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FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

John J. McVeigh, Esq.
Fisher, Wayland, Cooper,
Leader & Zaragoza, L.L.P.
2001 Pennsylvania Ave, N.W. #400
Washington, D.C. 20006-1851

RE: RM-8180

Dear Mr. McVeigh:

This is in response to the January 22, 1993, petition for rule making ("petition") which you submitted on behalf of Key Chain, Inc. ("Key Chain"), requesting the substitution of Channel 276C3 for Channel 276A at Plantation Key, Florida, and the modification of the license for Station WFKZ(FM) to specify the higher class channel.

Subsequent to the filing of its petition, the Commission amended its Rules to permit upgrades of FM stations by a one-step application process. See FM Channel & Class Modification by Application, 58 FR 38534, July 19, 1993. Although not required, a petitioner who has submitted a petition, that upon the effective date of the new rules, could be advanced in the form of an application, will be permitted to withdraw its petition and resubmit it in the form of an application. On May 31, 1994, Key Chain filed an application seeking to take advantage of the Commission's new Rules permitting an upgrade by the application process (BPH-940531IC).

On August 25, 1994, Key Chain filed a contingent withdrawal of its petition. Key Chain notes that the Federal Communications Commission ("FCC") seeks the concurrence of the Department of Defense ("DOD") for any station improvement which is located in the Florida Keys, and has obtained that approval for Plantation Key, Florida, in connection with the pending petition. Key Chain requests dismissal of its petition, if and only if the Defense Department approval obtained for the petition can be applied to its one step application.

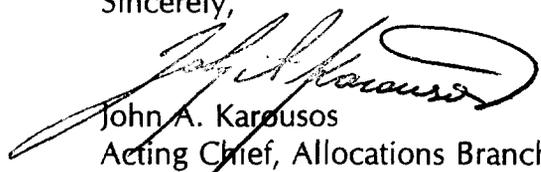
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We will grant Key Chain's request for withdrawal of its petition for rule making. In addition, the DOD approval obtained for the petition will be applied to Key Chain's one step application.

Therefore, we are returning your petition for rule making.

Sincerely,



John A. Karousos
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Enclosure

bcc: FCC Reference Center (Rm. 239); Secretary Ofc. (Rm. 222)

Petition filed: January 22, 1993

NJWalls/ j/planta