

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	)	
	)	
Hardee County School District	)	File No. SLD- 285425
Wauchula, Florida	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21 ✓
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: September 12, 2002**

**Released: September 13, 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 Hardee County School District (Hardee County), Wauchula, Florida.<sup>1</sup> Prior to the time that Hardee County 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).<sup>2</sup> For the reasons set forth below, we dismiss Hardee County'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.<sup>3</sup> In this case, because Hardee County has a request pending before the Administrator, we dismiss Hardee County's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on

<sup>1</sup> Letter from C.W. Caligan, Hardee County School District, to Federal Communications Commission, filed July 22, 2002 (Request for Review).

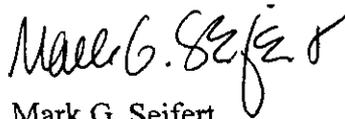
<sup>2</sup> Letter from C. W. Caligan, Hardee County School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 18, 2002 (Request for Administrator Review).

<sup>3</sup> 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).

Hardee County's initial request, Hardee County may then appeal to the Commission if it believes such appeal is warranted at that time.<sup>4</sup>

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 July 22, 2002, by Hardee County School District, Wauchula, Florida, IS DISMISSED WITHOUT PREJUDICE.

## FEDERAL COMMUNICATIONS COMMISSION



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

<sup>4</sup> 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).