

**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. 05-230
FM Broadcast Stations.)	RM-11032
(Auxvasse, Missouri))	
)	
Reclassification of License)	BLH-19870504KB
of Station KSHE(FM), Crestwood, Missouri)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: September 20, 2006

Released: September 22, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (“*Notice*”)¹ issued at the request of Charles Crawford (“*Petitioner*”) requesting the allotment of Channel 235A at Auxvasse, Missouri, as its first local service. No comments or counterproposals were received in response to this proceeding.

2. **Background.** The *Notice* proposed the allotment of Channel 235A at Auxvasse, Missouri, as its first local service. Station KSHE(FM), Channel 234C, Crestwood, Missouri, was reclassified to specify operation on Channel 234C0 in compliance with the Commission’s reclassification procedures² to accommodate the proposed Auxvasse allotment.³ No comments were filed by the *Petitioner*, reiterating its expression of interest in the proposed allotment of Channel 235A at Auxvasse, Missouri.

3. **Discussion.** A showing of continuing interest is required before a channel is allotted to a community in compliance with the *Appendix* to the *Notice*. In this instance, we will not allot Channel 235A at Auxvasse because no comments were received from the *Petitioner*, or any other party, supporting the allotment of Channel 235A at Auxvasse, Missouri. It is the Commission’s policy to refrain from making a new allotment to a community absent an expression of interest.

4. This document is not subject to the Congressional Review Act. (The Commission, is,

¹ *Auxvasse, Missouri*, Notice of Proposed Rule Making, FCC Rcd (MB 2005).

² See 1998 *Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules*, Second Report and Order, 15 FCC Rcd 21649 (2000); see also 47 C.F.R. §§ 1.420(g), n.2; 73.3573, n. 4.

³ See File No. BLH-19870504KB. In this regard, we issued an *Order to Show Cause* directed to Emmis Radio License, LLC, (“*Emmis Radio*”), licensee of Station KSHE(FM), Crestwood, Missouri, affording it 30 days to express in writing an intention to seek authority to upgrade Station KSHE(FM)’s technical facilities to preserve Class C status, or to otherwise challenge the proposed action. See *Reclassification of License of Station KSHE(FM), Crestwood, Missouri*, Order to Show Cause, 19 FCC Rcd 15409 (MB 2004). In response, Emmis Radio filed comments, stating that it has decided not to pursue an application for a construction permit to achieve minimum Class C facilities.

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 Charles Crawford, IS DISMISSED.

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

7. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
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