

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

In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Murchison Independent School District	)	File No. SLD-289043
Murchison, Texas	)	
	)	
Schools and Libraries Universal Service Support	)	CC Docket No. 02-6
Mechanism	)	

**ORDER**

**Adopted: April 9, 2004**

**Released: April 12, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Murchison Independent School District, Murchison, Texas (Murchison ISD), seeks review of a July 31, 2002 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> On December 12, 2002, Murchison ISD appealed the decision to SLD, but SLD denied the appeal because Murchison 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, Murchison ISD 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 Murchison ISD additionally asks us to waive our rules in this instance, we also deny its request.<sup>4</sup> Murchison ISD states that it called SLD to inquire about how to change the amount of its request for the E-Rate funding, and learned that SLD had not received its certification form.<sup>5</sup> Murchison ISD argues that it did not receive any rejection letter

<sup>1</sup> Letter from Virginia Crow, Murchison Independent School District, to Federal Communications Commission, filed February 21, 2003 (Request for Review). *See also* Outside Window Postcard from Schools and Libraries Division, Universal Service Administrative Company, to Guy Furr, Murchison Independent School District, dated July 31, 2002 (OOW Notice). 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 Virginia Crow, Murchison Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed December 20, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Virginia Crow, Murchison Independent School District, dated January 31, 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 (rel. Apr. 30, 2003).

<sup>4</sup> 47 C.F.R. § 54.720(b).

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

nor was informed of the rejection during follow-up phone calls with SLD, and states its appeal should be reviewed on the merits.<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> In this instance, Murchison ISD failed to comply with the deadline. This failure based on misunderstanding of the program rules 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 February 21, 2003, by Murchison Independent School District, Murchison, Texas, 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

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<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).