



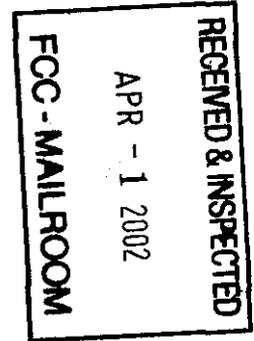
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24 Serial  
Imaging letter

Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Ken Robol  
103 Autumn Court  
Roanoke Rapids, NC 27870



Dear Mr. Robol:

This is in response to your letter request received February 27, 2002, seeking the reinstatement of your request to allot Channel 252A at Nassawadox, Virginia, as that community's first local aural transmission service, and committing to apply for the channel, if allotted.

Channel 252A was allotted to Nassawadox, Virginia, in MM Docket No. 97-189 in response to your earlier-filed petition for rule making (RM-9135), and was effective September 28, 1998. See 63 FR 45012, published August 24, 1998.

Consistent with the mandate contained in the Balanced Budget Act of 1997 (Pub. L. N. 105-33, 111 Stat. 251 (1997) expanding the Commission's competitive bidding authority under Sections 309(j) and 309(l) of the Communications Act of 1934 to include broadcast services, Channel 252A at Nassawadox was one of 359 vacant nonreserved band FM allotments offered in Auction No. 37, originally scheduled to commence February 21, 2001. See Public Notice (DA 01-448), released February 21, 2001. A window filing period for FCC Form 175 applications for the vacant allotments scheduled to be offered in Auction 37 was subsequently cancelled pending the Commission's response to the United States Court of Appeals for the District of Columbia Circuit's decision in *National Public Radio, Inc., et al., v. FCC*, No. 00-1246, 00-1255, decided July 3, 2001. See Public Notice (DA 01-2148), released September 14, 2001. The Court vacated the portion of the Commission's *Noncommercial Report and Order*, 15 FCC Rcd 7386 (2000), that required noncommercial educational ("NCE") entities that applied for authorizations in the nonreserved spectrum to participate in auctions with mutually exclusive commercial applicants. See *Comparative Standards for Noncommercial Educational Applicants*, MM Docket No. 95-31, *Notice of Proposed Rulemaking*, 10 FCC Rcd 2877 (1995); *Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21167 (1998); *Report and Order, supra.*; *Memorandum Opinion and Order*, 16 FCC Rcd 5074 (2001). A revised FM Auction No. 37 schedule will be announced by the Commission in future notices.

In light of the above, no further consideration will be given to the petition for rule making which you submitted seeking reinstatement of your interest in Channel 252A at Nassawadox, Virginia. For additional information concerning FM Auction No. 37, please contact Lisa Scanlan, Audio Services Division, Mass Media Bureau at (202) 418-2700.

Sincerely,

John A. Karousos, Assistant Chief  
Audio Division  
Office of Broadcast License Policy  
Media Bureau