

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
South Carolina Budget and Control Board)	File No. SLD-265470
Office of Information Resources)	
Columbia, South Carolina)	
)	
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: July 31, 2001

Released: August 1, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by South Carolina Budget and Control Board Office of Information Resources (South Carolina OIR), Columbia, South Carolina, on April 20, 2001.¹ In its Request for Review, South Carolina OIR seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on March 22, 2001.² For the reasons set forth below, we dismiss South Carolina OIR’s Request for Review to the Commission because its issues are moot.

2. SLD issued a Funding Year 4 Form 471 Rejection Letter on March 22, 2001, notifying South Carolina OIR that its entire FCC Form 471, Services Ordered and Certification Form did not meet the Minimum Processing Standards.³ Specifically, SLD explained that the Form 471 submitted is not the current OMB-approved FCC Form 471 dated October 2000 in the lower right-hand corner of the form. On April 6, 2001, South Carolina OIR filed an appeal of

¹ Request for Review from R. Brian Johnson, South Carolina Budget and Control Board Office of Information Resources, to Federal Communications Commission, filed April 20, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to David Boison, South Carolina Budget and Control Board Office of Information Resources, dated March 22, 2001.

³ *Id.*

SLD's decision with SLD.⁴ On April 20, 2001, South Carolina OIR also filed an appeal of SLD's decision with the Commission.

3. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.⁵ At the time South Carolina OIR filed its Request for Review with the Commission it had a request pending before the Administrator. In the past, the Commission would dismiss the appellant's Request for Review to the Commission without prejudice. However, in this case, we have learned that on May 29, 2001, SLD issued an Administrator's Decision on Appeal indicating that [South Carolina OIR's] appeal has brought forward persuasive information that [South Carolina OIR's] application should be data entered and considered for funding.⁶ Therefore, we dismiss South Carolina OIR's Request for Review as moot.

4. 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 South Carolina Budget and Control Board Office of Information Resources, Columbia, South Carolina, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from R. Brian Johnson, South Carolina Budget and Control Board Office of Information Resources, to Schools and Libraries Division, Universal Service Administrative Company, filed April 6, 2001.

⁵ 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).

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to David Boison, South Carolina Budget and Control Board Office of Information Resources, dated May 29, 2001.