



Federal Communications Commission  
Washington, D.C. 20554

February 26, 2009

**DA 09-472**

*In Reply Refer to:*

1800B3-BSH

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In re: **WTMP(AM), Egypt Lake, Florida**  
Facility ID No. 74108  
File No. BAL-20081002ABV

**WTMP-FM, Dade City, Florida**  
Facility ID No. 15239  
File No. BALH-20081002ABW

**WFJO(FM), Folkston, Georgia**  
Facility ID No. 22005  
File No. BALH-20081002ACC

**WHJX(FM), Baldwin, Florida**  
Facility ID No. 52032  
File No. BALH-20081002ACD

**WJSJ(FM), Fernandina Beach,  
Florida**  
Facility ID No. 40483  
File No. BALH-20081002ACE

**WSJF(FM), St. Augustine Beach,  
Florida**  
Facility ID No. 53672  
File No. BALH-20081002ACF

**WSGA(FM), Hinesville, Georgia**  
Facility ID No. 64428  
File No. BALH-20081002ABO

**WSSJ(FM), Rincon, Georgia**  
Facility ID No. 54805  
File No. BALH-20081002ABP

**WTHG(FM), Hinesville, Georgia**  
Facility ID No. 7816  
File No. BALH-20081002ABQ

**Applications for Assignment of  
Licenses  
Informal Objection**

Dear Counsel:

We have before us the above-referenced applications (the “Assignment Applications”) seeking approval for: (1) the proposed involuntary assignment of licenses of Station WTMP(AM), Egypt Lake, Florida, and WTMP-FM, Dade City, Florida, from Tama Radio Licenses of Tampa, FL, Inc. to Scott Savage, Receiver (“Receiver”); (2) the proposed involuntary assignment of licenses of Stations WFJO(FM), Folkston, Georgia; WHJX(FM), Baldwin, Florida; WJSJ(FM), Fernandina Beach, Florida; and WSJF(FM), St. Augustine Beach, Florida, from Tama Radio Licenses of Jacksonville, FL, Inc. to the Receiver; and (3) the proposed involuntary assignment of licenses of Stations WSGA(FM), Hinesville, Georgia; WSSJ(FM), Rincon, Georgia; and WTHG(FM), Hinesville, Georgia (collectively, the “Stations”), from Tama Radio Licenses of Savannah, GA, Inc. to the Receiver.<sup>1</sup> On October 17, 2008, Dr. Glenn Cherry (“Cherry”), former Chief Executive Officer of Tama, filed an Informal Objection to the Assignment Applications.<sup>2</sup> For the reasons stated below, we deny the Informal Objection and grant the Assignment Applications.

**Background.** On September 5, 2008, the Honorable Emily Jane Goodman of the Supreme Court of the State of New York, County of New York (“New York Court”), appointed Scott Savage as Receiver of Tama and its assets.<sup>3</sup> The Receiver attached a copy of the New York Court Order with the Assignment Applications.

**Discussion.** In the Informal Objection, Cherry states that an allegation of “a premature assumption of control of the Tama licenses . . . in violation of Section 310(d) of the Communications Act<sup>4</sup> . . . is currently under investigation by the [Commission’s] Enforcement Bureau in Case No. EB-08-IH-0692.”<sup>5</sup> Cherry requests that we “review the progress of the Enforcement Bureau investigation prior to acting upon the [Assignment Applications].”<sup>6</sup> On February 17, 2009, the Enforcement Bureau released an Order and associated Consent Decree terminating its investigation of Case No. EB-08-IH-0692.<sup>7</sup> The

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<sup>1</sup> For ease of exposition we will refer to the proposed assignors, both individually and collectively, as “Tama.”

<sup>2</sup> The Receiver filed an Opposition to Informal Objection on October 23, 2008.

<sup>3</sup> See *D.B. Zwirn Special Opportunities Fund, L.P. v. Tama Broadcasting Inc., et al*, Order Pursuant to CPLR § 6401 Appointing a Temporary Receiver, Index No. 600692/2008 (Sept. 5, 2008) (“New York Court Order”).

<sup>4</sup> See 47 U.S.C. § 310(d).

<sup>5</sup> Informal Objection at 2.

<sup>6</sup> Informal Objection at 4.

<sup>7</sup> See *Tama Broadcasting, Inc.*, Order, DA 09-225 (EB Feb. 17, 2009) (“*EB Order*”).

Consent Decree, *inter alia*, provided for a Compliance Plan to ensure future compliance with Section 310(d) of the Act and Section 73.3540 of the Commission's Rules,<sup>8</sup> termination of the investigation of the alleged unauthorized transfer of control and dismissal of the related complaint against Tama. Moreover, the *EB Order* concluded that its investigation raised no substantial or material questions of fact as to whether Tama possesses the basic qualifications to hold or obtain any Commission license or authorization.<sup>9</sup>

Moreover, it is well-established that the Commission will accommodate court decrees, such as the instant appointment of the Receiver for the Stations, unless a public interest determination compels a different result.<sup>10</sup> In light of the conclusions made in the *EB Order*, we will honor the New York Court Order and grant the Assignment Applications.

**Conclusion/Actions.** Based on the above, we find that Cherry has not raised a substantial and material question of fact warranting further inquiry and that none of the allegations demonstrate that grant of the Assignment Applications would be inconsistent with the public interest. We further find that the Receiver is qualified to hold the Stations' licenses, and that grant of the Assignment Applications is consistent with the public interest, convenience and necessity. Accordingly, IT IS ORDERED, that the Informal Objection filed by Dr. Glenn Cherry IS DENIED, and that the application for approval to involuntarily assign the licenses for Stations WTMP(AM), Egypt Lake, Florida (File No. BAL-20081002ABV), and WTMP-FM, Dade City, Florida (File No. BALH-20081002ABW), from Tama Radio Licenses of Tampa, FL, Inc. to Scott Savage, Receiver IS GRANTED; the application for approval to involuntarily assign the licenses of Stations WFJO(FM), Folkston, Georgia (File No. BALH-20081002ACC), WHJX(FM), Baldwin, Florida (File No. BALH-20081002ACD), WJSJ(FM), Fernandina Beach, Florida (File No. BALH-20081002ACE), and WSJF(FM), St. Augustine Beach, Florida (File No. BALH-20081002ACF), from Tama Radio Licenses of Jacksonville, FL, Inc. to Scott Savage, Receiver IS GRANTED; and the application for approval to involuntary assign the licenses of Stations WSGA(FM), Hinesville, Georgia (File No. BALH-20081002ABO), WSSJ(FM), Rincon, Georgia (File No. BALH-20081002ABP) and WTHG(FM), Hinesville, Georgia (File No. BALH-20081002ABQ), from Tama Radio Licenses of Savannah, GA, Inc. to Scott Savage, Receiver IS GRANTED.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>8</sup> 47 C.F.R. § 73.3540.

<sup>9</sup> See *EB Order* at 2.

<sup>10</sup> See *Arecibo Radio Corp.*, Memorandum Opinion and Order, 101 FCC 2d 545 (1985); *Radio Station WOW, Inc. v. Johnson*, 326 U.S. 120, 131-32 (1945).