

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 16-270
FM Table of Allotments,)	RM-11772
FM Broadcast Stations.)	
(Pima, Arizona))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 17, 2016

Released: November 18, 2016

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued at the request of 1TV.Com, Inc., (Petitioner), licensee of KIKO(FM), Claypool, Arizona, proposing to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, by substituting noncommercial educational (NCE) Channel *278A for vacant NCE Channel *296A at Pima, Arizona. This proposal was part of a contingently filed "hybrid" application² and a rule making petition to enhance Petitioner's service at Claypool. No comments or counterproposals were received. For the reasons discussed below, we dismiss the petition for rule making.

2. Petitioner did not file comments expressing a continuing interest in the allotment of Channel *278A at Pima. As stated in the Appendix to the *Notice*, a showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest.³ Therefore, we will not substitute NCE Channel *278A for vacant NCE Channel *296A at Pima, Arizona. Accordingly, we dismiss Petitioner's petition for rule making.

3. Accordingly, IT IS ORDERED, That the petition for rule making filed by 1TV.Com, Inc. in MB Docket No. 16-270 IS DISMISSED.

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

5. This document is not subject to the Congressional Review Act. (The Commission is not required to submit a copy of this Report and Order to Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A) since the proposed petition for rule making is dismissed).

¹ *Pima, Arizona*, Notice of Proposed Rule Making, 31 FCC Rcd 9578 (MB 2011) (*Notice*).

² At Petitioner's request, the "hybrid" application, File No. BNP-20151123AAY, was dismissed on October 16, 2016.

³ *See, e.g., Pike Road, Alabama*, Report and Order, 27 FCC Rcd 7090, para. 2; *Clarendon, Texas*, Report and Order, 18 FCC Rcd 12701, para. 2 (MB 2003); *Jasper, Texas*, Report and Order, 18 FCC Rcd 418, para. 2 (MB 2003) (stating that it is the Commission's policy to refrain from making a new allotment to a community where there were no continuing expression of interest filed).

6. For further information concerning this proceeding, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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