

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
St. Michael School)	SLD-207029
Brooklyn, New York)	
)	
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: June 23, 2000

Released: June 26, 2000

By the Accounting Policy Division:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by St. Michael School (St. Michael), Brooklyn, New York, on March 24, 2000.¹ In its Letter of Appeal, St. Michael seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Simultaneously to filing its appeal with the Commission, St. Michael filed an appeal with the Administrator.² For the reasons set forth below, we dismiss without prejudice St. Michael's Letter of Appeal to the Commission.

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 St. Michael has an appeal pending before the Administrator, we dismiss St. Michael's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on

¹ Letter from Margaret Ford, St. Michael School, to Federal Communications Commission, filed March 24, 2000 (Letter of Appeal).

² See Letter from Margaret Ford, St. Michael School, to Schools and Libraries Division, Universal Service Administrative Company, filed March 28, 2000.

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).

St. Michael's appeal, St. Michael 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 by St. Michael School, Brooklyn, New York, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Sharon L. Webber
Deputy Chief, Accounting Policy Division
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).