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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Bank Street Vocational Regional)
New York, New York)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

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File No. SLD-266720

CC Docket No. 96-45

CC Docket No. 97-21 ✓

ORDER

Adopted: May 22, 2001

Released: May 23, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Bank Street School for Children (Bank Street), New York, New York, on April 23, 2001.¹ In its Request for Review, Bank Street seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on March 23, 2001.² At the same time that Bank Street filed its request with the Commission, it filed a Request for Review with the Administrator.³ For the reasons set forth below, we dismiss Bank Street'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.⁴ In this case, because Bank

¹ Request for Review from Frank Nuara, Bank Street School for Children, to Federal Communications Commission, filed April 23, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Frank Nuara, Bank Street School for Children, dated March 23, 2001.

³ Request for Review from Frank Nuara, Bank Street School for Children, to Schools and Libraries Division, Universal Service Administrative Company, filed April 23, 2001.

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).

Street has a request pending before the Administrator, we dismiss Bank Street's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Bank Street's initial request, Bank Street 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 Bank Street School for Children, New York, New York, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
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).