

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Father Yermo High School
El Paso, Texas
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD- 330611
CC Docket No. 96-45
CC Docket No. 97-21

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 Father Yermo High School (Father Yermo), El Paso, Texas. Prior to the time that Father Yermo 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 Father Yermo'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 Father Yermo has a request pending before the Administrator, we dismiss Father Yermo's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on

1 Letter from Elia Hernandez, Father Yermo High School, to Federal Communications Commission, filed December 4, 2002 (Request for Review).

2 Letter from Elia Hernandez, Father Yermo High School, to Schools and Libraries Division, Universal Service Administrative Company, filed December 2, 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).

Father Yermo's initial request, Father Yermo 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 on December 4, 2002, by Father Yermo High School, El Paso, Texas, 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).