

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

| | | |
|---------------------------------|---|----------------------|
| In the matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | |
| FM Table of Allotments, |) | |
| FM Broadcast Stations. |) | |
| |) | |
| (Booneville, Kentucky) |) | MB Docket No. 04-287 |
| |) | RM-11044 |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 17, 2004

Released: November 22, 2004

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (“*Notice*”)¹, issued at the request of Eastern Kentucky Educational Radio (“*Petitioner*”), proposing the allotment of Channel 227A at Booneville, Kentucky, as the community’s first local service. *Petitioner* filed no comments in response to the *Notice*. No other comments or expressions of interest were received in response to the *Notice*.

2. As stated in the Appendix to 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 a new allotment to a community absent a *bona fide* expression of interest. Therefore, because comments were not received from the *Petitioner* supporting the allotment of Channel 227A to Booneville Kentucky, or any other party, the *Petition for Rule Making* is hereby dismissed.

3. IT IS ORDERED, That the *Petition for Rulemaking* filed by Eastern Kentucky Educational Radio IS DISMISSED.

4. 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) because this proposed rule is dismissed, herein.

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

¹ *See Booneville, Kentucky*, 19 FCC Rcd 14603 (MB 2004).

6. For further information concerning this proceeding, contact Victoria M. McCauley, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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