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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	)	
	)	
Bnois Spinka Brooklyn, New York	)	File No. SLD- 262914
	)	
Federal-State Joint Board on Universal Service	)	WC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	WC Docket No. 97-21

ORDER

Adopted: April 10, 2002 **Released: April 11, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Bnois Spinka, Brooklyn, New York.[1] Subsequent to the time that Bnois Spinka 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 Bnois Spinka'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 Bnois Spinka has a request pending before the Administrator, we dismiss Bnois Spinka's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on

[1] Letter from Gitty Horowitz, Bnois Spinka, to Federal Communications Commission, filed January 24, 2002 (Request for Review).

[2] Letter from Gitty Horowitz, Bnois Spinka, to Schools and Libraries Division, Universal Service Administrative Company, filed January 28, 2002 (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).

Bnois Spinka's initial request, Bnois Spinka 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 Bnois Spinka, Brooklyn, New York, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert, Deputy Chief
Telecommunications Access Policy Division
Wireline Competition 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).