

**Before the
Federal Communications Commission
Washington, DC 20554**

| | | |
|---|---|---------------------|
| In the Matter of |) | |
| |) | |
| Request for Review of the Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| City of Boston Department of Neighborhood |) | File No. SLD-150059 |
| Development |) | |
| Allston, Massachusetts |) | |
| |) | |
| 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: September 26, 2003

Released: September 29, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. W. T. Rich Company, Inc., on behalf of City of Boston Department of Neighborhood Development (City of Boston), Allston, Massachusetts, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ At the same time that City of Boston filed its request with the Commission, it also filed an appeal of the same decision with SLD.² The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.³ We therefore dismiss City of Boston's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision, City of Boston may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

¹ Letter from Ralph Rich, W. T. Rich Company, Inc., to Federal Communications Commission, filed September 8, 2003 (Request for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Ralph Rich, W. T. Rich Company, Inc., to Schools and Libraries Division, Universal Service Administrative Company, filed September 8, 2003.

³ 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).

2. 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 September 8, 2003, by W. T. Rich Company, Inc., Allston, Massachusetts, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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