

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Leon County Schools) SLD Nos.-264940, 264943, 265029,
Tallahassee, Florida) 265186, 265188, 265207, 265430,
Federal-State Joint Board on) 265432
Universal Service) CC Docket No. 96-45
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.) CC Docket No. 97-21

ORDER

Adopted: October 17, 2001

Released: October 18, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Leon County Schools (Leon County), Tallahassee, Florida, on behalf of eight schools on August 27, 2001. In its Request for Review, Leon County seeks review of decisions issued by the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) on July 12, 2001 and July 16, 2001. At the same time that Leon County filed its

1 Request for Review from William D. Piotrowski, Leon County Schools, to Federal Communications Commission, filed August 27, 2001. Leon County Schools filed on behalf of Bond Elementary School, Tallahassee, Florida, Brevard Elementary School, Tallahassee, Florida, Nims Middle School, Tallahassee, Florida, Oak Ridge Elementary School, Tallahassee, Florida, Pineview Elementary School, Tallahassee, Florida, Riley Elementary School, Tallahassee, Florida, Sabal Palm Elementary School, Tallahassee, Florida, and Wesson Elementary School, Tallahassee, Florida.

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Bond Elementary School, dated July 16, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Brevard Elementary School, dated July 16, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Nims Middle School, dated July 12, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Oak Ridge Elementary School, dated July 16, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Pineview Elementary School, dated July 16, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Riley Elementary School, dated July 16, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Sabal Palm Elementary

request with the Commission, it filed a Request for Review with the Administrator.³ For the reasons set forth below, we dismiss Leon County'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 Leon County has a request pending before the Administrator, we dismiss Leon County's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Leon County's initial request, Leon County 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 Leon County Schools, Tallahassee, Florida, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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

School, dated July 16, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to William D. Piotrowski, Wesson Elementary School, dated July 16, 2001.

³ Request for Review from William D. Piotrowski, Leon County Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed August 27, 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).

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).