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

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JUL 15 2005
FCC-MAILROOM

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-66
Table of Allotments,)	RM-11146
FM Broadcast Stations.)	
(Roby and Anson, Texas))	
)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 13, 2005

Released: July 15, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued in response to a petition for rule making filed by Jeraldine Anderson (Petitioner), requesting the allotment of Channel 249A at Roby, Texas, as the community's first local service. Petitioner filed comments, stating her continuing interest in pursuing the allotment, and her intention to apply for a construction permit. No other comments or counterproposals were received.

2. We believe the public interest would be served by allotting Channel 249A at Roby, Texas. Roby is a community for allotment purposes, deserving of a first local aural transmission service. Roby is an incorporated city with a 2000 U.S. Census population of 673 persons, and has its own mayor and city offices.

3. Channel 249A can be allotted to Roby in compliance with the minimum distance separation requirements of the Commission's rules at reference coordinates 32-43-00 North Latitude and 100-27-00 West Longitude with a site restriction of 7.5 kilometers (4.7 miles) southwest of the community. To accommodate the allotment of Channel 249A at Roby, we are amending the FM Table of Allotments to reflect the current licensed authorization of Station KTLT, Anson, Texas on Channel 251C2.² The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. Section 801(a)(1)(A).

4. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective, August 29, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the communities listed below, as follows:

¹ *Roby and Anson, Texas*, 20 FCC Rcd 4337 (MB 2004) ("Notice").

² As stated in the *Notice*, Station KTLT's construction permit for an upgrade to Channel 251C1 at Anson, Texas expired, and the licensee Cumulus Licensing LLC did not file a petition for reconsideration of the permit expiration. As such, there is no longer any basis to protect Station KTLT as a Class C1 facility.

<u>Community</u>	<u>Channel No.</u>
Anson, Texas	251C2
Roby, Texas	249A

5. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Report and Order by Certified Mail, Return Receipt Requested to the following:

Cumulus Licensing LLC
3535 Piedmont Rd.
Building 14, 14th Floor
Atlanta, GA 30305

6. A filing window period for Channel 249A at Roby, Texas will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau