

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

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Prairie Home Public Schools R-V	)	File No. SLD-262572
Prairie Home, Missouri	)	
	)	
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 17, 2002**

**Released: January 18, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Prairie Home Public Schools R-V (Prairie Home), Prairie Home, Missouri.<sup>1</sup> In its Request for Review, Prairie Home seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on January 30, 2001, rejecting Prairie Home's application for failure to satisfy minimum processing standards.<sup>2</sup> At the same time that Prairie Home filed a Request for Review with the Commission, it filed an appeal with the Administrator.<sup>3</sup> For the reasons set forth below, we dismiss without prejudice Prairie Home's Request for Review to the Commission.

<sup>1</sup> Letter from Dr. Larry L. Davis, Prairie Home Public Schools R-V, to Federal Communications Commission, filed February 13, 2001 (Request for Review).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Larry L. Davis, Prairie Home R-V School District, dated January 30, 2001.

<sup>3</sup> See Letter from Dr. Larry L. Davis, Prairie Home Public Schools R-V, to Schools and Libraries Division, Universal Service Administrative Company, filed February 9, 2001.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous appeals to the Commission and the Administrator.<sup>4</sup> In this case, because Prairie Home's appeal with the Administrator was pending at the time it filed its Request for Review with the Commission, the instant Request for Review is not properly before us.<sup>5</sup> We therefore dismiss without prejudice Prairie Home's Request for Review.<sup>6</sup> It has, however, come to our attention that, in the period since Prairie Home filed the instant Request for Review, the Administrator issued a decision on July 13, 2001, denying Prairie Home's appeal to SLD.<sup>7</sup> Because the Administrator's decision was not addressed in the instant Request for Review to the Commission, Prairie Home may request review of the July 13, 2001 decision within 30 days of the release of this order.<sup>8</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 by Prairie Home Public Schools R-V, Prairie Home, Missouri, on February 13, 2001 IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Accounting Policy Division  
Common Carrier Bureau

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<sup>4</sup> See 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).

<sup>5</sup> *Request for Review by Los Angeles Unified School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-153254, CC Dockets No. 96-45 and 97-21, Order, 15 FCC Rcd 12695, para. 2 (Com. Car. Bur. 2000) (*Los Angeles Unified School District Order*).

<sup>6</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).

<sup>7</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Larry L. Davis, Prairie Home Public Schools R-V, dated July 13, 2001.

<sup>8</sup> See *Los Angeles Unified School District Order*, 15 FCC Rcd 12695, at para. 2.