

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

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
)
FM Broadcast Stations.)
(Laramie and Grand Encampment, Wyoming))

MB Docket No. 08-58
RM-11425

MAILED
APR 21 2009
FEDERAL COMMUNICATIONS COMMISSION

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 15, 2009

Released: April 17, 2009

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the "Withdrawal of Expression of Interest," submitted on behalf of Superior Broadcasting of Denver, LLC ("Superior") on July 15, 2008. Previously, Superior had filed a petition for rule making to allot FM Channel 283C2 at Laramie, Wyoming. In response to that petition, a Notice of Proposed Rule Making ("Notice") was issued.¹ Superior now states its intention to withdraw its expression of interest in Channel 283C2 at Laramie, Wyoming, and requests that this proceeding be terminated. A declaration by Bruce Buzil, manager of Superior, represents that neither Superior nor any of its principals has received or will receive any consideration in exchange for the withdrawal of its expression of interest. See 47 C.F.R. § 1.420(j).

2. The Audio Division also has before it the "Request for Dismissal" submitted on January 12, 2009, on behalf White Park Broadcasting, Inc. ("White Park"). White Park's request seeks the dismissal of its counterproposal for the allotment of FM Channel 283C2 at Grand Encampment, Wyoming, rather than at Laramie, Wyoming, as proposed in the Notice. In support of its request for dismissal, White Park submits a declaration by Steven A. Silberberg, president of White Park, stating that neither White Park nor any of its principals has entered into any agreements concerning the requested dismissal, nor has any money or other consideration or reimbursement of expenses been received or promised with respect to this request.

3. It is the Commission's policy to refrain from making an allotment to a community absent an adequate expression of interest. Through the filings described above, Superior and White Park have demonstrated that they have no continuing interest in their respective allotment proposals in this proceeding.

4. Accordingly, IT IS ORDERED, That the petition for rule making filed by Superior Broadcasting of Denver, LLC, proposing the allotment of FM Channel 283C2 at Laramie, Wyoming, IS DISMISSED.

¹ Laramie, Wyoming, Notice of Proposed Rule Making, DA 08-1408 (MB, rel. June 13, 2008). See 73 Fed.Reg. 36834 (June 30, 2008).

5. IT IS FURTHER ORDERED, That the counterproposal filed by White Park Broadcasting, Inc., proposing the allotment of FM Channel 283C2 at Grand Encampment, Wyoming, IS DISMISSED.

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

7. This document is not subject to the Congressional Review Act. The Commission is, therefore, not required to submit a copy of this Report and Order to the Government Accountability Office, pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A), because the proposed rule was dismissed.

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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