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

MAILED
OCT 20 2011
FCC Mail Room

In the Matter of)
)
Amendment of Section 73.202(b),)
FM Table of Allotments,) MM Docket No. 04-219
FM Broadcast Stations.) RM-10986
(Evergreen, Alabama, and Shalimar, Florida))

ORDER
(Proceeding Terminated)

Adopted: October 6, 2011

Released: October 7, 2011

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the “Motion to for Leave to Withdraw Petition for Reconsideration,” submitted on behalf of Quantum of Ft. Walton Beach License Company, LLC (“Quantum FWB”) in this proceeding. For the reasons set forth below, we grant that motion.

2. Previously, Quantum FWB had filed comments opposing the change of community proposed by Gulf Coast Broadcasting Company, Inc., whereby the community of license for Station WPGG(FM) would be changed from Evergreen, Alabama, to Shalimar, Florida.¹ The proposed change of community was granted by a *Report and Order* issued by the Media Bureau,² and the Commission affirmed that decision in a *Memorandum Opinion and Order*.³ Quantum FWB thereupon petitioned for reconsideration of the Commission’s *Memorandum Opinion and Order*.⁴

3. Quantum FWB has entered into a “Confidential Settlement and Release Agreement” with the parent of Cumulus Licensing, LLB,⁵ under which, *inter alia*, Quantum FWB agrees to request the dismissal of its petition for reconsideration in this proceeding. Quantum FWB therefore seeks leave to withdraw its pending petition for reconsideration.

4. We are satisfied that granting Quantum FWB’s motion to withdraw, and dismissing the petition for reconsideration, “will serve the public interest by promoting private resolution of disputes and by

¹ See Notice of Proposed Rule Making, *Evergreen, Alabama, and Shalimar, Florida*, 19 FCC Rcd 10208 (MB 2004).

² Report and Order, *Evergreen, Alabama, and Shalimar, Florida*, 20 FCC Rcd 6300 (MB 2005), *aff’d*, Memorandum Opinion and Order, 21 FCC Rcd 1636 (MB 2006).

³ Memorandum Opinion and Order, *Evergreen, Alabama, and Shalimar, Florida*, 23 FCC Rcd 15846 (2008).

⁴ Public Notice, *Petition for Reconsideration of Action in Rulemaking Proceeding*, FCC Report No. 2881 (January 6, 2009).

⁵ Cumulus Licensing, LLB, is the current licensee of Station WNCV(FM), formerly WPGG(FM),

eliminating the need for further litigation and the expenditure of additional time and resources of the parties and the Commission.”⁶

5. Accordingly, IT IS ORDERED, That the “Motion for Leave to Withdraw Petition for Reconsideration” filed by Quantum of Ft. Walton Beach License Company, LLC, IS GRANTED, and the petition for reconsideration IS HEREBY DISMISSED.

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

7. This action is taken pursuant to authority delegated by Section 1.106(p) of the Commission's rules.⁷ This document is not subject to the Congressional Review Act. The Commission, is, therefore, not required to submit a copy of this Order of Dismissal to the Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

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

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁶ *Gemstar International Group, Ltd.*, 19 FCC Rcd 450 (MB 2004).

⁷ *See* 47 C.F.R. § 1.106(p) (permitting staff to dismiss petitions for reconsideration of a Commission action, where Commission consideration is not warranted). *See also* 47 C.F.R. § 0.283.