

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-113
Table of Allotments,)	RM-11195
FM Broadcast Stations.)	
(Ely and Spring Creek, Nevada))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 2, 2006

Released: February 6, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Notice of Proposed Rulemaking¹ issued at the request of Ruby Radio Corporation, licensee of Station KCLS(FM), Ely, Nevada (“Petitioner”), proposing the substitution of Channel 269C1 for Channel 269C3 at Ely, the reallocation of Channel 269C1 from Ely to Spring Creek, Nevada, as the community’s first local transmission service, and the modification of the license for Station KCLS(FM) to reflect the new community. Subsequently, Petitioner requested to withdraw its petition for rulemaking. No other comments or counterproposals were filed.

2. We accept Petitioner’s request to withdraw. Petitioner has submitted the required affidavit pursuant to Section 1.420(j) of the Rules.

3. Accordingly, IT IS ORDERED That the petition for rule making filed by Ruby Radio Corporation, licensee of Station KCLS(FM), Ely, Nevada, proposing the substitution of Channel 269C1 for Channel 269C3 at Ely, the reallocation of Channel 269C1 from Ely to Spring Creek, Nevada, IS DISMISSED.

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

5. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

¹ *Ely and Spring Creek, Nevada*, 20 FCC Rcd 6034 (2005).