

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
Request for Review of a Decision of the )
Universal Service Administrative Company )
By )
St. Mary Magdalen ) File No. E006315
Brentwood, Missouri )
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 Carriers Association, Inc. )

ORDER

Adopted: October 30, 2001

Released: October 31, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration two Requests for Review filed by St. Mary Magdalen, Brentwood, Missouri, on May 19, 1999. In the Requests for Review, St. Mary Magdalen seeks review of decisions issued by the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) on April 15, 1999. For the reasons set forth below, we dismiss both of St. Mary Magdalen's Requests for Review to the Commission without prejudice.

2. In Funding Year 1 of the schools and libraries universal service mechanism, St. Mary Magdalen filed two FCC Form 471 applications. The first FCC Form 471 was filed with the Administrator on April 17, 1998, and the second FCC Form 471 was filed on October 15,

1 Request for Review from Chris Rosenthal, St. Mary Magdalen, to Federal Communications Commission, filed May 19, 1999 (relating to FCC Form 471, St. Mary Magdalen, Brentwood, Missouri, filed April 17, 1998 (April FCC Form 471)); Request for Review from Chris Rosenthal, St. Mary Magdalen, to Federal Communications Commission, filed May 19, 1999 (relating to FCC Form 471, St. Mary Magdalen, Brentwood, Missouri, filed October 15, 1998 (October FCC Form 471)).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Julie Hesed and Sherrie Morris, St. Mary Magdalen, dated April 15, 1999 (relating to April FCC Form 471); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Julie Hesed and Sherrie Morris, St. Mary Magdalen, dated April 15, 1999 (relating to October FCC Form 471).

3 April FCC Form 471; October FCC Form 471.

1998.<sup>4</sup> The Administrator issued decisions relating to both of St. Mary Magdalen's FCC Form 471 applications on April 15, 1999.<sup>5</sup> On May 19, 1999, St. Mary Magdalen sought review of each of these decisions, and filed two Requests for Review with the Commission.<sup>6</sup> At the same time that St. Mary Magdalen filed its requests with the Commission, it filed two Requests for Reviews with the Administrator.<sup>7</sup>

3. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.<sup>8</sup> In this case, because St. Mary Magdalen filed concurrent appeals, we dismiss St. Mary Magdalen's Requests for Review to the Commission without prejudice.

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 Requests for Review filed by St. Mary Magdalen, Brentwood, Missouri, on May 19, 1999, ARE DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> *Id.*

<sup>5</sup> *See supra* note 2.

<sup>6</sup> *See supra* note 1.

<sup>7</sup> Letter from Chris Rosenthal, St. Mary Magdalen, to Schools and Libraries Division, Universal Service Administrative Company, filed May 12, 1999 (relating to April FCC Form 471); Letter from Chris Rosenthal, St. Mary Magdalen, to Schools and Libraries Division, Universal Service Administrative Company, filed May 12, 1999 (relating to October FCC Form 471).

<sup>8</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).