

Federal Communications Commission

FCC MAIL ROOM
DA 01-2080

Before the
Federal Communications Commission
Washington, DC 20554

2001 SEP 10 P 3:19

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Chimes School)	NEC.471.03-23-00.30400005
Baltimore, Maryland)	
)	
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.)	

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ORDER**Adopted: September 5, 2001****Released: September 6, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division (Division) has under consideration a Request for Review filed by the Chimes School (Chimes), Baltimore, Maryland, on July 25, 2000.¹ In its Request for Review, Chimes seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on July 17, 2000, rejecting Chimes' FCC Form 471 for failure to satisfy minimum processing standards. At the same time that Chimes filed its appeal with the Commission, it filed a Letter of Appeal with the Administrator.² For the reasons set forth below, we dismiss Chimes' Request for Review 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.³ In this case, because Chimes has an appeal pending before the Administrator, we dismiss Chimes' Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Chimes'

¹ See Letter from Martin Lampner, Chimes School, to Federal Communications Commission, filed July 25, 2000.

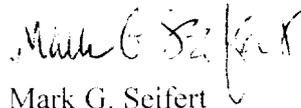
² See Letter from Martin Lampner, Chimes School, to Schools and Libraries Division, Universal Service Administrative Company, dated July 24, 2000.

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).

initial appeal. Chimes 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 by Chimes School, Baltimore, Maryland, 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).