

**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. 05-122
FM Broadcast Stations.)	RM-11198
(Columbus and Monona, Wisconsin))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 12, 2005

Released: October 14, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it for consideration a *Notice of Proposed Rule Making*¹ issued in response to the Petition for Rule Making filed by Good Karma Broadcasting, LLC (“Petitioner”), licensee of Station WTLX(FM), Channel 263A, Columbus, Wisconsin, proposing the reallocation of Channel 263A from Columbus to Monona Wisconsin, and the modification of Station WTLX(FM)’s license accordingly. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if reallocated to Monona. No other pleadings were received.

2. Prior to the filing of the Petition for Rule Making in this proceeding on January 21, 2005, Petitioner filed for a construction permit to change the community of license of Station WTTN(AM), 1580 KHz, from Watertown to Columbus, Wisconsin (File No. CDBS-20050118AJT). The application was filed in connection with AM Auction No. 84. Petitioner further stated that the Audio Division had determined that Good Karma’s AM Auction 84 filing window application for Station WTTN(AM) (File No. BMJP-20040129AGA) was not mutually exclusive with any other applications submitted in the filing window. Therefore, Petitioner advised that the application for Station WTTN(AM) would be ripe for grant upon the expiration of the petition to deny period. Petitioner asserted that with the relocation of Station WTTN(AM) to Columbus, the community would not be deprived of its sole local service by the grant of the instant petition for rule making.

3. At the time the Petition for Rule Making was filed, it was contingent upon grant of the AM application. This is not conducive to the efficient processing of petitions for rule making. Therefore, because the instant proposal relies on an ungranted construction permit application as a “backfill” to replace the prospective loss of a sole local service, it will be dismissed.² The petition for rule making may be refiled once the AM license application is granted specifying Columbus as the new community of license.

¹ *Columbus and Monona, Wisconsin*, 20 FCC Rcd 6049 (MB 2005).

² *See Aguila, Apache Junction, Buckeye, Glendale, Peoria, Wenden, and Wickenburg, Arizona* (DA 05-2495), MB Docket No. 05-270, (released September 26, 2005).

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. § 801(a)(1)(A) because the proposed rule was dismissed.

5. Accordingly, IT IS ORDERED, That the Petition for Rule Making filed by Good Karma Broadcasting, LLC, IS DISMISSED.

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

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau