

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 08-150
Table of Allotments,)	RM-11390
FM Broadcast Stations.)	
(Asbury and Maquoketa, Iowa, and Mineral Point,)	
Wisconsin))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 2, 2012

Released: April 2, 2012

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the Notice of Proposed Rule Making and Order to Show Cause,¹ issued in response to a Petition for Rule Making (“Petition”) filed by KM Radio of Independence, LLC (“KM”), licensee of Station KQMG-FM, Independence, Iowa. KM submitted its Petition as part of a “hybrid” proposal,² in conjunction with an application seeking to modify the channel, location, and community of license for Station KQMG-FM, Independence, Iowa.³ For the reasons discussed below, we dismiss the Petition, and we dismiss the Order to Show Cause as moot.

2. **Background.** The *Notice and OSC* propose the allotment of Channel 238A at Mineral Point, Wisconsin, as its first local service. To accommodate the proposed Mineral Point allotment, the *Notice and OSC* propose the substitution of reserved Channel *254A for reserved vacant Channel *238A, at Asbury, Iowa. The proposed Asbury channel substitution also would accommodate the contingent Application for the substitution of Channel 236A for Channel 237A at Independence, Iowa, the reallocation of Channel 236A from Independence, to Solon, Iowa, and the modification of the license of Station KQMG-FM to reflect those changes. The *Notice and OSC* further direct Maquoketa Broadcasting to show cause why the license of Station KMAQ(FM), Maquoketa, Iowa, should not be changed to specify operation on Channel 237A rather than Channel 236A. While this rule making proceeding was pending, the staff dismissed the Application by letter dated November 30, 2011. On January 4, 2012, KM submitted a petition for reconsideration of the dismissal of its Application, and that petition for reconsideration is being denied by letter issued simultaneously with this Report and Order.

¹ See *Asbury, Iowa, Maquoketa, Iowa, and Mineral Point, Wisconsin*, Notice of Proposed Rule Making and Order to Show Cause, 23 FCC Rcd 11118 (MB 2008) (“*Notice and OSC*”).

² See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006) (“*Revision of Allocation Procedures*”).

³ See File No. BPH-20070119AEI (“Application”).

3. **Discussion.** Under the Commission's rules, the Petition and Application are treated as contingent filings. The dismissal of any component filing requires the dismissal of all the related filings.⁴ Because the Application has been dismissed, we therefore also dismiss KM's Petition for Rule Making. For the same reason, we dismiss as moot the *Order to Show Cause* issued to Maquoketa Broadcasting.

4. **Ordering Clauses.** Accordingly, IT IS ORDERED, That the Petition for Rule Making, RM-11390, filed by KM Radio of Independence, LLC, IS DISMISSED.

5. IT IS FURTHER ORDERED, That the *Order to Show Cause* directing Maquoketa Broadcasting to show cause why Station KMAQ(FM)'s license should not be changed to specify operation on Channel 237A at Maquoketa, Iowa, IS DISMISSED AS MOOT.

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

7. For further information concerning this proceeding, contact Deborah Dupont, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁴ See *Revision of Allocation Procedures*, 21 FCC Rcd at 14223, ¶ 17. See also 47 C.F.R. § 73.3517(e).