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

In the Matter of	)	
	)	MB Docket No. 07-182
Amendment of Section 73.202(b),	)	RM-11393
Table of Allotments,	)	
FM Broadcast Stations.	)	MB Docket No. 07-194
(Antlers and Hugo, Oklahoma, and	)	RM-11397
Hico, Texas)	)	

REPORT AND ORDER
(Proceedings Terminated)

Adopted: October 8, 2008 **Released: October 10, 2008**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division issued a *Notice of Proposed Rule Making* in each of the two above-captioned proceedings, in response to Petitions for Rule Making filed by Katherine Pyeatt ("Petitioner"). The *Notice* in MB Docket No. 07-182 proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, by allotting Channel 284A at Antlers, Oklahoma, as a third local service.[1] The *Notice* in MB Docket No. 07-194 proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, by allotting Channel 286A at Hugo, Oklahoma, as a third local service.[2]

2. Petitioner filed comments supporting the allotment changes proposed in both *Notices*. Liberman Broadcasting of Dallas License LLC ("Liberman") filed identical counterproposals in both MB Docket No. 07-182 and MB Docket No. 07-194. That counterproposal seeks to upgrade FM Station KZMP-FM, Pilot Point, Texas, from Channel 285C1 to Channel 285C0 at a new site.[3] To accommodate its proposed channel upgrade, Liberman requests that Channel 293A be substituted for vacant FM Channel 285A at Hico, Texas, and that the reference coordinates of vacant Channel 285A at Broken Bow, Oklahoma, be amended.[4]

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[1] *Antlers, Oklahoma*, Notice of Proposed Rule Making, MB Docket No. 07-182, DA 07-4124 (released October 22, 2007).

[2] *Hugo, Oklahoma*, Notice of Proposed Rule Making, MB Docket No. 07-194, DA 07-4122 (released October 22, 2007)

[3] *See* BPH-20071126AJG.

[4] *See* n. 5, *infra*.

3. Petitioner subsequently submitted, in both MB Docket No. 07-182 and MB Docket No. 07-194, requests for approval of the withdrawal of her proposals for the allotment of Channel 284A and Channel 286A at Antlers and Hugo, Oklahoma, respectively. Petitioner further submitted, with each request for withdrawal, an affidavit certifying that she has neither received nor been promised any payment or other consideration in excess of her legitimate and prudent expenses in exchange for the dismissal of her petitions.

4. It is the Commission's policy to refrain from making an allotment to a community absent an adequate expression of interest. By filing her "Request for Approval of Withdrawal," Petitioner has demonstrated that she has no continuing interest in the allotment requests set forth in MB Dockets No. 07-182 and 07-194. Accordingly, we will grant Petitioner's pending requests to withdraw her allotment proposals for Antlers and Hugo, Oklahoma.

5. Liberman's counterproposal is the sole remaining proposal pending in both proceedings. The substance of the upgrade proposal will not be addressed in these allotment rule makings, but rather, will be considered in the pending minor change application proceeding. In order to facilitate consideration of that request, we hereby grant Liberman's request for the substitution of Channel 293A for vacant Channel 285A at Hico, Texas, and we further grant the requested change in reference coordinates for vacant FM Channel 285A at Broken Bow, Oklahoma.[5]

6. 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.[6]

7. Accordingly, IT IS ORDERED, That effective November 24, 2008, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

Community	Channel Number
Hico, Texas	293A

8. IT IS FURTHER ORDERED, That the request of Katherine Pyeatt to withdraw her allotment proposal in MB Docket No. 07-182 is GRANTED.

9. IT IS FURTHER ORDERED, That the request of Katherine Pyeatt to withdraw her allotment proposal in MB Docket No. 07-194 is GRANTED.

[5] The reference coordinates for Channel 293A at Hico, Texas, are 31-56-00 NL and 98-02-00 WL, with a site restriction of 5.5 KM (3.4 miles) south of Hico. The amended referene coordinates of vacant FM Channel 285A at Broken Bow, Oklahoma, are 34-06-21 NL and 94-38-09 WL, with a site restriction of 12.8 km (7.9 miles) northeast of Broken Bow.

[6] *See* 5 U.S.C. § 801 (a)(1)(A).

10. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

Katherine Pyeatt
2215 Cedar Springs Road, #1910
11913 Grey Hollow Court
Dallas, Texas 75201

James R.W. Bayes, Esq.
Scott Woodworth, Esq.
Wiley Rein LLP
1776 K Street, N.W.
Washington, D.C. 20006
(Counsel for Liberman Broadcasting of Dallas License LLC)

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

12. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau