

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MM Docket No. 01-36
FM Broadcast Stations.)	RM-10047
(Jamestown, Alfred and Canaseraga, New York; and DuBois, Pennsylvania))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 27, 2002 ; **Released: April 5, 2002**

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rule Making and Order to Show Cause*, 16 FCC Rcd 3001 (2001), issued at the request of Vox Allegany, LLC (“petitioner”), licensee of Station WHUG(FM), Channel 270A, Jamestown, New York, proposing the substitution of Channel 270B1 for Channel 270A at Jamestown, and the modification of Station WHUG(FM)’s license accordingly. To accommodate the upgrade, petitioner also proposed (a) the substitution of Channel 246A for Channel 270A at Alfred New York, and the modification of Station WZKZ(FM)’s license accordingly; (b) the substitution of Channel 270A for vacant Channel 246A at Canaseraga, New York; and (c) the modification of the reference coordinates of Station WMOU-FM, Channel 271B, Du Bois, Pennsylvania. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. Pembroke Pines Elmira, Ltd. filed comments in opposition and a counterproposal. Petitioner filed reply comments. On March 7, 2001, a Joint Request to Withdraw Pleadings and Terminate Rulemaking Proceeding was filed by Vox Allegany, LLC and Pembroke Pines Elmira, Ltd.¹

2. 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 grant the joint request to dismiss the instant proposal.

3. Accordingly, IT IS ORDERED, That the petition for rule making filed by Vox Allegany, LLC, IS DISMISSED.

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

¹ In compliance with Section 1.420(j) of the Commission’s Rules, Vox Allegany, LLC and Pembroke Pines Elmira, Ltd. submitted declarations stating that neither party has paid nor received consideration from the other in exchange for the withdrawal of their pleadings and termination of this proceeding.

5. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos, Assistant Chief
Audio Division
Office of Broadcast License Policy
Media Bureau