

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.
(Cadiz and Oak Grove, Kentucky)
MM Docket No. 93-314
RM-8396

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: May 9, 2001

Released: May 11, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it an Application for Review filed by Southern Broadcasting Corporation ("Southern Broadcasting") directed to the staff Memorandum Opinion and Order in this proceeding. 11 FCC Rcd 22208 (1996). Ham Broadcasting Company, Inc. ("Ham Broadcasting") filed a Request to Suspend Processing and a Withdrawal of Request for Channel Allotment. For the reasons discussed below, we are setting aside our earlier action in this proceeding modifying the license of Station WKDZ-FM, Cadiz, Kentucky, to specify operation on Channel 293C3 at Oak Grove, Kentucky. We are also dismissing the Application for Review.

Background

2. At the request of Ham Broadcasting, licensee of Station WKDZ-FM, Channel 292A, Cadiz, Kentucky, the Report and Order substituted Channel 293C3 for Channel 292A, reallocated Channel 293C3 to Oak Grove, Kentucky, and modified the Station WKDZ-FM license to specify operation on Channel 293C3 at Oak Grove. 10 FCC Rcd 10785 (1995). Southern Broadcasting filed a Petition for Reconsideration directed to that Report and Order. In its Petition for Reconsideration, Southern Broadcasting contended that Oak Grove was dependent upon the Clarksville Urbanized Area and not entitled to consideration as a first local service. In the Memorandum Opinion and Order, we denied the Petition for Reconsideration. Southern Broadcasting filed an Application for Review. Subsequently, Ham Broadcasting filed a one-step application (File No. BPH-20000427ABE) for a Channel 293C3 upgrade for Station WKDZ-FM at Cadiz. That action is now final. Ham Broadcasting has now filed a Withdrawal of Request for Channel Allotment pertaining to the earlier Channel 293C3 allotment at Oak Grove. In accordance with Section 1.420(j) of the Commission's Rules, Ham Broadcasting has filed a declaration that it has neither received nor been promised any consideration in exchange for this withdrawal. In view of this withdrawal and the grant of the one-step application, we are setting aside our action in this proceeding upgrading Station WKDZ-FM to Channel 293C3 at Oak Grove, Kentucky. We are also dismissing the Application for Review.

3. Accordingly, IT IS ORDERED, That the action in the Report and Order in this proceeding substituting Channel 293C3 for Channel 292A at Cadiz, Kentucky, reallocating Channel 293C3 to Oak Grove, Kentucky, and modifying the license of station WKDZ-FM to specify operation on Channel

293C3 at Oak Grove, Kentucky, IS HEREBY SET ASIDE.

4. IT IS FURTHER ORDERED, That the aforementioned Application for Review filed by Southern Broadcasting Corporation IS DISMISSED.

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau