

Federal Communications Commission

DA 95-724

FCC MAIL SECTION

Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCHED BY
MM Docket No. 93-74

In the Matter of

Amendment of Section 73.202(b), RM-8153
Table of Allotments,
FM Broadcast Stations.
(Yermo, California)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 3, 1995;

Released: April 11, 1995

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 8 FCC Rcd 2483 (1993), issued in response to a petition filed on behalf of Antelope Broadcasting Co., Inc. ("petitioner"), permittee of Station KYHT(FM), Channel 287A, Yermo, California, proposing the substitution of Channel 287B1 for Channel 287A at Yermo, and modification of its authorization accordingly. Petitioner filed supporting comments in response to the *Notice*. Comments were also filed by KHWY, Inc. ("KHWY"), licensee of Station KRXV(FM), Channel 251B, Yermo, to which petitioner responded. Petitioner subsequently filed a request for withdrawal of the *Notice of Proposed Rule Making*.¹

2. Following the filing of the instant rule making proposal, the Commission amended its Rules to permit, *inter alia*, modification of FM authorizations through a "one-step" application process. See, *FM Channel and Class Modifications by Application*, 8 FCC Rcd 4735 (1993). Thus, a petitioner having submitted a proposal that upon the effective date of the new rules could be entertained through the application process, is permitted to withdraw its petition for rule making and submit its proposal in the form of an application. In this instance, on December 23, 1994, petitioner filed a one-step application pursuant to Section 73.3573(a)(1) of the Commission's Rules to upgrade the facilities of Station KYHT(FM) at Yermo, California (File No. BMPH-941223IF).

3. In view of the above, and in accordance with Commission policy, we will grant petitioner's request for withdrawal of the *Notice of Proposed Rule Making* herein.²

4. Accordingly, IT IS ORDERED, That the petition for rule making filed by Antelope Broadcasting Co., Inc., to substitute Channel 287B1 for Channel 287A at Yermo, California, and to modify the authorization of Station KYHT(FM) (RM-8153), IS DISMISSED.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information regarding the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ The filing of the motion to withdraw obviates the need to consider KHWY's comments in this proceeding.

² Pursuant to the requirements of Section 1.420(j) of the Commission's Rules, petitioner provided a statement that nei-

ther it, nor its principals, has or will receive any monetary or other consideration in exchange for withdrawing its expression of interest in this proceeding.