

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

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|---------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MB Docket No. 02-126 |
| Table of Allotments, |) | RM-10448 |
| FM Broadcast Stations. |) | |
| (Wynnewood, Oklahoma) |) | |

**REPORT AND ORDER
 (Proceeding Terminated)**

Adopted: March 24, 2004

Released: March 26, 2004

By the Assistant Chief, Audio Division:

1. In response to a petition filed by David P. Garland (“Petitioner”), the Audio Division of the Media Bureau has before it for consideration the *Notice of Proposed Rulemaking*¹ proposing the allotment of Channel 266A at Wynnewood, Oklahoma, as the community’s second local FM transmission service.² In his comments supporting the allotment of Channel 266A at Wynnewood, Oklahoma, Mr. Garland reiterated his interest in applying for and constructing a facility to provide service to Wynnewood on Channel 266A.

2. DFWU, Inc. (“DFWU”) filed a counterproposal proposing the allotment of Channel 265A at Konawa, Oklahoma, rather than the proposed allotment of Channel 266A at Wynnewood.³ Both Petitioner’s original petition for Wynnewood and DFWU’s counterproposal for Konawa are in conflict with, and outside the comment period for, prior proposals in MM Docket No. 01-180.⁴ We therefore dismiss both Mr. Garland’s original proposal and DFWU’s counterproposal, and we terminate this proceeding.

4. Accordingly, IT IS ORDERED, that the proposal of David P. Garland in this proceeding, for

¹ *Owen, Wisconsin, Hartington, Nebraska, Lone Pine, California, Terrebonne, Oregon, Amboy, California, Sutton, Nebraska, Wynnewood, Oklahoma, Roundup, Montana, and Centerville, Texas*, 17 FCC Rcd 9557 (MB 2002).

² The proposed reference coordinates for Channel 266A at Wynnewood are 34-38-23 NL and 97-05-38 WL.

³ The proposed reference coordinates for Channel 265A at Konawa are 35-02-08 NL and 96-40-28 WL.

⁴ *Holdenville, Oklahoma*, 16 FCC Rcd 14,912 (MM 2001) (“*Holdenville*”). Petitioner’s original proposal to allot Channel 266A at Wynnewood, filed March 15, 2002, is in conflict with the counterproposal timely submitted by Valley Broadcaster in *Holdenville*, seeking the allotment of Channel 266A at Pauls Valley, Oklahoma (34-40-26 NL and 97-06-06 WL). DFWU’s counterproposal to allot Channel 265A at Konawa, filed July 15, 2002, is in conflict with the original proposal in *Holdenville*, seeking the allotment of Channel 265A at Holdenville (35-04-53 NL and 96-31-00 WL). The deadline for counterproposals in *Holdenville* was September 24, 2001, making both proposals in this proceeding untimely.

the allotment of Channel 266A at Wynnewood, Oklahoma, IS DISMISSED; and

4. IT IS FURTHER ORDERED, that the counterproposal of DFWU, Inc. in this proceeding, for the allotment of Channel 265A at Konawa, Oklahoma, IS DISMISSED; and

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

7. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202)418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau