

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

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Central Intermediate Unit 10	)	File Nos. SLD-108215, SLD-138244
West Decatur, Pennsylvania	)	
	)	
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: May 12, 2000**

**Released: May 15, 2000**

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Central Intermediate Unit 10 (Central Intermediate), West Decatur, Pennsylvania, on February 14, 2000.<sup>1</sup> This Order dismisses, as untimely, Central Intermediate's Letter of Appeal to the extent that it seeks review of a decision issued by the Universal Service Administrative Company's (USAC or Administrator) Schools and Libraries Division (SLD) on May 19, 1999 for Application Number 108215.<sup>2</sup> As noted, the Commission received Central Intermediate's Letter of Appeal on February 14, 2000. Under section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, any such appeal must be filed within 30 days of the issuance of the decision as to which review is sought. Documents are considered to be filed with the Commission only upon receipt. 47 C.F.R. § 1.7. Because the instant Letter of Appeal was not filed within the specified 30-day period, it will be dismissed without further consideration as it applies to Application Number 108215.

2. Further, in its Letter of Appeal, Central Intermediate also seeks review of a funding commitment decision issued by SLD on November 9, 1999, regarding Application

<sup>1</sup> Letter from Rod Farrell, Central Intermediate Unit 10, to Federal Communications Commission, filed February 14, 2000 (Letter of Appeal).

<sup>2</sup> See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rod Farrell, Central Intermediate Unit 10, dated May 19, 1999 (Administrator's Decision on Appeal).

Number 138244.<sup>3</sup> Prior to the time that Central Intermediate filed its appeal with the Commission, it filed a Letter of Appeal regarding Application Number 138244 with the Administrator.<sup>4</sup> For the reasons set forth below, we dismiss Central Intermediate's Letter of Appeal to the Commission without prejudice with respect to Application Number 138244.

3. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous appeals to the Commission and the Administrator.<sup>5</sup> In this case, because Central Intermediate has an appeal pending before the Administrator, we dismiss Central Intermediate's Letter of Appeal regarding Application Number 138244 to the Commission without prejudice. Once the Administrator has issued its decision on this appeal, Central Intermediate may then appeal to the Commission if it believes such appeal is warranted at that time.<sup>6</sup>

4. 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 February 14, 1999, by Central Intermediate Unit 10, West Decatur, Pennsylvania, as it relates to Application Number 108215, IS DISMISSED as untimely.

5. FURTHER, 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 Central Intermediate Unit 10, West Decatur, Pennsylvania, as it relates to Application Number 138244, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief, Common Carrier Bureau

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<sup>3</sup> See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rod Farrell, Central Intermediate Unit 10, dated November 9, 1999.

<sup>4</sup> See Letter of Appeal from Rod Farrell, Central Intermediate Unit 10, to Schools and Libraries Division, Universal Service Administrative Company, filed November 24, 1999.

<sup>5</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>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).