

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Grant County Education Service District
Canyon City, Oregon
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-154160
CC Docket No. 96-45
CC Docket No. 97-21

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 Grant County Education Service District on behalf of John Day School District 3 (Grant County), Canyon City, Oregon, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Grant County seeks review of SLD's refusal to consider Grant County's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Grant County's request.

2. SLD issued a Funding Commitment Decision Letter on August 31, 1999 approving Grant County's request for discounted services under the schools and libraries universal service support mechanism. On October 5, 1999, Grant County filed an appeal of SLD's decision, stating that the funding commitment decision did not reflect the funding period that was requested. On May 3, 2000, SLD issued an Administrator's Decision on Appeal, indicating that it would not consider Grant County's appeal because it was received more than 30

1 Letter from Don Coffey, Grant County Education Service District, to Federal Communications Commission, filed May 15, 2000 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mark Burrows, John Day School District, dated August 31, 1999 (Funding Commitment Decision Letter).

3 Letter from Steven E. Herron, Educational Service District, to Schools and Libraries Division, Universal Service Administrative Company, filed October 5, 1999.

days after the Funding Commitment Decision Letter was issued.⁴ Grant County 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 Grant County failed to file an appeal of the August 31, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Grant County's appeal to SLD as untimely and deny the instant Request for Review.⁷

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 Grant County Education Service District, Canyon City, Oregon on May 15, 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 Terri Burnham, John Day School District, dated May 3, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.

⁷ In its Request for Review, Grant County argues that it sent a timely appeal to SLD and provides a copy of a return receipt signed by SLD, dated September 27, 1999. That appeal, however, did not relate to Application Number 154160. Instead, the September 27, 1999 request for review sought reconsideration of SLD's funding decision regarding a different application, Application Number 131560. Grant County withdrew the September 27, 1999 appeal on January 8, 2000. A review of the record indicates that the only request seeking review of SLD's decision as to Application Number 154160 was filed on October 5, 1999.