

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Northern Berkshire Vocational Regional	)	File No. SLD-238965
School District	)	
North Adams, Massachusetts	)	
	)	
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: September 7, 2001**

**Released: September 10, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Northern Berkshire Vocational Regional School District (Northern Berkshire), North Adams, Massachusetts, on August 24, 2001.<sup>1</sup> In its Request for Review, Northern Berkshire seeks review of a decision issued by the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) on July 23, 2001.<sup>2</sup> At the same time that Northern Berkshire filed its request with the Commission, it filed a Request for Review with the Administrator.<sup>3</sup> For the reasons set forth below, we dismiss Northern Berkshire’s Request for Review to the Commission without prejudice.

<sup>1</sup> Request for Review from James J. Brosnan, Northern Berkshire Vocational Regional School District, to Federal Communications Commission, filed August 24, 2001.

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to James J. Brosnan, Northern Berkshire Vocational Regional School District, dated July 23, 2001.

<sup>3</sup> Request for Review from James J. Brosnan, Northern Berkshire Vocational Regional School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 23, 2001.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.<sup>4</sup> In this case, because Northern Berkshire has a request pending before the Administrator, we dismiss Northern Berkshire's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Northern Berkshire's initial request, Northern Berkshire may then appeal to the Commission if it believes such appeal is warranted at that time.<sup>5</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 Request for Review filed by Northern Berkshire Vocational Regional School District, North Adams, Massachusetts, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> 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).

<sup>5</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).