

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

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Saint Catherine of Genoa School)	File No. SLD-308275
New York, New York)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: January 22, 2004

Released: January 23, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Saint Catherine of Genoa School (St. Catherine), New York, New York, 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 St. Catherine 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 St. Catherine's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision, St. Catherine may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

¹ Letter from Nancy Collins, Saint Catherine of Genoa School, to Federal Communications Commission, filed September 17, 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 Nancy Collins, Saint Catherine of Genoa School, to Schools and Libraries Division, Universal Service Administrative Company, filed September 16, 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 September 17, 2003, by Saint Catherine of Genoa School, New York, New York, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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