

Before the
Federal Communications Commission
Washington, DC 20554

2001 FEB 13 A 11: 06

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
California Youth Authority/California Education)
Authority)
Sacramento, California)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

RECEIVED

File No. SLD-194715

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: February 8, 2001

Released: February 9, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by California Youth Authority/California Education Authority (California Youth Authority), Sacramento, California, on February 1, 2001.¹ In its Request for Review, California Youth Authority seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on October 27, 2000. Prior to the time that California Youth Authority filed its request with the Commission, it filed an appeal with the Administrator.² For the reasons set forth below, we dismiss California Youth Authority's Request for Review to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.³ In this case, because

¹ See Request for Review from David Marson, California Youth Authority/California Education Authority, to Federal Communications Commission, filed February 1, 2001.

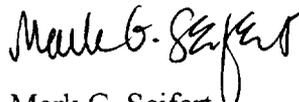
² See Letter from David Marson, California Youth Authority/California Education Authority, to Schools and Libraries Division, Universal Service Administrative Company, filed January 29, 2001.

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).

California Youth Authority has a request pending before the Administrator, we dismiss California Youth Authority's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on California Youth Authority's initial request, California Youth Authority 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 Request for Review filed on February 1, 2001, by California Youth Authority/California Education Authority, Sacramento, California, 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).