

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Lake Erie Educational Computer Association
Elyria, Ohio
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-226303
Form 486 Application No. 163618
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: June 28, 2002

Released: July 1, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Lake Erie Educational Computer Association (Lake Erie), Elyria, Ohio. On or about the time that Lake Erie 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). For the reasons set forth below, we dismiss Lake Erie'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. In this case, because Lake Erie has a request pending before the Administrator, we dismiss Lake Erie's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Lake

1 Letter from Lloyd Wright, Lake Erie Educational Computer Association, to Federal Communications Commission, filed May 23, 2002 (Request for Review).

2 Letter from Lloyd Wright, Lake Erie Educational Computer Association, to Schools and Libraries Division, Universal Service Administrative Company, filed May 29, 2002 (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).

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Erie's initial request, Lake Erie may then appeal to the Commission if it believes such appeal is warranted at that time.<sup>4</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 on May 23, 2002, by Lake Erie Educational Computer Association, Elyria, Ohio, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>4</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).