



Federal Communications Commission
Washington, D.C. 20554

May 12, 2011

In Reply Refer to:
1800B3-BSH

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In re: **WHJX(FM), Baldwin, Florida**
Facility ID No. 52032
File No. BALH-20110112AAL

**Application for Assignment of License
Petition to Deny**

Dear Counsel:

We have before us the above-referenced application (the "Assignment Application") seeking approval for the proposed assignment of license of Station WHJX(FM), Baldwin, Florida (the "Station"), from Scott Savage, Receiver ("Savage") to West Jacksonville Baptist Church, Inc. ("West Jacksonville"). On February 22, 2011, Glenn Cherry ("Cherry") filed a Petition to Deny ("Petition") the Assignment Application.¹ For the reasons stated below, we deny the Petition and grant the Assignment Application.

Savage is functioning as assignor pursuant to his duties as the temporary court-appointed receiver for Tama Radio Licenses of Jacksonville, Inc. ("Tama").² Cherry, who was an officer, director, and shareholder of Tama, has challenged Savage's actions in his capacity as temporary receiver, most recently

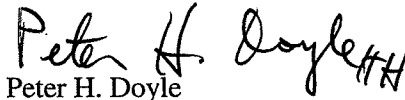
¹ Savage and West Jacksonville filed a Joint Opposition to Cherry's Petition on March 4, 2011.

² The secured creditor of Tama, D.B. Zwirn Special Opportunities Fund, L.P., filed a civil lawsuit in the Supreme Court of New York County, New York, in April, 2008, against Tama. Savage was appointed as temporary receiver by the Supreme Court of the State of New York by Order dated September 5, 2008, in *D.B. Zwirn Special Opportunities Fund, L.P. v. Tama Broadcasting, Inc., Tama Radio Licenses of Savannah, Georgia, Inc., Tama Radio Licenses of Tampa Florida, Inc., and Tama Radio Licenses of Jacksonville, Florida, Inc.*, Index Number 600692/2008 (N.Y. Sup. Ct. Sept. 5, 2008).

in an appeal filed with the United States Court of Appeals, D.C. Circuit ("D.C. Appeals Court"),³ contesting the Commission's affirmation of the grant of involuntary assignment of license of nine radio stations from Tama to Savage.⁴ The only relief sought by Cherry in the Petition is that "Petitioner requests that a decision on the above-captioned application be withheld until the result of DC Circuit Case No. 10-1151 is known."⁵ On April 12, 2011, the D.C. Appeals Court issued a decision dismissing Cherry's appeal in Case No. 10-1151 for lack of standing.⁶ Accordingly, we deny the Petition.

Based on the above, we find that Cherry has not raised a substantial and material question of fact warranting further inquiry. We further find that West Jacksonville is qualified to hold the Station's license and that grant of the Assignment Application is consistent with the public interest, convenience and necessity. Accordingly, IT IS ORDERED, that Glenn Cherry's February 22, 2011, Petition to Deny the Assignment Application IS DENIED. IT IS FURTHER ORDERED that the application for approval to assign the license for Station WHJX(FM), Baldwin, Florida (File No. BALH-201101112AAL), from Scott Savage, Reciever to West Jacksonville Baptist Church, Inc. IS GRANTED.

Sincerely,

A handwritten signature in black ink that reads "Peter H. Doyle" followed by two stylized initials "HH".

Peter H. Doyle
Chief, Audio Division
Media Bureau

³ See *Glenn Cherry v. Federal Communications Commission*, Case No. 10-1151 (D.C. Cir. April 12, 2011).

⁴ See *Radio Licenses of Tampa, Florida, Inc.*, Memorandum Opinion and Order, 25 FCC Rcd 7588 (2010).

⁵ Petition at 5.

⁶ See *supra* n. 3.