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Before the
Federal Communications Commission
Washington, DC 20554

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JAN 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

File No. SLD- 250542

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: January 18, 2002

Released: January 22, 2002

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Shenandoah Valley School District (Shenandoah), Shenandoah, Pennsylvania, on September 6, 2001.¹ Prior to the time that Shenandoah 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 Shenandoah'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 Shenandoah has a request pending before the Administrator, we dismiss Shenandoah's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision

¹ Letter from Annmarie Carter, Shenandoah Valley School District, to Federal Communications Commission, filed September 6, 2001 (Request for Review).

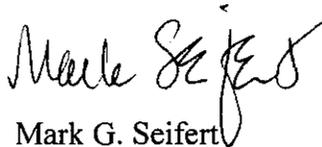
² Letter from Annmarie Carter, Shenandoah Valley School District, to Schools and Libraries Division, Universal Service Administrative Company, filed September 4, 2001 (Request for Administrator Review).

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).

on Shenandoah's initial request, Shenandoah 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 Shenandoah Valley School District, Shenandoah, Pennsylvania, on September 6, 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).