

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Saint Michael School)	File No. SLD-246807
Brooklyn, New York)	
)	
Federal-State Joint Board on)	WC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	WC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: April 10, 2002

Released: April 11, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Saint Michael School (Saint Michael), Brooklyn, New York.¹ Saint Michael seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to reject Saint Michael’s appeal on the grounds that it was untimely filed.² For the reasons set forth below, we remand Saint Michael’s appeal to SLD for further consideration.

2. SLD issued a Funding Commitment Decision Letter on September 4, 2001, granting Saint Michael’s request for discounted services under the schools and libraries universal service support mechanism.³ Specifically, SLD granted Saint Michael’s request for discounts for internal connections, Funding Request Number (FRN) 598639, but for only a portion of the requested pre-discounted amount.⁴ On October 29, 2001, Saint Michael filed an appeal of SLD’s

¹ Letter from Catherine Schiffer, Saint Michael School, to Federal Communications Commission, filed January 2, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sr. Margaret Ford, Saint Michael School, dated September 4, 2001 (Funding Commitment Decision Letter).

⁴ *Id.*

decision, asserting that Saint Michael was eligible for \$36,357.00 but due to a typing error was approved for much less.⁵ On November 7, 2001, SLD issued an Administrator's Decision on Appeal, indicating that it would not consider Saint Michael's appeal because it was received more than 30 days after the September 4, 2001 Funding Commitment Decision Letter was issued.⁶ Saint Michael subsequently filed the instant Request for Review with the Commission.

3. For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks to have reviewed.⁷ Documents are considered to be filed with the Commission only upon receipt.⁸ Because the instant Request for Review was filed within the requisite 60-day period, it will be remanded to SLD for further consideration.

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 Saint Michael School, Brooklyn, New York on January 2, 2002, IS REMANDED to the Schools and Libraries Division of the Universal Service Administrative Company for further processing.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert, Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ Letter from Catherine Schiffer, Saint Michael School, to Schools and Libraries Division, Universal Service Administrative Company, filed October 29, 2001 (Request for Administrator Review).

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Catherine Schiffer, Saint Michael School, dated November 7, 2001 (Administrator's Decision on Appeal).

⁷ 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002); SLD web site, What's New (January 20, 2002), <<http://www.sl.universalservice.org/whatsnew/012002.asp>>.

⁸ 47 C.F.R. § 1.7.