

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Clovis Municipal Schools	)	File No. SLD- 239149
Clovis, New Mexico	)	
	)	
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: January 8, 2003**

**Released: January 9, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Clovis Municipal Schools (Clovis Municipal), Clovis, New Mexico.<sup>1</sup> Prior to the time that Clovis Municipal 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 Clovis Municipal’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.<sup>3</sup> In this case, because Clovis Municipal has a request pending before the Administrator, we dismiss Clovis Municipal’s Request for Review to the Commission without prejudice. Once the Administrator has issued its

<sup>1</sup> Letter from Michael Lamb, Clovis Municipal Schools, to Federal Communications Commission, filed November 27, 2002 (Request for Review).

<sup>2</sup> Letter from Michael Lamb, Clovis Municipal Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed October 7, 2002 (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).

---

decision on Clovis Municipal's initial request, Clovis Municipal 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 November 27, 2002, by Clovis Municipal Schools, Clovis, New Mexico, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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

---

<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).