

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

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Sacred Heart School)	File No. SLD-138508
Mount Holly, New Jersey)	
)	
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 the Letter of Appeal of the Sacred Heart School, of Mount Holly, New Jersey, filed on November 26, 1999, in which Sacred Heart School 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 August 3, 1999.¹ Prior to filing its appeal with the Commission, however, Sacred Heart School also filed a timely Letter of Appeal with the Administrator.² For the reasons set forth below, we dismiss Sacred Heart School's Letter 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.³ In this case, because Sacred Heart School has an appeal pending before the Administrator, we dismiss Sacred Heart School's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its

¹ See Letter of Appeal of Ronald J. Maniglia, Principal, Sacred Heart School, to Office of the Secretary, FCC (filed November 26, 1999).

² See Letter of Appeal of Ronald Maniglia, Principal, Sacred Heart School, to Schools & Libraries Division (filed August 20, 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).

decision on Sacred Heart School's initial appeal, Sacred Heart School 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 on November 26, 1999 by Sacred Heart School, Mount Holly, New Jersey, 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).