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Before the
Federal Communications Commission
Washington, DC 20554

2001 FEB 14 P 3: 40

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Highway Christian Academy New York City, New York	)	File No. SLD-201888
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21

ORDER

Adopted: February 12, 2001 **Released: February 13, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Highway Christian Academy (Highway Christian), New York City, New York, on October 30, 2000.[1] In its Request for Review, Highway Christian seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on September 29, 2000.[2] At the same time that Highway Christian filed its request with the Commission, it filed a Request for Review with the Administrator.[3] For the reasons set forth below, we dismiss Highway Christian's Request for Review to the Commission without prejudice.

[1] Request for Review from Darren Page, Highway Christian Academy, to Federal Communications Commission, filed October 30, 2000.

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Darren Page, Highway Christian Academy, dated September 29, 2000 (Funding Commitment Decision Letter).

[3] Request for Review from Darren Page, Highway Christian Academy, to Schools and Libraries Division, Universal Service Administrative Company, filed October 30, 2000.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.[4] In this case, because Highway Christian has a request pending before the Administrator, we dismiss Highway Christian's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Highway Christian's initial request, Highway Christian 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 Request for Review filed by Highway Christian Academy, New York City, New York, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

[4] 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).

[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).