



Federal Communications Commission
Washington, D.C. 20554

February 9, 2012

In Reply Refer to:
1800B3-BSH

Carlos Guerrero, Member
La Poderosa, LLC
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Florida Spanish Communications Corp.
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Martin Santos, President
GB Enterprises Communications Corp.
1505 Dundee Road
Winter Haven, FL 33834

In re: **WHNR(AM), Cypress Gardens,
Florida**
Facility ID No. 21766
File No. BAL-20110810AAB

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

Dear Mr. Santos and Counsel:

We have before us the above-referenced application (the "Assignment Application") seeking approval for the proposed assignment of license for Station WHNR(AM), Cypress Gardens, Florida (the "Station"), from GB Enterprises Communications Corp. ("GB") to Florida Spanish Communications Corp. ("FSCC"). On September 12, 2011, La Poderosa, LLC, and Carlos Guerrero, who owns that company ("collectively, Petitioners") filed a Petition to Deny ("Petition") the Assignment Application.¹ For the reasons stated below, we deny the Petition and grant the Assignment Application.

Background. Petitioners state that they made loans to GB and to GB's President and 100 percent stockholder, Martin Santos ("Santos"), which have not been timely repaid. The Petition notes that "Petitioners have initiated arbitration proceedings in Florida seeking to collect on the debt and for other remedies against Santos and [GB]."² Petitioners assert that GB seeks to assign the Station in order to avoid payment of money that GB and Santos are contractually obligated to pay to Petitioners.

¹ On November 25, 2009, FSCC filed an Opposition to Petition to Deny. Petitioners filed a Supplement to Petition to Deny on October 4, 2011, a Motion for Extension of Time on October 5, 2011, and a Reply to Opposition to Deny on October 12, 2011.

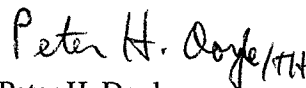
² Petition at 2.

Discussion. We find that the contractual issues raised by Petitioners 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

Furthermore, Petitioners have not provided 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, our action is permissive only and does not prejudice any relief to which the parties may ultimately be entitled.

Conclusion/Actions. Based on the above, we find that Petitioners have not raised a substantial and material question of fact warranting further inquiry. We further find that FSCC is qualified to hold the license for Station WHNR(AM), Cypress Gardens, Florida, and that grant of the Assignment Application is consistent with the public interest, convenience and necessity. Accordingly, IT IS ORDERED, that La Poderosa, LLC and Carlos Guerrero's September 12, 2011, Petition to Deny IS DENIED, and that the application for approval to assign the license for Station WHNR(AM), Cypress Gardens, Florida (File No. BAL-20110810AAB) from GB Enterprises Communications Corp. to Florida Spanish Communications Corp. IS GRANTED.

Sincerely,

Handwritten signature of Peter H. Doyle in black ink, with the initials 'TH' at the end of the signature.

Peter H. Doyle
Chief, Audio Division
Media Bureau

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).