

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Trinity County Office of Education)	
Weaverville, California)	
On behalf of)	
)	
Junction City Elementary School District)	SLD-134330
Junction City, California)	
)	
Southern Trinity JT Unified School District)	SLD-135262
Bridgeville, California)	
)	
Coffee Creek Elementary School District)	SLD-135265
Trinity Center, California)	
)	
Mountain Valley Unified School District)	SLD-135266
Hayfork, California)	
)	
Trinity Center Elementary School District)	SLD-136359
Trinity Center, California)	
)	
Weaverville Elementary School District)	SLD-145580
Weaverville, California)	
)	
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 6, 2000

Released: January 7, 2000

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed on September 28, 1999 by Trinity County Office of Education (Trinity County), Weaverville, California, on behalf of Junction City Elementary School District, Junction City, California,

Southern Trinity Joint Unified School District, Bridgeville, California, Coffee Creek Elementary School District, Trinity Center, California, Mountain Valley Unified School District, Hayfork, California, Trinity Center Elementary School District, Trinity Center, California, and Weaverville Elementary School District, Weaverville, California, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ The Letter of Appeal seeks review of the SLD's denial of various applications for discounted services under the schools and libraries universal service support mechanism. At approximately the same time that Trinity County filed its appeal with the Commission, Trinity County also filed an appeal with the Administrator.² As explained below, we dismiss Trinity County's appeal to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous appeals to the Commission and the Administrator.³ In this case, as noted above, Trinity County has an appeal pending before the Administrator. Therefore, we dismiss Trinity County's Letter of Appeal to the Commission without prejudice. Once the Administrator has issued its decision on Trinity County's initial appeal, Trinity County may then appeal to the Commission if it believes such appeal is warranted at that time.⁴

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 Letter of Appeal filed by Trinity County, Weaverville, California on behalf of Junction City Elementary School District, Junction City, California, Southern Trinity Joint Unified School District, Bridgeville, California, Coffee Creek Elementary School District, Trinity Center, California, Mountain Valley Unified School District, Hayfork, California, Trinity

¹ Letter of Appeal from Wayne F. Moss, Trinity County Office of Education, to Federal Communications Commission, dated September 28, 1999 (Letter of Appeal).

² See Letter of Appeal from Wayne F. Moss, Trinity County Office of Education, on behalf of Trinity Center Elementary School District, to Schools and Libraries Corporation, dated August 16, 1999; Letter of Appeal from Wayne F. Moss, Trinity County Office of Education, on behalf of Weaverville Elementary School District, to Schools and Libraries Corporation, dated August 16, 1999; Letter of Appeal from Wayne F. Moss, Trinity County Office of Education, to Schools and Libraries Division, dated September 28, 1999 (Letter of Appeal).

³ 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).

⁴ 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).

Center Elementary School District, Trinity Center, California, and Weaverville Elementary School District, Weaverville, California, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma
Deputy Chief, Common Carrier Bureau