

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

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Reavis Math/Science Specialty Catholic School)	File No. SLD-266380
Chicago, Illinois)	
)	
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: June 20, 2002

Released: June 21, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Reavis Math/Science Specialty School (Reavis School), Chicago, Illinois.¹ Reavis School seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Reavis School's appeal on the grounds that it was untimely filed.² For the reasons set forth below, we affirm SLD's rejection and deny Reavis School's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on January 11, 2002, denying Reavis School's request for discounted services under the schools and libraries universal service support mechanism.³ Specifically, SLD denied Reavis School's request for discounts for internal connections, Funding Request Number (FRN) 673999.⁴ On March 27, 2002, Reavis School filed an appeal of SLD's decision, asserting that it had secured funds to pay the non-discounted

¹ Letter from Mable McMiller, Reavis Math/Science Specialty School, to Federal Communications Commission, filed May 13, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that 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).

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mable McMiller, Reavis Math/Science Specialty School, dated January 11, 2002 (Funding Commitment Decision Letter).

⁴ *Id.*

charges and had included letters demonstrating that it has done so.⁵ On April 2, 2002, SLD issued an Administrator's Decision on Appeal, indicating that it would not consider Reavis School's appeal because it was received more than 60 days after the January 11, 2002 Funding Commitment Decision Letter was issued.⁶ Reavis School subsequently filed the instant Request for Review with the Commission.

3. For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks to have reviewed.⁷ Documents are considered to be filed with the Commission and SLD only upon receipt.⁸ Because Reavis School's Request for Administrator Review was not filed within the requisite 60-day period, we affirm the Administrator's Decision on Appeal and deny the instant Request for Review.

4. To the extent that Reavis School is requesting that we waive the 60-day deadline established in section 54.720(b) of the Commission's rules for its underlying appeal of SLD's denial of discounted services, FRN 673999, we deny that request as well.⁹ The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.¹⁰ Reavis School has not shown good cause for the untimely filing of its initial appeal. Reavis School states that it had misplaced a letter that demonstrated that it had secured access to funds necessary to pay non-discounted charges and as a result the appeal was filed outside the 60-day window.¹¹

5. We conclude that Reavis School has not demonstrated a sufficient basis for waiving the Commission's rules. Waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.¹² In requesting funds from the schools and libraries universal service support mechanism, the applicant has certain responsibilities. The applicant bears the burden of submitting its appeal to SLD within the established deadline if the applicant wishes its appeal to be considered on the merits.

⁵ Letter from Mable McMiller, Reavis School Catholic School, to Schools and Libraries Division, Universal Service Administrative Company, filed March 27, 2002 (Request for Administrator Review).

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mable McMiller, Reavis Math/Science Specialty School, dated April 2, 2002 (Administrator's Decision on Appeal).

⁷ 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

⁸ 47 C.F.R. § 1.7.

⁹ *See* 47 C.F.R. § 54.720(b).

¹⁰ *See* 47 C.F.R. § 1.3.

¹¹ Request for Administrator Review.

¹² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

6. The particular facts of this case do not rise to the level of special circumstances required for a deviation from the general rule. In light of the thousands of applications that SLD reviews and processes each year, it is administratively necessary to place on the applicant the responsibility of adhering strictly to its filing deadlines.¹³ In order for the program to work efficiently, applicants must assume responsibility for timely submission of their appeals to SLD if they wish their appeals to be considered on the merits. We therefore find no basis for waiving the appeal filing deadline.

7. 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 by Reavis Math/Science Specialty School, Chicago, Illinois, on May 13, 2002, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹³ 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*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.