

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

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
North Central Ohio Computer Cooperative)	File Nos. SLD-226381, 248224,
Mansfield, Ohio)	250882, 257003
)	
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: October 3, 2003

Released: October 6, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. North Central Ohio Computer Cooperative (NCOCC), Mansfield, Ohio, seeks review of four December 11, 2002 decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ On February 14, 2003, NCOCC appealed the decisions to SLD, but SLD denied the appeal because NCOCC filed the appeal more than 60 days after the decision was rendered.² 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.³ Here, NCOCC filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

¹ Letter from Bill Swartzmiller, North Central Ohio Computer Cooperative, to Federal Communications Commission, filed April 21, 2003 (Request for Review). *See also* Letters from Schools and Libraries Division, Universal Service Administrative Company, to Marcia Meeker, North Central Ohio Computer Cooperative, dated December 11, 2002, regarding SLD Application Numbers 22638, 248224, 250882, 257003 (Funding Commitment Decision Letters). 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).

² *See* Letter from Bill Swartzmiller, North Central Ohio Computer Cooperative, to Schools and Libraries Division, Universal Service Administrative Company, filed February 14, 2003; Letters from Schools and Libraries Division, Universal Service Administrative Company, to Bill Swartzmiller, North Central Ohio Computer Cooperative, dated February 22, 2003, regarding SLD Application Numbers 226381, 248224, 250882, 257003.

³ 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 NCOCC additionally asks us to waive our rules in this instance, we also deny its request.⁴ NCOCC asserts that the program indicates deadlines for many different submissions to SLD, and all of the submissions are based on the words “postmark on or before” a certain date.⁵ NCOCC further states that the submission of an appeal is an exception in that it must be *received* within a 60-day time frame. NCOCC mistakenly filed its appeal utilizing a postmark date.⁶ 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.⁷ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁸ 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.⁹ In this instance, NCOCC failed to comply with the deadline. This failure based on NCOCC misunderstanding of the timing deadline does not constitute special circumstance to justify a waiver of our rules.

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 April 21, 2003, by North Central Ohio Computer Cooperative, Mansfield, Ohio, 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

⁴ 47 C.F.R. § 54.720(b).

⁵ Request for Review.

⁶ *Id.*

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

⁸ *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).

⁹ *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).