

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of ) File No. EB –00-IH-0057  
)  
**Matrix Telecom, Inc.** ) NAL/Acct. No. X32080022

**MEMORANDUM OPINION AND ORDER**

**Adopted: September 24, 2001**

**Released: September 28, 2001**

By the Commission:

1. In this Order, we dismiss as untimely the Petition for Reconsideration filed by Matrix Telecom, Inc. (“Matrix”) on March 23, 2001 of the Commission’s *Forfeiture Order*<sup>1</sup> in the above captioned matter. We also address a Motion for Stay of Enforcement and Request for Installment Plan filed by Matrix the same day.

2. Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. § 405, requires that a petition for reconsideration be filed within 30 days from the date upon which public notice of the action complained of is given.<sup>2</sup> In this case, public notice of the action was given February 20, 2001, the date the *Forfeiture Order* was released.<sup>3</sup> Therefore, a petition for reconsideration of the *Forfeiture Order* had to be filed with the Commission by March 22, 2001, in order to be considered timely. As noted, Matrix filed its petition for reconsideration on March 23, 2001. Consequently, its petition was not timely filed. The deadline for filing petitions for reconsideration is statutory and cannot be waived by the Commission except where the Commission fails to provide notice of its decision to parties as required by its rules. *See Reuters Ltd. V. FCC*, 781 F. 2d 946, 952 (D.C. Cir. 1986) (Commission acted beyond its lawful authority when it entertained the belated petition for reconsideration); *Heritage Cablevision Associates of Dallas, L.P. and Texas Cable TV Association, Complainants v. Texas Utilities Electric Company, Respondent*, 7 FCC Rcd 4192, 4193 (1992). We therefore dismiss Matrix’s petition.

3. On March 23, 2001, Matrix also filed a Motion for Stay of Enforcement and Request for Installment Plan. Matrix seeks to stay the effect of the *Forfeiture Order* pending resolution of its Petition for Reconsideration and requests that it be permitted to pay the forfeiture in installments if the forfeiture order is affirmed. In light of the dismissal of the Petition for Reconsideration, we dismiss the request for a stay of enforcement as moot. Matrix’s request for an installment plan will be referred to the Chief, Revenue and Receivables Operations Group in accordance with our rules for dealing with requests for full payment by installment. *See* 47 C.F.R. § 1.1914; *Forfeiture Order*, p. 3 at ¶ 9.

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<sup>1</sup> *Matrix Telecom, Inc., Forfeiture Order*, 16 FCC Rcd 10553 (2001).

<sup>2</sup> *See also* 47 C.F.R. §§ 1.4(b) and 1.106(f).

<sup>3</sup> *See* 47 C.F.R. § 1.4(b)(2).

4. Accordingly, IT IS ORDERED THAT, pursuant to Section 405 of the Act,<sup>4</sup> and Section 1.106 of the Commission's rules,<sup>5</sup> the Petition for Reconsideration filed by Matrix Telecom, Inc. is HEREBY DISMISSED.

5. IT IS FURTHER ORDERED THAT Matrix's Motion for Stay of Enforcement IS DISMISSED as moot, and its Request for Installment Plan IS REFERRED to the Chief, Revenue and Receivables Operations Group for consideration.<sup>6</sup>

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas  
Secretary

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<sup>4</sup> 47 U.S.C. § 405.

<sup>5</sup> 47 C.F.R. § 1.106.

<sup>6</sup> *See also* 47 C.F.R. § 1.1914.