

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Cumberland County School District) File No. SLD-169628
Burkesville, Kentucky)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
Changes to the Board of Directors of the) CC Docket No. 97-21
National Exchange Carrier Association, Inc.)

ORDER

Adopted: November 9, 2000

Released: November 13, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Cumberland County School District (Cumberland), Burkesville, Kentucky, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Cumberland seeks review of SLD's refusal to consider Cumberland's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Cumberland's appeal.

2. SLD issued a Funding Commitment Decision Letter on April 21, 2000, denying Cumberland's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Cumberland's request for discounts for telecommunications services, Funding Request Number (FRN) 348856. On June 15, 2000, Cumberland filed an appeal of SLD's decision to deny FRN 348856. On June 19, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Cumberland's

1 Letter from Robin Sharp, Cumberland County School District, to Federal Communications Commission, filed July 10, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Robin Sharp, Cumberland County School District, dated April 21, 2000 (Funding Commitment Decision Letter).

3 Letter from Robin Sharp, Cumberland County School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 15, 2000.

appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Cumberland subsequently filed the instant Letter of Appeal with the Commission.

3. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision as to which review is sought.⁵ Documents are considered to be filed with the Commission or SLD only upon receipt.⁶ The 30-day deadline contained in section 54.720 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because Cumberland failed to file an appeal of the April 21, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Cumberland's appeal to SLD as untimely and deny the instant Letter of Appeal.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed by Cumberland County School District, Burkesville, Kentucky on July 10, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Robin Sharp, Cumberland County School District, dated June 19, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.