

**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. 02-164
FM Broadcast Stations.)	RM-10476
(Cimarron, New Mexico))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 14, 2004

Released: January 20, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,¹ issued at the request of Sierra Grande Broadcasting (“Petitioner”), proposing the allotment of Channel 236C2 at Cimarron, New Mexico, as the community’s first local aural transmission service. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. On November 13, 2002, petitioner filed an “amendment” requesting the allotment of Channel 296C1 in lieu of Channel 236C2 at Cimarron, New Mexico. No other comments were received.

2. Since the Petitioner has withdrawn its interest in the allotment of Channel 236C2 at Cimarron, New Mexico, we are dismissing the instant petition. It is the Commission’s policy to refrain from making an allotment to a community absent a showing of continuing expression of interest. Moreover, the new proposal to allot Channel 296C1 at Cimarron is an untimely proposal that conflicts with a pending Petition to allot Channel 296A at Las Vegas, New Mexico, and will be considered in the context of that proceeding.

3. Accordingly, IT IS ORDERED, That the Petition for rule making filed on October 9, 2001, by Sierra Grande Broadcasting, IS DISMISSED.

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

¹ Cimarron, New Mexico, et al., 17 FCC Rcd 12824 (2002)

5. 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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