

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

In the matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-206
FM Table of Allotments,)	RM-10705
FM Broadcast Stations.)	
(Pioche, Nevada))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 20, 2004

Released: October 25, 2004

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rulemaking*¹ issued at the request of Micah Shrewsberry (“Shrewsberry”) requesting the allotment of Channel 268C1 at Pioche, Nevada, as the community’s second local service. Shrewsberry did not file comments reiterating his interest in applying for Channel 268C1 at Pioche. REC Networks filed comments in support of Shrewsberry’s proposal and states that, “REC has no intention of filing for this channel.” No other comments were filed in response to the *Notice*.

2. As stated in the Notice, a showing of continuing interest is required before a channel will be allotted. It is the Commission’s policy to refrain from making an allotment to a community absent an expression of interest. Therefore, since no such continuing interest has been expressed for an allotment at Pioche, Nevada, we will dismiss Shrewsberry’s proposal.

3. 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 GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A) since this proposed rule is dismissed, herein.

4. In view of the above, IT IS ORDERED That the Petition for Rule Making filed by Micah Shrewsberry (RM-10705), requesting the allotment of Channel 268C1 at Pioche, Nevada, IS DISMISSED.

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

¹ *See Islamorada, Florida and Pioche, Nevada*, 19 FCC Rcd 9254 (M.B. 2004).

6. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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