

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
North Chicago Community Unit School	)	NCS Bar Code: NEC.471.01-
District #187	)	19-00.05001220
North Chicago, Illinois	)	
	)	
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: June 13, 2000**

**Released: June 14, 2000**

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by North Chicago Community Unit School District #187 (North Chicago), North Chicago, Illinois, on April 5, 2000.<sup>1</sup> In its Letter of Appeal, North Chicago seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on March 20, 2000.<sup>2</sup> Prior to the time that North Chicago filed its appeal with the Commission, it filed an appeal with the Administrator.<sup>3</sup> For the reasons set forth below, we dismiss without prejudice North Chicago’s Letter of Appeal to the Commission.

<sup>1</sup> Letter from Tyrone Pipkin, North Chicago Community Unit School District #187, to Federal Communications Commission, filed April 5, 2000 (Letter of Appeal).

<sup>2</sup> The funding commitment decision letter at issue here is dated February 16, 2000, but North Chicago has provided a postmark indicating that the letter was not actually issued until March 20, 2000. SLD has confirmed this error.

<sup>3</sup> See Letter from Tyrone Pipkin, North Chicago Community Unit School District #187, to Schools and Libraries Division, Universal Service Administrative Company, filed March 23, 2000.

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2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous appeals to the Commission and the Administrator.<sup>4</sup> In this case, because North Chicago has an appeal pending before the Administrator, we dismiss North Chicago's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on North Chicago's initial appeal, North Chicago may then appeal to the Commission if it believes such appeal is warranted at that time.<sup>5</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 Letter of Appeal filed by North Chicago Community Unit School District #187, Chicago, Illinois, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief, Common Carrier Bureau

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<sup>4</sup> See 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).

<sup>5</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).