

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

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Sunnyside School District)	File No. SLD-237039
Sunnyside, Washington)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: February 19, 2004

Released: February 20, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Sunnyside School District (Sunnyside), Sunnyside, Washington, seeks review of two decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on July 10, 2002 and July 31, 2002.¹ On January 27, 2003, Sunnyside appealed the decisions to SLD, but SLD denied the appeal because Sunnyside 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 issued on or after August 13, 2001, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.³ Here, Sunnyside 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 J.M. Swatzell, Sunnyside School District, to Federal Communications Commission, filed April 21, 2003 (Request for Review). *See also* Letter from the School and Libraries Division, Universal Service Administrative Company, to J.M. Swatzell, Sunnyside School District, dated July 10, 2002; and Letter from the School and Libraries Division, Universal Service Administrative Company, to J.M. Swatzell, Sunnyside School District, dated July 31, 2002. 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 J.M. Swatzell, Sunnyside School District, to Schools and Libraries Division, Universal Service Administrative Company, filed January 27, 2003; Letter from Schools and Libraries Division, Universal Service Administrative Company, to J.M. Swatzell, Sunnyside School District, dated March 4, 2003.

³ 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, 17 FCC Rcd 339 (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).

2. To the extent that Sunnyside additionally asks us to waive our rules in this instance, we also deny its request.⁴ 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.⁵ Sunnyside states that it could not have filed its appeal in the time frame that SLD required because it was not aware of an error in its entry of the service start dates until the error was brought to Sunnyside's attention by SLD during the Service Certification process.⁶ The Form 486 Notification Letters, however, specifically noted the modified service start dates.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

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 Sunnyside School District, Sunnyside, Washington, 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

⁴ 47 C.F.R. § 54.720(b).

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

⁶ Request for Review.

⁷ *See* Letters from Universal Service Administrative Company, to J.M. Swatzell, Sunnyside School District, dated July 10, 2002 and July 31, 2002.

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

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, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).