

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MB Docket No. 04-378
FM Broadcast Stations.)	RM-11079
(Lake Charles, Louisiana and)	
West Orange, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 27, 2004

Released: October 29, 2004

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it for consideration a *Notice of Proposed Rulemaking*¹ filed by Apex Broadcasting, Inc. ("Petitioner"), licensee of Station KBXG(FM), proposing the reallocation of Channel 258C0 from Lake Charles, Louisiana to West Orange, Texas, and the modification of Station KBXG(FM)'s license accordingly. On October 1, 2004, Petitioner filed a motion to withdraw its petition.

2. 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, we will grant the request to withdraw the instant 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. 801(a)(1)(A) because the proposed rule was dismissed.

4. Accordingly, IT IS ORDERED, That, as requested, the petition for rule making filed by Apex Broadcasting, Inc., IS DISMISSED.

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

¹ *Lake Charles, Louisiana and West Orange, Texas*, 19 FCC Rcd 60344 (2004).

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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