

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Ashby Public Schools	)	File No. SLD- 195161
Ashby, Minnesota	)	
	)	
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: February 8, 2001**

**Released: February 9, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Ashby Public Schools (Ashby), Ashby, Minnesota, on January 4, 2001.<sup>1</sup> In the Request for Review, Ashby seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on May 19, 2000.<sup>2</sup> Because Ashby failed to appeal SLD’s funding decision within 30 days of the Funding Commitment Decision Letter, it requests a waiver of the 30-day appeal period. For the reasons set forth below, we deny Ashby’s Request for Review and its request to waive the 30-day time limit for filing appeals.

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 as to which review is sought.<sup>3</sup> Documents are considered to be filed with the Commission or the SLD only upon receipt.<sup>4</sup> As noted, SLD issued a Funding Commitment Decision Letter on May 19, 2000. Ashby filed an appeal of the funding decision

<sup>1</sup> Letter of Appeal from Renee Melby, Ashby Public Schools, to Federal Communications Commission, filed January 4, 2001 (Request for Review).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rene Melby, Ashby Public Schools, dated May 19, 2000 (Funding Commitment Decision Letter).

<sup>3</sup> 47 C.F.R. § 54.720(b).

<sup>4</sup> 47 C.F.R. § 1.7.

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with SLD on December 15, 2000.<sup>5</sup> SLD dismissed that appeal as untimely.<sup>6</sup> Upon review of the record, we find that, because Ashby failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Ashby's appeal to SLD was correctly denied as untimely.

3. To the extent that Ashby is requesting that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules,<sup>7</sup> we deny that request. 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> Ashby has not shown cause for the untimely filing of its initial appeal beyond stating that it did not realize that SLD had made a mistake until after the 30-day appeal period has run. 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 Ashby'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 filed on January 4, 2001, by Ashby Public Schools, Ashby, Minnesota IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>5</sup> Letter from Renee C. Melby, Ashby Public Schools, to Schools and Libraries Division, Universal Service Administrative Co., filed December 15, 2000.

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Co., to Renee Melby, Ashby Public Schools, dated December 20, 2000 (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.