

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-115
Table of Allotments,)	RM-10129
FM Broadcast Stations.)	RM-10325
(Au Gres, Frankfort, Alpena, Beaverton,)	
Cheboygan and Standish, Michigan) ¹)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 22, 2004

Released: April 27, 2004

By the Assistant Chief, Audio Division:

1. At the request of Au Gres Broadcasting Company (“Petitioner”), the Audio Division has before it a *Notice of Proposed Rule Making*² proposing the allotment Channel 295A at Au Gres, Michigan, as the community’s first local aural transmission service (RM-10129). Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. A counterproposal and supplement were jointly filed by Crystal Clear Communications, Inc., then licensee of Station WBNZ(FM), Frankfort, Michigan, and Fort Bend Broadcasting Company (“Fort Bend”) (collectively, “Joint Proponents”), the current licensee of Station WBNZ(FM),³ proposing the upgrade of Channel 257C2 to Channel 257C1 at Frankfort, Michigan, and the modification of Station WBNZ(FM)’s license accordingly. To accommodate the upgrade, Joint Proponents also proposed (a) the substitution of Channel 249C2 for Channel 257C2 at Alpena, Michigan, and the modification of Station WATZ(FM)’s license accordingly; (b) the substitution of Channel 246A for Channel 249A at Beaverton, Michigan, and the modification of Station WMRX(FM)’s license accordingly; (c) the substitution of Channel 295A for Channel 245A at Standish, Michigan, and the modification of Station WWCM(FM)’s license accordingly; and (d) the substitution of Channel 271C3 for Channel 249C3 at Cheboygan, Michigan, proposed in MM Docket No. 00-69 (RM-10325)⁴. Reply comments to the counterproposal were filed by

¹The communities of Frankfort, Alpena, Beaverton, Cheboygan and Standish, Michigan, have been added to the caption.

² *Au Gres, Michigan*, 16 FCC Rcd 11103 (2001).

³The license of Station WBNZ(FM) was assigned to Fort Bend Broadcasting Company on August 7, 2001, and consummated on October 10, 2001.

⁴ The counterproposal was placed on Public Notice on October 23, 2001, Report No. 2506 (RM-10325).

Petitioner, Fort Bend, WATZ Radio, Inc. (“WATZ Radio”) and Northern Radio of Michigan (“Northern Radio”). Fort Bend filed an erratum to its reply comments. A Motion to Strike was filed by Fort Bend. Oppositions to the Motion to Strike were filed by WATZ Radio and Northern Radio.

2. A showing of continuing interest is required before a channel will be allotted. Petitioner and Fort Bend filed motions to withdraw their respective petitions on December 30, 2002.⁵ It is the Commission’s policy to refrain from making an allotment to a community absent an expression of interest. Therefore, we are dismissing the petition of Au Gres Broadcasting Company and the counterproposal of Fort Bend Broadcasting Company, as requested.

3. IT IS ORDERED, That the petition for rule making filed by Au Gres Broadcasting Company, IS DISMISSED (RM-10129).

4. IT IS FURTHER ORDERED, That the counterproposal filed by Fort Bend Broadcasting, IS DISMISSED (RM-10325).

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

Fort Bend Broadcasting Company
1110 West William Cannon Dr., Suite 402
Austin, Texas 78745
(Licensee of Station WBNZ(FM))

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

7. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

⁵ Pursuant to Section 1.420(j) of the Commission’s Rules, petitioner and South Bend filed declarations stating that they have neither received nor been promised money or consideration for withdrawal of their petitions.