

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MB Docket No. 04-12
FM Broadcast Stations.)	RM-10834
(Russellville and Littleville, Alabama))	
)	
)	
)	

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: November 1, 2006

Released: November 3, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a Petition for Reconsideration of a *Report and Order*¹ in this proceeding filed by J. Michael Self (“Self”); (2) an Opposition to Petition for Reconsideration filed by Clear Channel Broadcasting Licenses, Inc., the former licensee of Station WLAY-FM, Russellville, Alabama;² (3) a Reply to Opposition to Petition for Reconsideration filed by Self; and (4) a Joint Request for Approval of Withdrawal of Petition for Reconsideration filed by Self and Urban. For the reasons discussed below, we will grant the Request for Withdrawal and dismiss the Petition for Reconsideration.

2. The *R&O* reallocated and changed the community of license for Station WLAY-FM from Channel 278A at Russellville to Channel 278A at Littleville, Alabama, pursuant to the provisions of Section 1.420(i) of the Commission’s rules.³ Self filed a Petition for Reconsideration, contending that the *R&O* improperly concluded that Self’s Comments were late filed and did not further address his Comments. Thereafter, Self withdrew his Comments and Petition for Reconsideration. Both Self and Urban contend that approval of the withdrawal of the Comments and Petition for Reconsideration is consistent with Section 1.420(j) because the consideration that Self will receive does not exceed his legitimate and prudent expenses incurred in this proceeding.

3. We approve Self’s withdrawal of his Comments and Petition for Reconsideration and find no reason for further consideration of the matters raised therein. The withdrawal of these pleadings complies with Section 1.420(j) because the parties have documented that the consideration that Self will

¹ *Russellville and Littleville, AL*, Report and Order, 19 FCC Rcd 6853 (MB 2004) (“*R&O*”).

² The license for Station WLAY-FM (formerly WMXV(FM)) was assigned from Clear Channel to Urban Radio Licenses, LLC (“Urban”), pursuant to an application (File No. BALH-20041027AEW), which was granted on December 21, 2004.

³ 47 C.F.R. § 1.420(i). This rule permits the modification of a station’s authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.

receive does not exceed his legitimate and prudent out of pocket expenses.⁴

4. Accordingly, IT IS ORDERED, That the Petition for Reconsideration filed by J. Michael Self IS DISMISSED.

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

6. For further information concerning this proceeding, contact Andrew J. Rhodes, Audio Division, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁴ Specifically, Self's out of pocket expenses were in excess of \$7,400.00, and the consideration that he will receive is \$5,728.81.