

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Sayreville District Schools)	File No. SLD-NEC.471.01-22-
Sayreville, New Jersey)	01-.36800001
)	
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: May 10, 2001

Released: May 11, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Sayreville District Schools (Sayreville), Sayreville, New Jersey, on April 20, 2001.¹ In its Request for Review, Sayreville seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on March 23, 2001.² At the same time that Sayreville filed its request with the Commission, it filed a Request for Review with the Administrator.³ For the reasons set forth below, we dismiss Sayreville's Request for Review to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.⁴ In this case, because

¹ Request for Review from James Dougherty, Sayreville District Schools, to Federal Communications Commission, filed April 20, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to James Dougherty, Sayreville District Schools, dated March 23, 2001 (Year 2 Application Return Letter).

³ Request for Review from James Dougherty, Sayreville District Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed April 17, 2001.

⁴ 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).

Sayreville has a request pending before the Administrator, we dismiss Sayreville's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Sayreville's initial request, Sayreville may then appeal to the Commission if it believes such appeal is warranted at that time.⁵

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 Request for Review filed by Sayreville District Schools, Sayreville, New Jersey, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

⁵ 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).