

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

In the Matter of)	
)	
Requests for Review of the Decisions of the Universal Service Administrator by)	
)	
Harmony Science Academy Houston, Texas)	File No. SLD- 329714
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	

ORDER

Adopted: January 14, 2005

Released: January 18, 2005

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Harmony Science Academy (Harmony), Houston, Texas seeks review of a July 13, 2004 decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For a review of decisions by SLD, requests to the Commission must be filed within 60 days of the issuance of the SLD decision date.² Here, Harmony filed its request after the 60-day period, in contravention of our rules. We therefore dismiss Harmony's Request for Review.

2. To the extent that Harmony additionally asks us to waive Commission rules in this instance, we also deny its request.³ 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.⁴ Given the thousands of applications that SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁵ 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.⁶ Hence, neither staffing changes nor

¹ Letter from Ismet Isik, Harmony Science Academy, to Federal Communications Commission, filed September 22, 2004 (Request for Review). Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Ismet Isik, Harmony Science Academy, dated July 13, 2004. 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 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, paras. 55-56 (2003).

³ 47 C.F.R. § 54.720(b).

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

⁵ *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, 25612-13 (Com. Car. Bur. 2000).

⁶ *Request for Waiver by Duncan Public Library, et al, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-325536, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22430, 22431 (Wireline Comp. Bur. 2003); *Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National*

misunderstanding of the rules relieves applicants of their responsibility to comply with the Commission's rules and procedures.⁷ In keeping with our prior decisions, we determine that Harmony has not demonstrated the special circumstances necessary for 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 September 22, 2004, by Harmony Science Academy, Houston, Texas IS DISMISSED and request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

Exchange Carrier Association, Inc., File No. NEC.471.04-13-00.31900001, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 10910 (Com. Car. Bur. 2001).

⁷ *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).