



Federal Communications Commission
Washington, D.C. 20554

May 12, 2010

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FCC Mail Room

David Carus, President
David Carus & Associates
2217 Redwood Circle, NE
Palm Bay, FL 32905

Dennis King, Director
Community Radio Foundation
P.O. Box 100085
Palm Bay, FL 32910

In re: **W264AS, Rockledge, Florida**
Facility ID No. 144128
File No. BAPFT-20060221AAQ

W272BA, Cocoa Beach, Florida
Facility ID No. 144133
File No. BAL-20060221AAR

**Application for Assignment of
Construction Permits**

Dear Mr. Carus and Mr. King:

We have before us the above-referenced application (the "Assignment Application") seeking approval for the proposed assignment of construction permits for FM translator stations W264AS, Rockledge, Florida, and W272BA, Cocoa Beach, Florida (the "Stations"), from David Carus & Associates ("Carus") to Community Radio Foundation ("CRF").¹ On March 25, 2010, Carus filed a Withdrawal of Assignment of Construction Permit Applications ("Withdrawal Request"), requesting dismissal of the Assignment Application. By letter dated April 22, 2010, CRF requested denial of the Withdrawal Request, arguing that the decision to request dismissal of the Assignment Application was made unilaterally by Carus, and that the associated Donation Agreement between Carus and CRF did not provide for Carus to unilaterally seek such withdrawal. For the reasons stated below, we grant Carus's Withdrawal Request and dismiss the Assignment Application.

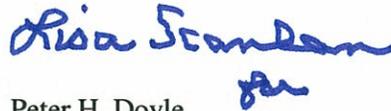
The Assignment Application is a voluntary request for Commission approval of the proposed assignment. Indeed, Commission grant of an assignment application merely finds that the parties are qualified under, and the proposed transaction does not violate, the Communications Act of 1934, as amended, or the Commission's rules and policies. CRF's objection concerns a dispute with Carus, which constitutes a private controversy. The Commission has consistently held that it is not the proper forum for the resolution of such private disputes, and that parties should seek redress for such matters in local

¹ At the time that the Assignment Application was filed, neither of the Stations had yet been licensed. Subsequently, on March 6, 2007, the Commission granted the license application for FM translator station W264AS (File No. BLFT-20060314AAAY). On March 22, 2007, the Commission granted the license application for FM translator station W272BA (File No. BLFT-20070220AAP).

courts of competent jurisdiction.² Our dismissal of the Assignment Application pursuant to the Withdrawal Request does not prejudice any relief to which the parties may ultimately be entitled.

Accordingly, IT IS ORDERED, that Carus's Withdrawal Request IS GRANTED, and the application for approval to assign the construction permits for FM translator station W264AS, Rockledge, Florida (File No. BAPFT-20060221AAQ), and FM translator station W272BA, Cocoa Beach, Florida (File No. BAPFT-20060221AAR) from David Carus & Associates to Community Radio Foundation IS DISMISSED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

² See *John F. Runner, Receiver (KBIF)*, Memorandum Opinion and Order, 36 RR 2d 773, 778 (1976); *Decatur Telecasting, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 8622 (1992).

