



Federal Communications Commission
Washington, D.C. 20554

June 15, 2011

In Reply Refer to:
1800B3-BSH

Mr. Frederick H. K. Baker, Jr., President
KANI Communications, Inc.
P.O. Box 4727
Hilo, HI 96720-0727

Richard Helmick, Esq.
Cohn and Marks LLP
1920 N Street, N.W., Suite 300
Washington, D.C. 20036-1622

In re: **KIPA(AM), Hilo, Hawaii**
Facility ID No. 33324
File No. BAL-20100202AAD

**Application for Involuntary
Assignment of License**

Informal Objection

Dear Mr. Baker and Counsel:

We have before us the above-referenced application (the "Assignment Application") seeking approval for the proposed involuntary assignment of license of Station KIPA(AM) (the "Station"), Hilo, Hawaii, from Parrott Broadcasting Limited Partnership to Parrott Broadcasting Limited Partnership, Debtor-in-Possession. On March 22, 2010, Frederick H. K. Baker, Jr. ("Baker") filed a pleading styled as an informal objection to the Assignment Application. For the reasons stated below, we dismiss Baker's pleading as an informal objection and deny the pleading as a petition for reconsideration.

The Assignment Application was granted on February 25, 2010.¹ Section 73.3587 of the Commission's Rules provides that "Before FCC action on any application for an instrument of authorization, any person may file" an informal objection.² Accordingly, we will dismiss Baker's pleading as an informal objection and treat it as a petition for reconsideration of the grant. Baker's objection concerns a dispute over the use of the land on which the Station facilities are located. Accordingly, the issues raised by Baker constitute 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 courts of competent jurisdiction.³ Baker has not provided

¹ See *Broadcast Actions*, Public Notice, Report No. 47183 (MB Mar. 1, 2010).

² 47 C.F.R. § 73.3587.

³ 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).

evidence of an injunction or a stay issued by a local court against the proposed sale. In the absence of such an order from a local court, the Commission has routinely acted favorably on license assignment applications. We note, however, that Commission grant of an assignment or transfer of control 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. As such, it is permissive only and does not prejudice any relief to which the parties may ultimately be entitled.

Based on the above, Baker's informal objection IS DISMISSED, and, when treated as a petition for reconsideration, IS DENIED.

Sincerely,

A handwritten signature in cursive script that reads "Peter H. Doyle". The signature is written in black ink and is positioned above the typed name and title.

Peter H. Doyle
Chief, Audio Division
Media Bureau