

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request for Review of the )
Decision of the )
Universal Service Administrator by )
St. Pius V Parish School ) File No. SLD-149575
Jacksonville, Florida )
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 St. Pius V Parish School (St. Pius V), Jacksonville, Florida, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).1 St. Pius V seeks review of SLD's refusal to consider St. Pius V's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny St. Pius V's appeal.

2. SLD issued a Funding Commitment Decision Letter on October 5, 1999, approving in part and denying in part St. Pius V's request for discounted services under the schools and libraries universal service support mechanism.2 Specifically, SLD approved St. Pius V's request for discounts for internal connections and telecommunications services, Funding Request Numbers (FRNs) 253212 and 253213. On December 6, 2000, St. Pius V filed an appeal of SLD's decision to approve FRNs 253212 and 253213 but only at 60 percent discount instead of the requested 80 percent discount.3 On January 2, 2001, SLD issued an Administrator's

1 Letter from Sister Elise Kennedy, St. Pius V Parish School, to Federal Communications Commission, filed January 26, 2001 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sister Elise Kennedy, St. Pius V Parish School, dated October 5, 1999 (Funding Commitment Decision Letter).

3 Letter from Sister Elise Kennedy, St. Pius V Parish School, to Schools and Libraries Division, Universal Service Administrative Company, filed December 6, 2000.

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Decision on Appeal indicating that it would not consider St. Pius V's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.<sup>4</sup> St. Pius V 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.<sup>5</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>6</sup> 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 St. Pius V failed to file an appeal of the October 5, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss St. Pius V'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 St. Pius V Parish School, Jacksonville, Florida on January 26, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sister Elise Kennedy, St. Pius V Parish School, dated January 2, 2001 (Administrator's Decision on Appeal).

<sup>5</sup> 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 1.7.