

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
St. Jude School	)	File No. SLD- 249418
New York, New York	)	
	)	
Federal-State Joint Board on	)	WC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	WC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: April 10, 2002**

**Released: April 11, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by St. Jude School, New York, New York.<sup>1</sup> Prior to the time that St. Jude School 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 St. Jude School’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 St. Jude School has a request pending before the Administrator, we dismiss St. Jude School’s Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on

<sup>1</sup> Letter from Michael Deegan, St. Jude School, to Federal Communications Commission, filed February 20, 2002 (Request for Review).

<sup>2</sup> Letter from Michael Deegan, St. Jude School, to Schools and Libraries Division, Universal Service Administrative Company, filed February 5, 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).

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St. Jude School's initial request, St. Jude School 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 by St. Jude School, New York, New York, 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).