 2000.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ New Hampshire School 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 New Hampshire School failed to file an appeal of the July 28, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss New Hampshire School'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 New Hampshire School Administrative Unit No. 53, Pembroke, New Hampshire on June 20, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mary Rubega, New Hampshire School Administrative Unit No. 53, dated October 23, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.