

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

2006 FEB -6 P 4: 34

In the Matter of )  
)  
)  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Ely and Spring Creek, Nevada) )  
)

RECEIVED & INSPECTED  
MB Docket No. 05-113  
RM-11195

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: February 2, 2006**

**Released: February 6, 2006**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Notice of Proposed Rulemaking<sup>1</sup> issued at the request of Ruby Radio Corporation, licensee of Station KCLS(FM), Ely, Nevada ("Petitioner"), proposing the substitution of Channel 269C1 for Channel 269C3 at Ely, the reallocation of Channel 269C1 from Ely to Spring Creek, Nevada, as the community's first local transmission service, and the modification of the license for Station KCLS(FM) to reflect the new community. Subsequently, Petitioner requested to withdraw its petition for rulemaking. No other comments or counterproposals were filed.

2. We accept Petitioner's request to withdraw. Petitioner has submitted the required affidavit pursuant to Section 1.420(j) of the Rules.

3. Accordingly, IT IS ORDERED That the petition for rule making filed by Ruby Radio Corporation, licensee of Station KCLS(FM), Ely, Nevada, proposing the substitution of Channel 269C1 for Channel 269C3 at Ely, the reallocation of Channel 269C1 from Ely to Spring Creek, Nevada, IS DISMISSED.

4. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

5. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

<sup>1</sup> *Ely and Spring Creek, Nevada*, 20 FCC Rcd 6034 (2005).