

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Peach Public Libraries	)	File No. SLD- 229632
Fort Valley, Georgia	)	
	)	
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 7, 2002**

**Released: February 8, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Peach Public Libraries, Fort Valley, Georgia.<sup>1</sup> At the same time that Peach Public Libraries 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).<sup>2</sup> For the reasons set forth below, we dismiss Peach Public Libraries' 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.<sup>3</sup> In this case, because Peach Public Libraries has a request pending before the Administrator, we dismiss Peach Public Libraries' Request for Review to the Commission without prejudice. Once the Administrator has

<sup>1</sup> Letter from Gilda E. Stanbery-Cotney, Peach Public Libraries, to Federal Communications Commission, filed September 24, 2001 (Request for Review).

<sup>2</sup> Letter from Gilda E. Stanbery-Cotney, Peach Public Libraries, to Schools and Libraries Division, Universal Service Administrative Company, filed September 21, 2001 (Request for Administrator Review).

<sup>3</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).

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issued its decision on Peach Public Libraries' initial request, Peach Public Libraries 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 by Peach Public Libraries, Fort Valley, Georgia, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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