

Before the
Federal Communications Commission
Washington, DC 20554

TRAIL ROOM

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

File Nos. SLD- 244185, 244469,
and 244568

CC Docket No. 96-45

CC Docket No. 97-21 ✓

FILED

ORDER

Adopted: November 19, 2001

Released: November 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. This Order dismisses the Request for Review filed by Washington Community School District (Washington Community), Washington, Iowa.¹ Washington Community seeks review of a decision issued by the Universal Service Administrative Company's Schools and Libraries Division on August 22, 2001.² The Commission received Washington Community's Request for Review on September 24, 2001.³ Under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision that the party seeks to have reviewed.⁴ Documents are considered to be filed with the Commission only upon receipt.⁵ Because the instant Request for Review was not filed within the specified 30-day period, it will be dismissed without further consideration.

¹ Letter from Kevin Posekany, to Federal Communications Commission, filed September 24, 2001 (Request for Review).

² Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Kevin Posekany, Washington Community School District, dated August 22, 2001 (Waiver Decision Letter).

³ See Waiver Decision Letter.

⁴ 47 C.F.R. § 54.720(b).

⁵ 47 C.F.R. § 1.7.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.⁶ In this case, because Washington Community has a request pending before the Administrator for review of SLD application numbers 244469 and 244568, we dismiss Washington Community's Request for Review to the Commission without prejudice insofar as these applications. Once the Administrator has issued its decision on Washington Community's initial request with respect to SLD application numbers 244469 and 244568, Washington Community may then appeal to the Commission if it believes such appeal is warranted at that time.⁷ For these reasons, with respect to SLD application numbers 244469 and 244568, we dismiss Washington Community's Request for Review to the Commission without prejudice.

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 Washington Community School District, Washington, Iowa, on September 24, 2001, IS DISMISSED WITHOUT FURTHER CONSIDERATION IN PART and IS DISMISSED WITHOUT PREJUDICE IN PART.

FEDERAL COMMUNICATIONS COMMISSION



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

⁶ 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).

⁷ 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).