

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Wapanucka Public Schools)	File No. SLD- 260031
Wapanucka, Oklahoma)	
)	
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: November 13, 2001

Released: November 14, 2001

By the Common Carrier Bureau, Accounting Policy Division:

1. The Accounting Policy Division has under consideration a Request for Review filed by Wapanucka Public Schools (Wapanucka), Wapanucka, Oklahoma, on September 24, 2001.¹ Prior to the time that Wapanucka filed its request with the Commission, it filed a request for review with the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we dismiss Wapanucka’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.³ In this case, because Wapanucka has a request pending before the Administrator, we dismiss Wapanucka’s Request for Review to the Commission without prejudice. Once the Administrator has issued its decision

¹ Letter from Max Rowland, Wapanucka Public Schools, to Federal Communications Commission, filed September 24, 2001 (Request for Review).

² Letter from Max Rowland, Wapanucka Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed August 13, 2001 (Request for Administrator Review).

³ 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).

on Wapanucka's initial request, Wapanucka may then appeal to the Commission if it believes such appeal is warranted at that time.⁴

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 Wapanucka Public Schools, Wapanucka, Oklahoma, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ 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).