

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

In the matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-328
FM Table of Allotments,)	RM-10577
FM Broadcast Stations.)	RM-11343
(Broken Bow and Millerton, Oklahoma))	RM-11344
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 13, 2007

Released: April 16, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rulemaking*¹ issued at the request of Jeraldine Anderson ("Petitioner"), proposing the allotment of Channel 265A at Millerton, Oklahoma, as the community's first local service. Petitioner filed comments reiterating her continuing interest but subsequently file a Request for Approval of Withdrawal. Katherine Pyeatt ("Pyeatt") filed a counterproposal to allot Channel 265C3 at Millerton, Oklahoma and Channel 262A at Broken Bow, Oklahoma but subsequently filed a Request for Approval of Withdrawal. Charles Crawford ("Crawford") filed a counterproposal to allot Channel 265C2 at Millerton.

2. Petitioner and Pyeatt each provides a sworn declaration pursuant to Section 1.420(j) of the Commission's rules,² stating that she has not received nor will receive any money or other consideration in exchange for the withdrawal request. After reviewing the withdrawal requests, we find that each complies with Section 1.420(j) of the Commission's rules and that there are no impediments to granting the requests. Therefore, we dismiss Petitioner's proposal and Pyeatt's counterproposal because there are no longer any expressions of interest. Next, we consider Crawford's counterproposal.

3. We find that Millerton is a community for allotment purposes and that the public interest would be served by allotting Channel 265C2 as a first local aural transmission service. Millerton has a 2000 U.S. Census population of 359 persons. Channel 265C2 can be allotted at Millerton consistent with the Commission's minimum distance separation requirements at 34-03-37 North Latitude and 94-54-04 West Longitude with a site restriction of 13.3 kilometers (8.2 miles) northeast of the community's reference.

4. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective,

¹ See *Millerton, Oklahoma*, Notice of Proposed Rule Making, 20 FCC Rcd 20022 (MB 2005).

² 47 C.F.R. § 1.420(j).

May 21, 2007, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Millerton, Oklahoma	265C2

5. A filing window period for Channel 265C2 at Millerton, Oklahoma will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That the Petition for Rule Making (RM-10577) filed by Jeraldine Anderson IS DISMISSED.

7. IT IS FURTHER ORDERED, That the counterproposal (RM-11344) filed by Katherine Pyeatt IS DISMISSED.

8. IT IS FURTHER ORDERED, That the counterproposal (RM-11343) filed by Charles Crawford IS GRANTED.

9. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

10. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

11. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau