

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

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Maricopa County School Superintendent's Office)	File No. SLD-375429
Phoenix, Arizona)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: February 18, 2004

Released: February 19, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Maricopa County School Superintendent's Office (Maricopa), Phoenix, Arizona, seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), on June 30, 2003.¹ For a review of decisions by SLD, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision date.² Here, Maricopa filed its appeal on September 29, 2003, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

2. To the extent that Maricopa additionally asks us to waive our rules in this instance, we also deny its request.³ Maricopa alleges that on April 16, 2003, SLD issued a letter denying its appeal because it was received more than 60 days after the date of the 486 Notification Letter was issued. Further, Maricopa explained that the date of issuance of the rejection letter on the Decision Appeal Letter was mistakenly listed as March 17, 2003, whereas the Out of Window Notice (OOW Notice) was dated April 16, 2003.⁴ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve

¹ Letter from Dr. Allison Cioffi, Maricopa County School Superintendent's Office, to Federal Communications Commission, filed September 29, 2003 (Request for Review); Letter from the School and Libraries Division, Universal Service Administrative Company, to Dr. Allison Cioffi, Maricopa County School Superintendent's Office, dated June 30, 2003 (Administrator's Decision on Appeal Letter). 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).

² 47 C.F.R. § 54.720(b). *See In the Matter of Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221 (2003).

³ 47 C.F.R. § 54.720(b).

⁴ Request for Review.

the public interest than strict adherence to the rule.⁵ The record indicates that SLD issued a Funding Year 2003 Form 471 Certification Rejection Letter dated March 17, 2003 and an OOW Notice on April 16, 2003.⁶ On June 26, 2003 Maricopa filed an appeal with SLD, more than 60 days after both of the decisions were issued by SLD.⁷ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁸ 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.⁹

3. 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 on September 29, 2003, by Maricopa County School Superintendent's Office, Phoenix, Arizona, IS DISMISSED, and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

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

⁶ Letter from the School and Libraries Division, Universal Service Administrative Company, to Allison Cioffi, Maricopa County School Superintendent's Office, dated March 17, 2003.

⁷ Letter from Dr. Allison Cioffi, Maricopa County School Superintendent's Office, to Universal Service Administrative Company, filed June 26, 2003.

⁸ *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, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610, 25612-25613 (Com. Car. Bur. 2000).

⁹ *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) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).