

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Lemoore Union High School District)	File No. SLD-190513
Hanford, California)	
)	
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: April 12, 2001

Released: April 13, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Lemoore Union High School District (Lemoore), Hanford, California, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Lemoore seeks review of SLD’s refusal to consider Lemoore’s appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Lemoore’s appeal.

2. SLD issued a Funding Commitment Decision Letter on April 28, 2000, denying Lemoore’s request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Lemoore’s request for discounts for internal connections, Funding Request Number (FRN) 402771. On February 2, 2001, Lemoore filed an appeal of SLD’s decision to deny FRN 402771.³ On February 9, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Lemoore’s appeal

¹ Letter from Ellen Kimbriel, Lemoore Union High School District, to Federal Communications Commission, filed February 26, 2001 (Request for Review).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Harry Sussman, Lemoore Union High School District, dated April 28, 2000 (Funding Commitment Decision Letter).

³ Letter from Ellen Kimbriel, Lemoore Union High School District, to Schools and Libraries Division, Universal Service Administrative Company, filed February 2, 2001.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Lemoore 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 Lemoore failed to file an appeal of the April 28, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Lemoore'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 Lemoore Union High School District, Hanford, California on February 26, 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 Ellen Kimbriel, Lemoore Union High School District, dated February 9, 2001 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.