

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Rochester Public Library)	File No. SLD- 245423
Rochester, Pennsylvania)	
)	
Federal-State Joint Board on)	WC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	WC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: April 10, 2002

Released: April 11, 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 Rochester Public Library (Rochester), Rochester, Pennsylvania.¹ Prior to the time that Rochester 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 Rochester’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 Rochester has a request pending before the Administrator, we dismiss Rochester’s Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on

¹ Letter from Jody Bell, Rochester Public Library, to Federal Communications Commission, filed January 4, 2002 (Request for Review).

² Letter from Jody Bell, Rochester Public Library, to Schools and Libraries Division, Universal Service Administrative Company, dated November 5, 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).

Rochester's initial request, Rochester 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 Rochester Public Library, Rochester, Pennsylvania, on January 4, 2002, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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