

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Dietrich School District No. 314)	File No. SLD-164298
Dietrich, Idaho)	
)	
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 12, 2001

Released: February 13, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Dietrich School District No. 314 (Dietrich), Dietrich, Idaho, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Dietrich seeks review of SLD’s refusal to consider Dietrich’s appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Dietrich’s appeal.

2. SLD issued a Funding Commitment Decision Letter on May 5, 2000, denying Dietrich’s request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Dietrich’s request for discounts for internal connections, Funding Request Number (FRN) 336896. On December 8, 2000, Dietrich filed an appeal of SLD’s decision to deny FRN 336896.³ On January 2, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Dietrich’s appeal

¹ Letter from Peter M. Bolz, Sr., Dietrich School District No. 314, to Federal Communications Commission, filed January 11, 2001 (Request for Review).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Wanless Southwick, Dietrich School District No. 314, dated May 5, 2000 (Funding Commitment Decision Letter).

³ Letter from Peter M. Bolz, Sr., Dietrich School District No. 314, to Schools and Libraries Division, Universal Service Administrative Company, filed December 8, 2000.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Dietrich subsequently filed the instant Request for Review 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 Dietrich 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 Dietrich's appeal to SLD as untimely and deny the instant Request for Review.

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 Dietrich School District No. 314, Dietrich, Idaho on January 11, 2001, 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 Peter Bolz, Dietrich School District No. 314, dated January 2, 2001 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.