

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

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In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Connersville, Madison and Richmond, Indiana,)
Erlanger, Lebanon, Lebanon Junction, New Haven)
and Springfield, Kentucky))

MB Docket No. 05-17
RM-11113
RM-11114

FCC Mail Room

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: April 5, 2006

Released: April 7, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Petition for Reconsideration jointly filed by Newberry Broadcasting, Inc., Elizabethtown CBC, Inc., CBC of Marion County, Inc., and Cumulus Licensing, LLC (collectively the "Joint Parties") directed to *Report and Order* in this proceeding.¹ For the reasons discussed below, we dismiss the Petition for Reconsideration.

2. The Joint Parties filed a petition for rule making which proposed various new and modified allotments. The staff subsequently issued a *Notice of Proposed Rule Making*.² In response to the *Notice*, the Joint Parties submitted a modified proposal (the "Amended Proposal"). In the *Report and Order* in this proceeding, we dismissed the Amended Proposal because the proposed reallocation of Channel 259C from Manchester to Hendersonville, Tennessee, and modification of the Station WWTN license to specify Hendersonville as the community of license, would contravene Section 73.208(a)(1)(i) of the Rules.³ Specifically, this reallocation would be short-spaced to the pending modification application for Station WRJF, Channel 260C3, Eva, Alabama.⁴ In the Petition for Reconsideration, Cumulus Licensing, LLC, licensee of Station WWTN, stated that it had dismissed its application to maintain Class C status for Station WWTN and accepted reclassification as a Class C0 station.⁵ In view of this dismissal and reclassification, the Joint Parties request that we issue a notice of proposed rule making setting forth the Amended Proposal with a reallocation of Channel 259C0 to Hendersonville in lieu of Channel 259C, and

¹ *Connersville, Madison and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio, and Lebanon, Lebanon Junction, New Haven and Springfield, Kentucky*, Report and Order, 20 FCC Rcd 18871 (MB 2005).

² *Connersville, Madison and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio, and Lebanon, Lebanon Junction, New Haven and Springfield, Kentucky*, Notice of Proposed Rule Making, 20 FCC Rcd 1272 (MB 2005) ("Notice").

³ 47 C.F.R. § 73.208(a)(1)(i).

⁴ File No. BPH-20031009AAY.

⁵ File No. BPH-20040827ACB.

dismiss its Petition for Reconsideration. As requested, we are dismissing the Joint Parties' Petition for Reconsideration and concurrently adopting a *Notice of Proposed Rule Making* setting forth the Amended proposal in a separate proceeding.⁶

4. Accordingly, IT IS ORDERED, That the aforementioned Petition for Reconsideration filed by Newberry Broadcasting, Inc., Elizabethtown CBC, Inc., CBC of Marion County, Inc. and Cumulus Licensing, LLC, IS DISMISSED.

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

6. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief,
Audio Division
Media Bureau

⁶ The Amended Proposal was filed on March 31, 2005, prior to the June 9, 2005, freeze on the filing of new petitions for rule making to amend the Table of FM Allotments. *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Notice of Proposed Rule Making, 20 FCC Rcd 11169 (2005).