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March 7, 2002

DOCKET FILE COPY ORIGINAL

Client-Matter: 23981-033-31

Via Hand Delivery

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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MAR - 7 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

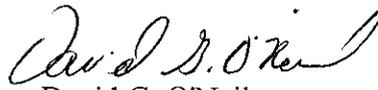
**Re: Vox Allegany, LLC
Pembroke Pines Elmira, Ltd.
MM Docket No. 01-36
Joint Request**

Dear Mr. Caton:

Vox Allegany, LLC and Pembroke Pines Elmira, Ltd., by their attorneys, hereby file an original and four copies of their *Joint Request to Withdraw Pleadings and Terminate Rule making Proceeding* for MM Docket No. 01-36.

Please contact the undersigned directly if there are any questions concerning this matter.

Respectfully submitted,


David G. O'Neil

DGO:do
Enclosure

cc(w/encl): Sharon McDonald (via hand delivery)

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List A B C D E

1501 M Street N. W., Suite 700, Washington, D.C. 20005 – 1702 Telephone: 202.463.4300 Fax: 202.463.4394
Los Angeles | Mexico City | Monterrey | Orange County | Palo Alto | Sacramento | Washington, D.C.

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations) MM Docket No. 01-36
(Jamestown, Alfred and Canaseraga,) RM-10047
New York; and Du Bois, Pennsylvania))

**JOINT REQUEST TO WITHDRAW PLEADINGS
AND TERMINATE RULE MAKING PROCEEDING**

Vox Allegany, LLC (“Vox Allegany”) and Pembroke Pines Elmira, Ltd. (“Pembroke Pines”), pursuant to Section 1.420 of the Commission’s Rules and by their respective attorneys, hereby request that the Commission terminate the above-captioned rule making proceeding and authorize Vox Allegany and Pembroke Pines to withdraw their pleadings. Granting this request will serve the public interest by conserving Commission resources in processing a rule making proceeding in which no party has a continuing expression of interest. In support thereof, the following is respectfully shown:

On February 9, 2001, the Commission issued a Notice of Proposed Rule Making to amend the FM Table of Allotments for several communities in New York and Pennsylvania¹ in response to a petition for rule making file by Vox Allegany, LLC.² The *NPRM* proposes to upgrade WMHU(FM) by substituting Channel 270B1 for Channel 270A at Jamestown and modifying the authorization for WMHU(FM) accordingly. To accommodate the upgrade, channel substitutions for allotments at Alfred and Canaseraga, New York as well as Du Bois, Pennsylvania are required. Vox Allegany filed comments in support of the *NPRM*.

¹ *Jamestown, Alfred, and Canaseraga, New York; and Du Bois, Pennsylvania*, DA 01-36 (Chief, Allocations Branch)(released February 9, 2001) (the “*NPRM*”).

Pembrook Pines, the licensee of WZKZ(FM), Alfred, New York, filed comments opposing the proposed upgrade for WMHU(FM). Pembrook Pines objected to changing channels for WZKZ(FM). Vox Allegany filed reply comments.

On August 31, 2001, Vox Allegany filed an application for assignment of license of WMOU-FM to First Media Radio, LLC ("First Media"). The Commission granted the assignment application on October 18, 2001. Vox Allegany must terminate this rule making proceeding as a condition precedent to closing on the assignment of WMOU-FM.

The withdrawal of its pleadings means that Vox Allegany no longer has a continuing expression of interest in the proposed channel changes for either WMHU(FM) or WMOU-FM. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest.³

Termination of this rule making proceeding will serve the public interest by conserving scarce Commission resources. Since no party has a continuing expression of interest in the proposed channel changes in this rule making proceeding, it is a waste of Commission resources to continue processing the rule making proceeding. Pembrook Pines consents to the termination of this proceeding.

In accordance with the requirements of Section 1.420(j) of the Commission's Rules, the parties hereby file Declarations of No Consideration from the principles of Vox Allegany and Pembrook Pines.⁴ The Declarations state that neither party has paid nor received consideration from the other in exchange for the withdrawal of their pleadings and termination of this proceeding.

² Vox Allegany is the proposed licensee of two beneficiary stations in the rule making proceeding, WMHU(FM), Jamestown, New York and WMOU-FM, Du Bois, Pennsylvania.

³ See *Northome, Minnesota*, DA 01-1079 (Chief, Allocations Branch) (released April 27, 2001).

