

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

In the Matter of)	
)	
Request for Review of the Decision of the Universal Service Administrator by)	
)	
Dunellen School District Newtown, Pennsylvania)	File No. SLD-362385
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	

ORDER

Adopted: February 2, 2004

Released: February 3, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Educational Consortium for Telecommunications Savings, on behalf of Dunellen School District (Dunellen), Newtown, Pennsylvania, seeks review of a May 12, 2003 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ On July 17, 2003, Dunellen appealed the decision to SLD, but SLD denied the appeal because Dunellen 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, Dunellen filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

2. To the extent that Dunellen additionally asks us to waive our rules in this instance, we also deny its request.⁴ Dunellen asserts that additional information regarding the reasoning for the denial of the funding request at issue should have been provided in order to timely file its

¹ Letter from Ronald MacClay, Dunellen School District, to Federal Communications Commission, filed September 17, 2003 (Request for Review). *See also* Letter from Schools and Libraries Division, Universal Service Administrative Company, to Vincent Olivo, Dunellen School District, dated May 12, 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).

² *See* Letter from Ronald MacClay, Dunellen School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 17, 2003; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ronald MacClay, Dunellen School District, dated July 21, 2003.

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).

⁴ 47 C.F.R. § 54.720(b).

appeal.⁵ Dunellen further asserts that the failure to provide more detailed information resulted in a lack of understanding of the SLD's decision, including the reasoning, and the basis for an appeal.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, Dunellen failed to comply with the deadline and Dunellen's assertions do not 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 September 17, 2003, by Educational Consortium for Telecommunications Savings, on behalf of Dunellen School District, Newtown, Pennsylvania, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ Request for Waiver at 4.

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).