

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Arvin A. Brown Library)
Richford, Vermont)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-199438

CC Docket No. 96-451 ✓

CC Docket No. 97-21

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ORDER

Adopted: November 7, 2000

Released: November 8, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. In this Order, the Accounting Policy Division (Division) dismisses without prejudice the Letter of Appeal filed by Arvin A. Brown Library (Arvin Brown), Richford, Vermont, on August 8, 2000.¹ In its Letter of Appeal, Arvin Brown seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on July 7, 2000. Prior to the time that Arvin Brown filed its appeal with the Commission, it filed a Letter of Appeal with the Administrator.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 Arvin Brown has an appeal pending before the Administrator, we dismiss Arvin Brown's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on Arvin

¹ See Letter of Appeal from Annette Goynes, Arvin A. Brown Library, to Federal Communications Commission (filed August 8, 2000).

² See Letter from Annette Goynes, Arvin A. Brown Library, to Schools and Libraries Division, Universal Service Administrative Company, dated August 1, 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).

Brown's initial appeal, Arvin Brown may then appeal to the Commission if it believes such appeal is warranted at that time.⁴

2. 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 August 8, 2000 by Arvin A. Brown Library, Richford, Vermont, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
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).