

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Crown King Public Library)	File No. SLD-173850
Crown King, Arizona)	
)	
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: February 12, 2001

Released: February 13, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Crown King Public Library (Crown King), Crown King, Arizona, on May 17, 2000.¹ In its Request for Review, Crown King seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on April 14, 2000.² Prior to the time that Crown King filed its request with the Commission, it filed a Request for Review with the Administrator.³ For the reasons set forth below, we dismiss Crown King’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 Crown

¹ Request for Review from Susan Hite, Crown King Public Library, to Federal Communications Commission, filed May 17, 2000.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Susan Hite, Crown King Public Library, dated April 14, 2000 (Funding Commitment Decision Letter).

³ Request for Review from Susan Hite, Crown King Public Library, to Schools and Libraries Division, Universal Service Administrative Company, filed April 24, 2000.

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).

King has a request pending before the Administrator, we dismiss Crown King's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Crown King's initial request, Crown King 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 Crown King Public Library, Crown King, Arizona, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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

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).