

Before the
Federal Communications Commission
Washington, DC 20554

LUKINSKI

NOV - 5 2002

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Gentry Public Schools)	File Nos. SLD- 320672,322751
Gentry, Arkansas)	
)	
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: November 1,2002

Released: November 4,2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Gentry Public Schools (Gentry), Gentry, Arkansas.¹ Prior to the time that Gentry 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 Gentry'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 Gentry has a request pending before the Administrator, we dismiss Gentry's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Gentry's

¹ Letter from Joni Wilson, Gentry Public Schools to Federal Communications Commission, filed October 4,2002 (Request for Review).

² Letter from Joni Wilson, Gentry Public Schools, to Schools and Libraries Division, Universal Service Administrative Company. filed September 13, 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).

initial request, Gentry may then appeal to the Commission if it believes such appeal is warranted at that time.'

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 October 4, 2002 by Gentry Public Schools, Gentry, Arkansas, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert

Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

'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).