

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

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Tunkhannock Area School District)	File No. SLD-342051
Tunkhannock, Pennsylvania)	
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: January 22, 2004**Released: January 23, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Tunkhannock Area School District (Tunkhannock), Tunkhannock, Pennsylvania, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Prior to the time that Tunkhannock 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 without prejudice Tunkhannock's Request for Review to the Commission. Once the Administrator has issued its decision, Tunkhannock may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

¹ Letter from Barb Landon, Tunkhannock Area School District, to Federal Communications Commission, filed October 31, 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 Barb Landon, Tunkhannock Area School District, to Schools and Libraries Division, Universal Service Administrative Company, filed October 30, 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 October 31, 2003, by Tunkhannock Area School District, Tunkhannock, Pennsylvania, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau