

Jan 2 2002

FCC MAIL SECTION

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)
Island Park Library Friends, Inc.)
Macks Inn, Idaho)
Federal-State Joint Board on)
Universal Service)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

DISP
File No. SLD- 218407
CC Docket No. 96-45 ✓
CC Docket No. 97-21

ORDER

Adopted: December 21, 2001

Released: December 26, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Island Park Library Friends, Inc. (Island Park), Macks Inn, Idaho, on August 13, 2001.¹ Prior to the time that Island Park 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 Island Park'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 Island Park has a request pending before the Administrator, we dismiss Island Park's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on

¹ Letter from Genevieve Prahasto, Island Park Library Friends, Inc., to Federal Communications Commission, filed August 13, 2001 (Request for Review).

² Letter from Genevieve Prahasto, Island Park Library Friends, Inc., to Schools and Libraries Division, Universal Service Administrative Company, filed August 10, 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).

Island Park's initial request, Island Park 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 Island Park Library Friends, Inc., Macks Inn, Idaho, on August 13, 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).