

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

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Cedar County Library District)	File No. SLD-380969
Stockton, Missouri)	
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: November 12, 2003

Released: November 13, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Cedar County Library District (Cedar County), Stockton, Missouri, seeks review of a June 9, 2003 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For a review of decisions by SLD, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision date.² Here, Cedar County filed its appeal on August 25, 2003, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

2. To the extent that Cedar County additionally asks us to waive our rules in this instance, we also deny its request.³ Cedar County states that a tornado destroyed its Stockton Branch Library that housed all of its records,⁴ and that because of the tornado, it was delayed locating documents for its appeal.⁵ Cedar County additionally states that its appeal was further delayed because it was returned due to insufficient postage. 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.⁶ Given the thousands of applications SLD

¹ Letter from Glenda Pate, Cedar County Library District, to Federal Communications Commission, filed August 25, 2003 (Request for Review); Letter from the School and Libraries Division, Universal Service Administrative Company, to Glenda Pate, Cedar County Library District, dated June 9, 2003; 47 C.F.R. § 54.719(c).

² 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 (rel. Apr. 30, 2003).

³ 47 C.F.R. § 54.720(b).

⁴ Request for Review.

⁵ *Id.*

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

processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁷ 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.⁸

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 August 25, 2003, by Cedar County Library District, Stockton, Missouri, IS DISMISSED, and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁷ 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 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

⁸ See, e.g., *Request for Review by Stephen-Argyle Central School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. 228975, CC Docket Nos. 96-45, 97-21, Order, 16 FCC Rcd 15879 (Com. Car. Bur. 2001) (denying a waiver request where application was untimely due to blizzard).