

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Brady Independent School District Brady, Texas	)	File No. SLD-304532
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21
	)	

**ORDER**

**Adopted: September 26, 2003**

**Released: September 29, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Brady Independent School District (Brady ISD), Brady, Texas, seeks review of a January 13, 2003 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> On May 5, 2003, Brady ISD appealed the decision to SLD. SLD denied the appeal because Brady ISD filed the appeal more than 60 days after the decision was rendered.<sup>2</sup> We affirm SLD's decision. For a review of decisions by SLD, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.<sup>3</sup> Here, Brady ISD filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

<sup>1</sup> Letter from Janis Benson, Charlyn Bruchmiller, and Max Gordon, Brady Independent School District, to Federal Communications Commission, filed May 27, 2003 (Request for Review). *See also* Letter from Schools and Libraries Division, Universal Service Administrative Company, to Janis Benson, Brady Independent School District, dated January 13, 2003 (Funding Commitment Decision Letter). 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).

<sup>2</sup> *See* Letter from Janis Benson, Charlyn Bruchmiller, and Max Gordon, Brady Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 5, 2003; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Janis Benson, Brady Independent School District, dated May 6, 2003.

<sup>3</sup> 47 C.F.R. § 54.720(b). *See In the Matter of Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221 (2003).

2. To the extent that Brady ISD additionally asks us to waive our rules in this instance, we also deny its request.<sup>4</sup> Brady ISD states that when it received the Funding Commitment Decision Letter, it was confused about the explanations in the letter.”<sup>5</sup> Brady ISD further states that it waited for additional information from SLD and later determined from the SLD website that the Funding Request Numbers (FRNs) were denied.<sup>6</sup> Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.<sup>7</sup> Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.<sup>8</sup> As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.<sup>9</sup> Brady ISD has not presented special circumstances that would justify a waiver in this instance.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Request for Review filed on May 27, 2003, by Brady Independent School District, Brady, Texas, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> 47 C.F.R. § 54.720(b).

<sup>5</sup> Request for Review.

<sup>6</sup> *Id.*

<sup>7</sup> 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>8</sup> *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610, 25612-25613 (Com. Car. Bur. 2000).

<sup>9</sup> *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, 12938 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).