

Before the  
Federal Communications Commission  
Washington, DC 20554

|   |   |                     |
|---|---|---------------------|
| In the Matter of                            | ) |                     |
|   | ) |                     |
| Request for Review of the                   | ) |                     |
| Decision of the                             | ) |                     |
| Universal Service Administrator by          | ) |                     |
|   | ) |                     |
| Colchester School District                  | ) | File No. SLD-139561 |
| Colchester, Vermont                         | ) |                     |
|   | ) |                     |
| 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: January 22, 2001**

**Released: January 23, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Colchester School District (Colchester), Colchester, Vermont, on November 14, 2000.<sup>1</sup> In its Letter of Appeal, Colchester seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on October 24, 2000. Prior to the time that Colchester filed its appeal with the Commission, it filed a Letter of Appeal with the Administrator.<sup>2</sup> For the reasons set forth below, we dismiss Colchester’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.<sup>3</sup> In this case, because Colchester has an appeal pending before the Administrator, we dismiss Colchester’s Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on

<sup>1</sup> See Letter of Appeal from John C. Gifford, Colchester School District, to Federal Communications Commission, filed November 13, 2000.

<sup>2</sup> See Letter of Appeal from John C. Gifford, Colchester School District, to Schools and Libraries Division, Universal Service Administrative Company, filed November 6, 2000.

<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).

---

Colchester's initial appeal, Colchester 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 Letter of Appeal filed by Colchester School District, Colchester, Vermont, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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

---

<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).