

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Petition for Reconsideration by)
)
Maryland Department of Juvenile Services) File No. SLD-505753
Baltimore, Maryland)
)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER

Adopted: March 22, 2012

Released: March 22, 2012

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we dismiss as untimely a petition¹ filed by the Maryland Department of Juvenile Services (Juvenile Services) seeking reconsideration of the Wireline Competition Bureau’s Juvenile Services Order, released on May 4, 2011.² Pursuant to the Commission’s rules, petitions for reconsideration must be filed within 30 days from the date of public notice of a decision.³ We received this request on July 5, 2011, which was more than 30 days after the release date of the order. The Commission’s rules further provide that no petition for reconsideration will be considered if it is filed after the 30-day period “except upon leave granted upon a separate pleading for leave to file.”⁴ Because no such separate pleading has been submitted, we dismiss the petition as untimely.

1 Letter from Nancy Seidman, Maryland Department of Juvenile Services, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed July 5, 2011). It is unclear whether the request is intended as a petition for reconsideration, which may be acted upon by the Bureau on delegated authority, or as an application for review, which generally may only be acted upon by the full Commission. See 47 C.F.R. § 54.722(b). Because the request does not expressly seek review by the Commission in accordance with our rules, we construe the letter as a petition for reconsideration and address it pursuant to delegated authority. See 47 C.F.R. § 1.115.

2 Request for Waiver by Maryland Department of Juvenile Services, Schools and Libraries Universal Service Support Mechanism, File No. SLD-505753, CC Docket No. 02-6, Order, 26 FCC Rcd 6687 (Wireline Comp. Bur. 2011) (Juvenile Services Order).

3 47 C.F.R. § 1.106(f).

4 Id.

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 254, and sections 0.91, 0.291, 1.3, 1.106, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.106, 54.722(a), the petition for reconsideration filed by the Maryland Department of Juvenile Services IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Trent Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau