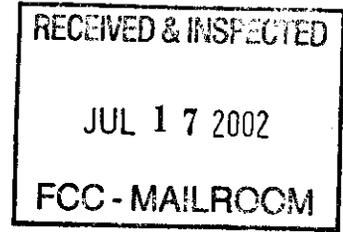


Before the
Federal Communications Commission
Washington, DC 20554



In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Escuela Moises Melendez)
San Juan, Puerto Rico)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-330647

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: July 9, 2002

Released: July 10, 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 Escuela Moises Melendez, San Juan, Puerto Rico.¹ On or about the same time that Escuela Moises Melendez 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 Escuela Moises Melendez'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 Escuela Moises Melendez has a request pending before the Administrator, we dismiss Escuela Moises Melendez's Request for Review to the Commission without prejudice. Once the Administrator

¹ Electronic mail from Ramonita Vazquez Diaz, Escuela Moises Melendez, to Federal Communications Commission, filed May 29, 2002 (Request for Review).

² Letter from Ramonita Vazquez Diaz, Escuela Moises Melendez, to Schools and Libraries Division, Universal Service Administrative Company, filed June 3, 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).

has issued its decision on Escuela Moises Melendez's initial request, Escuela Moises Melendez 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 on May 29, 2002, by Escuela Moises Melendez, San Juan, Puerto Rico, 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).