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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED
JUL 15 2008
Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 08-58
Table of Allotments) RM-11425
FM Broadcast Stations)
(Laramie, Wyoming))

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Attn: John A. Karousos, Assistant Chief,
Audio Division, Media Bureau

**WITHDRAWAL OF EXPRESSION OF INTEREST AND REQUEST FOR
CANCELLATION OF NOTICE OF PROPOSED RULE MAKING AND FOR
DISMISSAL OF RELATED 301 APPLICATION**

Superior Broadcasting of Denver, LLC ("Superior") hereby withdraws its expression of interest contained in its February 5, 2008, Petition for Rule Making ("Petition") to amend the FM Table of Allotments by allotting Channel 283C2 at Laramie, Wyoming and requests that the Commission cancel the Notice of Proposed Rule Making ("NPRM") issued on June 13, 2008, *Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Laramie, Wyoming)*, MB Docket No. 08-58, DA 08-1408, in response to Superior's Petition, and otherwise terminate the above-referenced proceeding without adopting any change to the FM Table of Allotment (this "Withdrawal Pleading"). Additionally, Superior requests dismissal of the FCC Form 301 construction permit application filed simultaneously with the Petition. See FCC File No. BNPH-20080205AJN (the "Application").

On February 5, 2008, Superior filed its Petition to amend the FM Table of Allotments by allotting Channel 283C2 at Laramie, Wyoming as that community's 13th local aural broadcast

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service and its associated Application. Superior paid the \$3,210 filing/processing fee. The Commission released its NPRM on June 13, 2008 tentatively proposing Superior's proposal. The deadline for filing comments is August 4, 2008. To Superior's knowledge, no other parties have filed comments expressing an interest in the channel.

Superior hereby withdraws its Petition and requests dismissal of its Application. As required by Section 1.420(j) of the Commission's Rules and Regulations, the requisite sworn declaration of an officer of the petitioner is attached to this Withdrawal Pleading. See Exhibit A. In his Declaration, Mr. Buzil verifies that neither Superior nor any of its principals has received or will receive any consideration in exchange for either the withdrawal of Superior's expression of interest and Petition, the dismissal of its Application or filing of this Withdrawal Pleading.

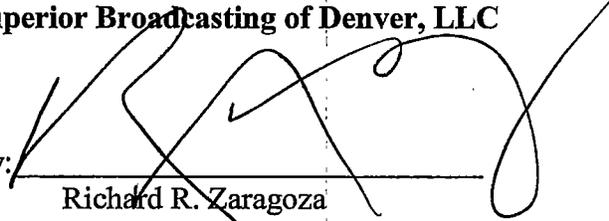
Superior has a right to withdraw its Petition, and its underlying Application, with the effect that the proposed allotment will not be adopted. The Commission has stated numerous times that "it is the Commission's policy to refrain from making an allotment to a community of absent an adequate expression of interest." See, e.g., *Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Services (Crowell, Texas)*, Report and Order, MB Docket No. 06-11, DA 06-1901 (September 22, 2006) ("*Crowell*"). Furthermore, Superior has a right to seek such a result notwithstanding the fact that the requested NPRM has issued. See, e.g., *In the Matter of Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Quanah and Iowa Park, Texas)*, 22 FCC Rcd 4186 (March 2, 2007) (permitting withdrawal of a Petition for Rule Making after the Commission issued an NPRM). The Commission has even allowed such withdrawal and cancelled an NPRM where responsive comments had been filed. See, e.g., *Crowell* (permitting withdrawal of a Petition for FM Allotment Rule Making after an

NPRM was issued and after comments and a counterproposal were filed); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Beaumont and Dayton, Texas)*, 20 FCC Rcd 13687 (Aug. 19, 2005) (permitting withdrawal of a Petition for Rule Making after an NPRM was issued and comments were filed). Here, comments have not even been filed because the comment deadline is August 4, 2008.

Based on the foregoing, Superior requests that its Petition be declared withdrawn without prejudice, that its Application be dismissed without prejudice, that the NPRM be cancelled and that this proceeding be terminated without change to the FM Table of Allotments at Laramie, Wyoming.

Respectfully submitted,

Superior Broadcasting of Denver, LLC

By: 

Richard R. Zaragoza
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Its Attorneys

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Dated: July 15, 2008

EXHIBIT A

DECLARATION OF BRUCE BUZIL

I, Bruce Buzil, Manager of Superior Broadcasting of Denver, LLC ("Superior"), do hereby declare under penalty of perjury that the following is true and correct to the best of my personal knowledge and belief:

1. On February 5, 2008, Superior caused to be filed with the FCC (a) a Petition for Rule Making seeking the allotment of Channel 283C2 at Laramie, Wyoming and (b) the associated application on FCC Form 301 for a new station on that channel. See FCC File No. BNPH-20080205AJN (the "Application").
2. Superior hereby withdraws that Petition for Rule Making and seeks the dismissal of its Application.
3. Neither Superior nor any of its principals has received or will receive money or other consideration in exchange for the withdrawal of its expression of interest contained in its Petition for Rule Making and its Petition, the dismissal of its Application or the filing of its Withdrawal Pleading to which this Declaration is to be attached.

Superior Broadcasting of Denver, LLC

By: _____

Bruce Buzil
Manager

Date: July 15, 2008