

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Dennehotso Boarding School)	File No. SLD-148854
Dennehotso, Arizona)	
)	
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: April 12, 2000

Released: April 13, 2000

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Dennehotso Boarding School (Dennehotso Boarding), Dennehotso, Arizona, on February 3, 2000.¹ In its Letter of Appeal, Dennehotso Boarding 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 August 17, 1999. Prior to the time that Dennehotso Boarding filed its appeal with the Commission, it filed a Letter of Appeal with the Administrator.² For the reasons set forth below, we dismiss Dennehotso Boarding’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

¹ See Letter of Appeal from Velma D. Eisenberger, Principal, United States Department of the Interior Bureau of Indian Affairs, to Federal Communications Commission (filed February 3, 2000).

² See Letter of Appeal from Velma D. Eisenberger, Principal, United States Department of the Interior Bureau of Indian Affairs, to Schools and Libraries Division, Universal Service Administrative Company (filed September 14, 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).

Dennehotso Boarding has an appeal pending before the Administrator, we dismiss Dennehotso Boarding's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on Dennehotso Boarding's initial appeal, Dennehotso Boarding 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 Dennehotso Boarding School, Dennehotso, Arizona, 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).