

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

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 02-295
Table of Allotments,) RM-10580
FM Broadcast Stations.) RM-11149
(Gonzales, Houma, and Westwego, Louisiana)
and Hattiesburg, Mississippi))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 23, 2005

Released: September 26, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making* (“*Notice*”)¹ issued in response to a Petition for Rule Making filed by Clear Channel Broadcasting Licenses, Inc. (“Clear Channel”).² Clear Channel filed Comments, Reply Comments, and other related pleadings. Guaranty Broadcasting Company, LLC and its affiliate, Guaranty Broadcasting Company of Baton Rouge, LLC (collectively, “Guaranty”) filed a Petition for Rule Making that is mutually exclusive with a portion of Clear Channel’s Petition for Rule Making and a Petition for Consolidation in which it requested that Guaranty’s Petition for Rule Making be included in MB Docket No. 02-295. Guaranty also filed Comments, Reply Comments, and other related pleadings. Blakeney Communications, Inc. filed Reply Comments to which Guaranty filed a Response. After the record was closed, Clear Channel filed a request for approval of the withdrawal of its Petition for Rule Making and its expressions of interest in implementing its rulemaking proposals.

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, we grant Clear Channel’s request for permission to withdraw its Petition for Rule Making that initiated this proceeding and its prior

¹ *Gonzales, Houma, and Westwego, Louisiana and Hattiesburg, Mississippi*, 17 FCC Rcd 18113 (MB 2002).

² Initially, the Petition for Rule Making was filed by Capstar TX Limited Partnership, licensee of Station WUSW(FM), Hattiesburg, Mississippi, and Clear Channel Radio Licenses, Inc., licensee of Station KSTE-FM (now Station KHEV(FM)), Channel 281C, Houma, Louisiana. Both licensees were wholly owned subsidiaries of Clear Channel Communications, Inc. At the time Comments were filed, the licensee of both stations was Clear Channel Broadcasting Licenses, Inc. (“Clear Channel”).

expressions of interest in implementing its rulemaking proposals³ and we dismiss Clear Channel's Petition for Rule Making.⁴

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), because this proposed rule is dismissed herein.)

4. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

5. For further information concerning the above, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief,
Audio Division
Media Bureau

³ Pursuant to Section 1.420(j) of the Commission's rules, Clear Channel provided a declaration under penalty of perjury stating that neither Clear Channel nor any of its principals has received or will receive any consideration in connection with the withdrawal of its Petition for Rule Making in this proceeding.

⁴ Since Guaranty's Petition for Rule Making has not been dismissed, we shall set forth Guaranty's request to change the community of license of Station WYPY from Baton Rouge to Gonzales in a Notice of Proposed Rule Making to be published in the near future.