

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
HLV Community School District
Victor, Iowa
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD- 313157
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 HLV Community School District (HLV Community), Victor, Iowa. Prior to the time that HLV Community 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 HLV Community'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 HLV Community has a request pending before the Administrator, we dismiss HLV Community's Request for Review to the Commission without prejudice. Once the Administrator has issued its

1 Letter from Lori McClenathan, HLV Community School District, to Federal Communications Commission, filed November 25, 2002 (Request for Review).

2 Letter from William A. Lynch, HLV Community School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 28, 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).

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decision on HLV Community's initial request, HLV Community 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 25, 2002, by HLV Community School District, Victor, Iowa, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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