

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

In the matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-208
Table of Allotments,)	RM-10515
FM Broadcast Stations.)	
(Buttonwillow, California))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 6, 2002

Released: November 8, 2002

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Dangerous Broadcasting, L.P., II (“Dangerous Broadcasting”), the Audio Division has before it for consideration the *Notice of Proposed Rule Making*¹ requesting the allotment of Channel 265A at Buttonwillow, California, as the community’s first local FM broadcast service. Comments were filed by Dangerous Broadcasting. Comments were received from REC Networks supporting the allotment of Channel 265A to Buttonwillow, California, but stating that it has no plans to apply for the channel, if allotted.

2. On October 29, 2002, Dangerous Broadcasting filed a Motion to Withdraw its Petition for Rule Making. In its Motion, Dangerous Broadcasting stated that on October 24, 2002, it entered into a written agreement with American General Media of Texas, Inc., (“American General”). In compliance with Section 1.420(j) of the Commission’s Rules, Dangerous Broadcasting submitted a copy of the written agreement. The written agreement is subject to Commission approval. The written agreement was entered into because it would expedite the resolution of MB Docket No. 02-58, which American General, the licensee of Station KRFR, Channel 282A, Shafter, California, filed a petition requesting the substitution of Channel 226A in lieu of Channel 282A at Shafter, California, and modification of its license accordingly.² Clear Channel Broadcasting Licenses, Inc. filed a counterproposal requesting the allotment of Channel 224A to Buttonwillow, California instead of Channel 226A to Shafter, California. The Parties in MB Docket 02-58 have decided that dismissal of Dangerous Broadcasting’s proposal may simplify the issues present in MB Docket No. 02-58 and may expedite the Commission’s resolution of that proceeding, including the allotment of a new Class A channel to Buttonwillow as a first local service.

3. The written agreement stated that American General agrees to pay Dangerous Broadcasting in the amount of \$9,000 for out of pocket expenses incurred in preparing, filing, and prosecuting the Petition for Rule Making filed by Dangerous Broadcasting requesting the allotment of Channel 265A at Buttonwillow, California. The written agreement also stated that both parties acknowledge that no additional consideration is to be paid to or to be received by Dangerous Broadcasting, or has been or is to be promised to Dangerous Broadcasting in connection with or in consideration of the dismissal of Dangerous

¹ *Buttonwillow, CA*, 17 FCC Rcd 14701 (M.B. Bur 2002).

² *See Shafter, CA*, 17 FCC Rcd 7205 (M.B. Bur 2002).

Broadcasting's Petition for Rule Making. The written agreement contained a declaration from Dangerous Broadcasting certifying that neither Dangerous Broadcasting nor any of its principals has received or will receive any money or other consideration in excess of legitimate and prudent expenses in exchange for the dismissal or withdrawal of Dangerous Broadcasting's Petition for Rule Making. The declaration contained an itemization of Dangerous Broadcasting's legitimate and prudent expenses in excess of the \$9,000 payment. Dangerous Broadcasting's declaration further stated that this written agreement is the only agreement that Dangerous Broadcasting and anyone else or any other entity with regard to Dangerous Broadcasting's withdrawal of Dangerous Broadcasting's Petition for Rule Making, and there is no oral agreement with any person or entity relating to the withdrawal of Dangerous Broadcasting's Petition for Rule Making. Moreover, the written agreement included a declaration from American General's president, Anthony S. Brandon, certifying that neither American General nor any of its principals has paid or will pay to Dangerous Broadcasting, any money or other consideration in excess of Dangerous Broadcasting's legitimate and prudent expenses in exchange for the withdrawal of Dangerous Broadcasting's Petition for Rule Making requesting the allotment of Channel 265A to Buttonwillow, California.

4. In view of the above, we will approve the written agreement between Dangerous Broadcasting and American General and grant the Motion to Withdraw the Petition for Rule Making filed by Dangerous Broadcasting requesting the allotment of Channel 265A at Buttonwillow, California, as the community's first local FM service. 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. Therefore, we will not allot Channel 265A to Buttonwillow, California.

5. IT IS ORDERED, That the Motion to Withdraw the Petition for Rule Making filed by Dangerous Broadcasting, L.P., II requesting to allot Channel 265A to Buttonwillow, California IS GRANTED.

6. IT IS FURTHER ORDERED, That the above mention Petition for Rule Making filed by Dangerous Broadcasting, L.P., II (RM-10515), IS DISMISSED.

7. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs, Bureau, Imaging Center, SHALL SEND a copy of this *Report and Order* by Certified Mail, Return Receipt Requested to:

Dangerous Broadcasting, L.P. II
c/o John J. McVeigh, Esq.
J.J. McVeigh, Attorney at Law
12101 Blue Paper Trail
Columbia, Maryland 21044-2787

American General Media of Texas, Inc.
c/o Vincent J. Curtis, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

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

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

