

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

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 05-99
Table of Allotments,) RM-11180
FM Broadcast Stations.)
(Lake Charles, Louisiana and Sour Lake, Texas))

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 2, 2005

Released: November 4, 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 Cumulus Licensing LLC (“Cumulus”). Cumulus filed Comments. No other comments or counterproposals were filed. After the record was closed, Cumulus filed a request for approval of the withdrawal of its Petition for Rule Making and its expression of interest in implementing its rulemaking proposal.

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 Cumulus’s request for permission to withdraw its Petition for Rule Making that initiated this proceeding and its prior expression of interest in implementing its rulemaking proposal² and we dismiss Cumulus’s Petition for Rule Making.

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.

¹ *Lake Charles, Louisiana, and Sour Lake, Texas*, 20 FCC Rcd 5243 (MB 2002).

² Pursuant to Section 1.420(j) of the Commission’s rules, Cumulus provided a declaration under penalty of perjury stating that there are no agreements relating to the withdrawal of its Petition for Rule Making in this proceeding and that neither Cumulus nor any of its principals has received or will receive any consideration in exchange for the withdrawal of its Petition for Rule Making in this proceeding.

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