

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Bethlehem Area School District)
Bethlehem, Pennsylvania)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

RECEIVED

File No. SLD-253200

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: November 19, 2001

Released: November 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Bethlehem Area School District (Bethlehem Area), Bethlehem Area, Pennsylvania, on October 15, 2001.¹ Prior to the time that Bethlehem Area filed its request with the Commission, it filed a request for review with the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we dismiss Bethlehem Area'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 Bethlehem Area has a request pending before the Administrator, we dismiss Bethlehem Area's Request for Review to the Commission without prejudice. Once the Administrator has issued its

¹ Letter from Scott Garrigan, Bethlehem Area School District, to Federal Communications Commission, filed October 15, 2001 (Request for Review).

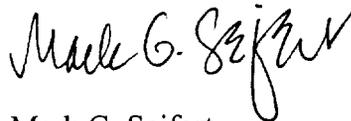
² Letter from Scott Garrigan, Bethlehem Area School District, to Schools and Libraries Division, Universal Service Administrative Company, filed October 2, 2001 (Request for Administrator Review).

³ 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).

decision on Bethlehem Area's initial request, Bethlehem Area 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 Bethlehem Area School District, Bethlehem Area, Pennsylvania, on October 15, 2001, 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).