

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Frazier School District)	SLD-121485
Perryopolis, Pennsylvania)	
)	
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: February 7, 1999

Released: February 8, 1999

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed on October 26, 1999 by Frazier School District, Perryopolis, Pennsylvania, seeking review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ The Letter of Appeal seeks review of the SLD's denial of its application for discounted services under the schools and libraries universal service support mechanism. At approximately the same time that Frazier filed its appeal with the Commission, it also filed an appeal with the Administrator.² As explained below, we dismiss Frazier's appeal to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD's decisions do not contemplate simultaneous appeals to the Commission and the Administrator.³ In this case, as noted above,

¹ Letter of Appeal from Frederick Smeigh, Frazier School District, to Federal Communications Commission, filed October 26, 1999 (Letter of Appeal).

² See Letter of Appeal from Frederick Smeigh, Frazier School District, to Schools and Libraries Division, the Universal Service Administrative Company, filed October 26, 1999.

³ 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).

Frazier has an appeal pending before the Administrator. Therefore, we dismiss Frazier's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on Frazier's initial appeal, Frazier 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 Letter of Appeal filed by Frazier School District, Perryopolis, Pennsylvania, on October 26, 1999, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey
Deputy Chief, Common Carrier 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).