

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
New Haven Public Schools
New Haven, Connecticut
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File Nos. SLD-175971,
SLD-180996, SLD-182111
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: August 17, 2000

Released: August 18, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration Letters of Appeal filed by New Haven Public Schools (New Haven), New Haven, Connecticut, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). New Haven seeks review of SLD's refusal to consider New Haven's appeals to SLD on the grounds that they were untimely filed. For the reasons set forth below, we grant in part, and deny in part, New Haven's appeals.

2. SLD issued Funding Commitment Decision Letters on April 14, 2000, denying New Haven's requests for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied New Haven's request for discounts for internal

1 Letter from Paul F. Guidone, New Haven Public Schools, to Federal Communications Commission, filed June 2, 2000 (regarding FRN 369881); Letter from Paul F. Guidone, New Haven Public Schools, to Federal Communications Commission, filed June 2, 2000 (regarding FRN 373742); Letter from Paul F. Guidone, New Haven Public Schools, to Federal Communications Commission, filed June 5, 2000 (regarding FRN 361280) (Letters of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael J. Chadukiewicz, New Haven Public Schools, dated April 14, 2000 (regarding FRN 369881); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael J. Chadukiewicz, New Haven Public Schools, dated April 14, 2000 (regarding FRN 373742); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joseph Tirollo, New Haven Public Schools, dated April 14, 2000 (regarding FRN 361280) (Funding Commitment Decision Letters).

connections, Funding Request Numbers (FRNs) 361280, 369881, 373742. On May 15, 2000 and May 16, 2000, New Haven filed appeals of SLD's decision to deny FRNs 361280, 369881, 373742.³ On May 23, 2000 and May 24, 2000, SLD issued three Administrator's Decisions on Appeal indicating that it would not consider New Haven's appeals because they were received more than 30 days after the Funding Commitment Decision Letters were issued.⁴ New Haven subsequently filed the instant Letters 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. Section 1.4(j) of the Commission's rules, however, provides that in cases where the close of the 30-day period falls on a holiday, the document shall be filed on the next business day.⁷ The close of the 30-day period after the issuance of the April 14, 2000 Funding Commitment Decision Letters fell on May 14, 2000, a Sunday. Accordingly, New Haven's May 15, 2000 appeals regarding FRNs 369881 and 373742 should have been considered timely filed. New Haven, however, did not file its appeal regarding FRN 361280 until May 16, 2000. SLD correctly dismissed the May 16, 2000 appeal as untimely. Accordingly, we grant New Haven's Letters of Appeal with respect to the May 15, 2000, appeals and direct SLD to reconsider New Haven's appeals regarding FRNs 369881 and 373742. We affirm SLD's decision to dismiss the May 16, 2000 appeal as untimely and deny New Haven's appeal with respect to FRN 361280.

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 Letters of Appeal filed by New Haven Public Schools, New Haven,

³ Letter from Paul F. Guidone, New Haven Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 15, 2000 (regarding FRN 373742); Letter from Paul F. Guidone, New Haven Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 15, 2000 (regarding FRN 369881); Letter from Paul F. Guidone, New Haven Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 16, 2000 (regarding FRN 361280).

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joseph M. Tirollo, New Haven Public Schools, dated May 23, 2000 (regarding FRN 361280); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael J. Chadukiewicz, New Haven Public Schools, dated May 24, 2000 (regarding FRN 369881); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael J. Chadukiewicz, New Haven Public Schools, dated May 24, 2000 (regarding FRN 373742) (Administrator's Decisions on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.

⁷ 47 C. F. R. § 1.4(j). The term "holiday" includes Saturdays and Sundays. 47 C. F. R. § 1.4(e)(1).

Connecticut on June 2, 2000, regarding Funding Request Numbers 369881 and 373742, ARE GRANTED. IT IS FURTHER ORDERED that the Letter of Appeal filed by New Haven Public Schools, New Haven, Connecticut on June 5, 2000, regarding Funding Request Number 361280 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Sharon L. Webber
Deputy Chief, Accounting Policy Division
Common Carrier Bureau