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Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Hartshorne Independent School District) SLD-136718
Hartshorne, Oklahoma)
Swink School District 21) SLD-138828
Swink, Oklahoma)
Tyrone Independent School District 53) SLD-138918
Tyrone, Oklahoma)
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: February 7, 1999

Released: February 8, 1999

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Joint Letter of Appeal filed on October 4, 1999 by Hartshorne Independent School District 1, Hartshorne, Oklahoma, Swink School District 21, Swink, Oklahoma, and Tyrone Independent School District 53, Tyrone, Oklahoma (Appellants), seeking review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ The Joint Letter of Appeal seeks review of the SLD's processing of applications for discounted services under the schools and libraries universal service support mechanism. Prior to the time that Appellants filed their appeal with the Commission, however, Appellants also filed individual

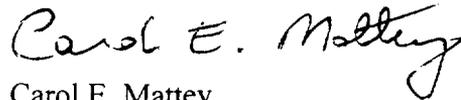
¹ Letter of Appeal from Jane Kellogg, Kellogg Consulting, L.L.C., on behalf of Hartshorne Independent School District 1, Hartshorne, Oklahoma, Swink School District 21, Swink, Oklahoma, and Tyrone Independent School District 53, Tyrone, Oklahoma, to Federal Communications Commission, filed October 4, 1999 (Letter of Appeal).

appeals with the Administrator.² Those appeals remain pending. As explained below, we dismiss Appellants' Joint Letter of Appeal to the Commission without prejudice.

2. The Commission's rules regarding appeals of the SLD's decisions do not contemplate simultaneous appeals to the Commission and the Administrator.³ In this case, as noted above, Appellants have individual appeals pending before the Administrator. Therefore, we dismiss Appellants' Joint Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on Appellants' individual appeals, Appellants may then appeal to the Commission if they believe 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 Joint Letter of Appeal filed by Hartshorne Independent School District 1, Hartshorne, Oklahoma, Swink School District 21, Swink, Oklahoma, and Tyrone Independent School District 53, Tyrone, Oklahoma, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Deputy Chief, Common Carrier Bureau

² See Letter of Appeal from Jane Kellogg, Kellogg Consulting, L.L.C., on behalf of Hartshorne Independent School District 1, to Schools and Libraries Corporation, filed August 9, 1999; Letter of Appeal from Jane Kellogg, Kellogg Consulting, L.L.C., on behalf of Swink School District 21, to Schools and Libraries Corporation, filed August 9, 1999; Letter of Appeal from Jane Kellogg, Kellogg Consulting, L.L.C., on behalf of Tyrone Independent School District 53, to Schools and Libraries Division, filed September 30, 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).

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).