⁴ The Declarations of No Consideration are attached as Exhibit A hereto.

Conclusion

WHEREFORE, for the foregoing reasons, Vox Allegany, LLC and Pembroke Pines, Elmira, Ltd. hereby request that the Commission grant their request to withdraw their pleadings and terminate this proceeding.

Respectfully submitted,

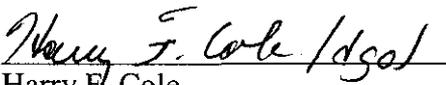
VOX ALLEGANY, LLC



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Its Attorneys

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March 7, 2002

SCHEDULE A

**DECLARATIONS OF BRUCE G. DANZIGER
AND ROBERT PFUNTNER**

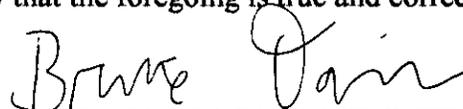
DECLARATION OF BRUCE G. DANZIGER

I, Bruce G. Danziger, declare under penalty of perjury that the following statement is true and correct.

I am the President of Vox Media Corporation, the sole general partner of Vox Radio Group, LP, which is the sole Managing Member of Vox Allegany, LLC ("Vox Allegany"). Vox Allegany has proposed changes to the FM Table of Allotments, Section 73.202(b), as described in *Jamestown, Alfred, and Canaseraga, New York; and Du Bois, Pennsylvania*, DA 01-336 (Chief, Allocations Branch)(released February 9, 2001). Pembroke Pines Elmira, Ltd. ("Pembroke Pines") filed comments opposing the proposed changes.

Vox Allegany files this Declaration in accordance with Section 1.420(j) of the Commission's Rules. I hereby declare that Vox Allegany did not file any pleadings in the aforementioned rule making proceeding for the purpose of soliciting consideration from Pembroke Pines. No money or other consideration has been paid to Vox Allegany or any of its principals for the withdrawal of their pleadings and request for termination of this proceeding.

I declare under the penalty of perjury that the foregoing is true and correct.



Bruce G. Danziger

Signed and dated this 24th day of January, 2002

DECLARATION OF ROBERT PFUNTNER

I, Robert Pfuntner, declare under penalty of perjury that the following statement is true and correct.

I am the President of Pembroke Pines Elmira, Ltd. ("Pembroke Pines"), the licensee of Station WZKZ(FM), Alfred, New York. Pembroke Pines has opposed a proposal, advanced by Vox Allegany, LLC ("Vox Allegany"), to change the FM Table of Allotments, Section 73.202(b), as described in *Jamestown, Alfred, and Canaseraga, New York; and Du Bois, Pennsylvania*, DA 01-336 (Chief, Allocations Branch)(released February 9, 2001. Pembroke Pines has been advised that Vox Allegany wishes to withdraw its allotment proposal, and Pembroke Pines has advised Vox Allegany that Pembroke Pines will not object to such withdrawal.

Pembroke Pines files this Declaration in accordance with Section 1.420(j) of the Commission's Rules. I hereby declare that Pembroke Pines did not file any pleadings in the aforementioned rule making proceeding for the purpose of soliciting consideration from Vox Allegany. No money or other consideration has been paid to Pembroke Pines or any of its principals for the withdrawal of their pleadings and request for termination of this proceeding.

I declare under the penalty of perjury that the foregoing is true and correct.

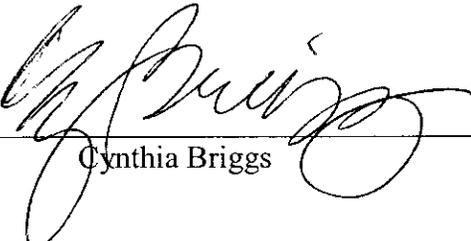

Robert Pfuntner

Signed and dated this 2nd day of November, 2001.

CERTIFICATE OF SERVICE

I, Cynthia Briggs, a secretary in the law firm of Manatt, Phelps & Phillips, LLP, do hereby certify that on this 7th day of March, 2002, I caused copies of the foregoing "Joint Request to Withdraw Pleadings and Terminate Rule Making Proceeding" to be placed in the U.S. Postal Service, first class postage prepaid, or hand delivered (as indicated below), addressed to the following persons:

*Sharon McDonald
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554



Cynthia Briggs

* Hand Delivered