

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

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Holcomb Unified School District	)	File No. SLD-122631
Holcomb, Kansas	)	
	)	
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 29, 2000**

**Released: March 1, 2000**

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration two Letters of Appeal of the Holcomb Unified School District (Holcomb SD) of Holcomb, Kansas, filed on December 6, 1999, and December 13, 1999, in which Holcomb SD seeks review of a funding commitment letter issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on November 16, 1999.<sup>1</sup> Holcomb SD has also filed timely Letters of Appeal with the Administrator.<sup>2</sup> For the reasons set forth below, we dismiss Holcomb SD's Letters of Appeal to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous appeals to the Commission and the Administrator.<sup>3</sup> In this case, because Holcomb SD has appeals pending before the Administrator, we dismiss Holcomb SD's Letter of Appeals to the Commission without prejudice. Once the Administrator has issued its decisions on

<sup>1</sup> See Letters of Appeal of Randy Ackerman, Holcomb Unified School District, to Office of the Secretary, FCC (filed December 6, 1999, December 13, 1999).

<sup>2</sup> See Letters of Appeal of Randy Ackerman, Holcomb Unified School District, to Schools & Libraries Division (filed December 7, 1999, December 9, 1999).

<sup>3</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).

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Holcomb SD's appeal, Holcomb SD 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 Letters of Appeal filed on December 6, 1999, and December 13, 1999, by Holcomb Unified School District, Holcomb, Kansas, ARE 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. §§ 54.719 – 54.725 (setting forth rights of review, filing deadlines, standards of review, and other rules pertaining to Commission review of the Administrator's decisions).