

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MB Docket No. 02-125
FM Broadcast Stations.)	RM-10447
(Sutton, Nebraska))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 5, 2003

Released: February 7, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹, issued at the request of Sutton Radio Company ("Petitioner"), requesting the allotment of Channel 278C2 at Sutton, Nebraska. Petitioner filed comments in support of the proposal, reaffirming its intention to apply for the channel, if allotted. On November 5, 2002, Petitioner filed a request for dismissal of its petition.² No other comments were received.

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 Petitioner's request to dismiss the instant proposal.

3. Accordingly, IT IS ORDERED, That the petition for rule making filed by Sutton Radio Company IS DISMISSED.

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

5. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

¹*Sutton, Nebraska*, 17 FCC Rcd 9557 (M.Bur. 2002).

² In accordance with Section 1.420(j) of the Commission's Rules, (47 C.F.R. § 1.420(j)), a principal of Sutton Radio Company states that Petitioner has not nor will not receive, either directly or indirectly, any money or other consideration in excess of legitimate and prudent expenses in connection with the dismissal of his petition.