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Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)
 DISTRICT OF MCFARLAND)
 Request for Review of the)
 Decision of the)
 Universal Service Administrator by)
)
 School District of McFarland)
 McFarland, Wisconsin)
)
 Federal-State Joint Board on)
 Universal Service)
)
 Changes to the Board of Directors of the)
 National Exchange Carrier Association, Inc.)

File No. SLD-151386

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: February 29, 2000

Released: March 1, 2000

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration the Letter of Appeal of the School District of McFarland (McFarland SD), of McFarland, Wisconsin, filed on January 11, 2000, in which McFarland SD seeks review of a funding commitment letter issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on August 31, 1999.¹ Prior to filing its appeal with the Commission, however, McFarland SD also filed a timely Letter of Appeal with the Administrator.² For the reasons set forth below, we dismiss McFarland's Letter of Appeal to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous appeals to the Commission and the Administrator.³ In this case, because McFarland SD has an appeal pending before the Administrator, we dismiss McFarland SD's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its

¹ See Letter of Appeal of Scott R. Brown, Director of Business Service, McFarland School District, to Office of the Secretary, FCC (filed January 11, 2000).

² See Letter of Appeal of Dave Pedersen, Director of Technology Services, to Schools & Libraries Division (filed September 20, 1999).

³ See 47 C.F.R. § 54.720 (allowing appeals to either the Commission or the Administrator, but tolling the filing period with the Commission, when an applicant has an appeal pending with the Administrator, until the Administrator issues a decision on the appeal).

decision on McFarland SD's initial appeal, McFarland SD may then appeal to the Commission if it believes such appeal is warranted at that time.⁴

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 Letter of Appeal filed on January 11, 2000 by School District of McFarland, McFarland, Wisconsin, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Deputy Chief, Common Carrier Bureau

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rights of review, filing deadlines, standards of review, and other rules pertaining to Commission review of the Administrator's decisions).