

Before the
Federal Communications Commission
Washington, DC 20554

Aug 3 5 10 PM '00

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Orchard View Schools)	File No. SLD-182872
Muskegon, Michigan)	
)	
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: August 1, 2000

Released: August 2, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Orchard View Schools (Orchard View), Muskegon, Michigan, on May 2, 2000.¹ In its Letter of Appeal, Orchard View seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on April 14, 2000.² At the same time that Orchard View filed its appeal with the Commission, it filed a Letter of Appeal with the Administrator.³ For the reasons set forth below, we dismiss Orchard View'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.⁴ In this case, because Orchard

¹ See Letter of Appeal from Dr. Shari Peters-Kitchen, Orchard View Schools, to Federal Communications Commission, filed May 2, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Co., to Shari Peters Kitchen, Orchard View Schools, dated April 14, 2000.

³ See Letter of Appeal from Dr. Shari Peters-Kitchen, Orchard View Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 2, 2000.

⁴ 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).

View has an appeal pending before the Administrator, we dismiss Orchard View's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on Orchard View's appeal, Orchard View may then appeal to the Commission if it believes such appeal is warranted at that time.⁵

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 May 2, 2000 by Orchard View Schools, Muskegon, Michigan, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Sharon L. Webber
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

⁵ 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).