

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

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Easton Area School District	)	File No. SLD-254993
Easton, Pennsylvania	)	
	)	
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: May 28, 2002**

**Released: May 29, 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 Easton Area School District (Easton Area), Easton, Pennsylvania.<sup>1</sup> Easton Area seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), denying its request for discounted internal connections.<sup>2</sup> For the reasons set forth below, we affirm SLD’s decision to dismiss Easton’s appeal as untimely and deny Easton Area's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2000, denying Easton Area’s request for discounted services under the schools and libraries universal service support mechanism.<sup>3</sup> Specifically, SLD denied Easton Area’s request for discounts for internal connections, Funding Request Number (FRN) 642901.<sup>4</sup> On February 6, 2002, Easton Area filed

<sup>1</sup> Letter from Thomas G. Drago, Easton Area School District, to Federal Communications Commission, filed April 1, 2002 (Request for Review).

<sup>2</sup> 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).

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Robin L. Lutchter, Easton Area School District, dated July 23, 2001 (Funding Commitment Decision Letter).

<sup>4</sup> *Id.*

an appeal of SLD's decision.<sup>5</sup> In its appeal, Easton Area claims that its new director did some investigation of the Funding Year 4's Funding Commitment Decision Letter and the corresponding FCC Form 471 and found that his predecessor had inadvertently combined Easton Area's Internet service with internal connections.<sup>6</sup> On February 8, 2002, SLD issued an Administrator's Decision on Appeal, indicating that it would not consider Easton Area's appeal because it was received more than 60 days after the July 23, 2001 Funding Commitment Decision Letter was issued.<sup>7</sup> Easton Area subsequently filed the instant Request for Review with the Commission.

3. For requests seeking review of decisions issued before August 13, 2001 under section 54.720(b) of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision that the party seeks to have reviewed.<sup>8</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>9</sup> The 30-day deadline contained in section 54.720(b) of the Commission's rules applies to all such requests for review filed by a party affected by a decision issued by the Administrator.<sup>10</sup> Because Easton Area failed to file an appeal of the July 23, 2001 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Easton Area's appeal to SLD as untimely and deny the instant Request for Review.<sup>11</sup>

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<sup>5</sup> Letter from Thomas G. Drago, Easton Area School District, to Schools and Libraries Division, Universal Service Administrative Company, filed February 6, 2002 (Request for Administrator Review).

<sup>6</sup> *Id.*

<sup>7</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Thomas G. Drago, Easton Area School District, dated February 8, 2002 (Administrator's Decision on Appeal). In fact, Easton Area was subject to the 30-day appeal period, as discussed below. *See infra* para. 3.

<sup>8</sup> 47 C.F.R. § 54.720(b).

<sup>9</sup> 47 C.F.R. § 1.7.

<sup>10</sup> We note that, due to recent disruptions in the reliability of the mail service, the 30-day appeal period has been extended by an additional 30 days for requests seeking review of decisions issued on or after August 13, 2001. *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); SLD web site, What's New (January 20, 2002), <<http://www.sl.universalservice.org/whatsnew/012002.asp#extend3ed>>. Because the July 23, 2001 Funding Commitment Decision Letter was issued before August 13, 2001, the extended appeal period does not apply to Easton Area, notwithstanding SLD's misapplication of the 60-day appeal period to Easton Area. *See Administrator's Decision on Appeal* (applying the 60-day appeal period inadvertently to Easton Area).

<sup>11</sup> SLD's misapplication of the 60-day appeal period is an immaterial error and does not affect our decision in this case.

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 Request for Review filed by Easton Area School District, Easton, Pennsylvania on April 1, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
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Wireline Competition Bureau