

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

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Information Transport Solutions, Inc.)	File No. SLD-303637
Wetumpka, Alabama)	
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: April 21, 2005

Released: April 22, 2005

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Information Transport Solutions, Inc., Wetumpka, Alabama (Information Transport). The Request for Review seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For a review of decisions by SLD, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.² Here, Information Transport filed an appeal to SLD after the 60-day period, in contravention of Commission rules. We therefore deny the Request for Review.

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

¹Letter from Tomi J. Selby, Information Transport Solutions, Inc., to Federal Communications Commission, dated November 5, 2004 (Request for Review). 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).

²47 C.F.R. § 54.720(b). The appeal to SLD was dated 100 days after the decision it appealed.

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

⁴*See Request for Review by Anderson School, 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).

⁵*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. 2002) (*Duncan Order*); *Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National 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, 10911 (Com. Car. Bur. 2001).

applicants of their responsibility to comply with the Commission's rules and procedures.⁶ In keeping with our prior decisions, we determine that Information Transport has not demonstrated the special circumstances necessary for a waiver of the Commission's 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 by Information Transport Solutions, Inc., Wetumpka, Alabama, dated November 5, 2004, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁶ See *Duncan Order*, 17 FCC Rcd at 22431; *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).