

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

In the Matter of)	
)	
Request for Review of the Decision of the Universal Service Administrator by)	
)	
Linden Public Schools)	File No. SLD-351948
Linden, New Jersey)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.)	CC Docket No. 97-21
)	

ORDER

Adopted: July 11, 2003

Released: July 14, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

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

¹ Letter from Frank Taranto, Linden Public Schools, to Federal Communications Commission, filed May 29, 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 Frank Taranto, Linden Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 29, 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 May 29, 2003, by Linden Public Schools, Linden, New Jersey, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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