Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Tama Radio Licenses of Tampa, Florida, Inc.	)	Facility ID No. 74108
Licensee of Stations WTMP(AM), Egypt Lake,	)	BAL-20081002ABV
Florida and WTMP-FM, Dade City, Florida;	)	Facility ID No. 15239
	)	BALH-20081002ABW
	)	
Tama Radio Licenses of Jacksonville, Florida,	)	Facility ID No. 22005
Inc.	)	BALH-20081002ACC
Licensee of Stations WFJO(FM), Folkston,	)	Facility ID No. 52032
Georgia; WHJX(FM), Baldwin, Florida,	)	BALH-20081002ACD
WJSJ(FM), Fernandina, Florida; WSJF(FM), St.	)	Facility ID No. 40483
Augustine, Florida; and WFJO(FM), Folkston,	)	BALH-20081002ACE
Georgia;	)	Facility ID No. 53672
	)	BALH-20081002ACF
and	)	
	)	
Tama Radio Licenses of Savannah, Georgia,	)	Facility ID No. 54805
Inc.	)	BALH-20081002ABP
Licensee of Stations WSSJ(FM), Rincon, Georgia;	)	Facility ID No. 64428
and WSGA(FM) and WTHG(FM), Hinesville,	)	BALH-20081002ABO
Georgia	)	Facility ID No. 7816
	)	BALH-20081002ABQ
Assignors	)	
	)	
and	)	
	)	
Scott Savage, Receiver	)	
	)	
Assignee	)	
	)	
For Involuntary Assignment of Licenses	)	

MEMORANDUM OPINION AND ORDER

Adopted: June 1, 2010 **Released: June 1, 2010**

By the Commission:

1. The Commission has before it an Application for Review filed on March 31, 2009, by Dr. Glenn Cherry ("Cherry"),[1] former Chief Executive Officer of Tama Broadcasting, Inc. ("Tama"), parent

[1] Section 1.115(a) of the Commission's Rules (the "Rules") provides, in pertinent part, that any party aggrieved by any action taken pursuant to delegated authority may file an application for review. In the instant case, the Application for Review was filed on behalf of "Dr. Glenn Cherry and Charles Cherry, Esq." Charles Cherry did not participate earlier in the proceeding. Section 1.115(a) provides, in pertinent part, that any party filing an application (continued....)

of the captioned licensees.[2] Cherry seeks review of the February 26, 2009, action of the Chief, Audio Division, Media Bureau (the "*Staff Decision*") which denied Cherry's informal objection and granted the above-captioned applications seeking consent for involuntary assignment of the listed stations' licenses from Tama subsidiaries to a court-appointed receiver, Scott Savage (the "Receiver").[3]

2. Cherry has merely listed the issues he wants the Commission to resolve and has "incorporated by reference" arguments raised before the Enforcement Bureau in another proceeding. Section 1.115 of the Rules requires that an applicant for review "specify with particularity" the grounds on which Commission consideration is warranted.[4] Cherry did not specify with particularity the grounds warranting Commission review of the Bureau's decision but merely referenced prior pleadings. The Commission is not required to sift through an applicant's prior pleadings to supply the reasoning that our rules require to be provided in the application for review. Accordingly, the application for review is subject to dismissal. In any event, we have carefully reviewed the entire record. We conclude that the staff properly decided the matters raised below, and we uphold the staff decision for the reasons stated therein. The gravamen of Cherry's argument below is that the Receiver prematurely assumed control of the captioned licenses in violation of Section 310(d) of the Communications Act of 1934, as amended.[5] However, as noted in the *Staff Decision*, the Enforcement Bureau fully considered and dismissed a complaint based on this same allegation. To the extent that Cherry raises new issues on review, the application for review is subject to dismissal for violation of Section 1.115(c).[6]

3. Finally, the application for review includes a request to stay the *Staff Decision*. The request for stay is deficient on two grounds. First, Cherry provides no showing in support of this request.[7] Second, Section 1.44(e) of the Rules[8] requires that a request to stay the effectiveness of an order must be

(Continued from previous page)

for review that has not previously participated in the proceeding shall include a statement describing with particularity the manner in which it is aggrieved by the action and showing good reason why it was not possible to participate in the earlier stages of the proceeding. This Rule stipulates that any application for review failing to make these showing will be dismissed. Charles Cherry has failed to provide any such showings. Accordingly, the application for review with respect to Charles Cherry's participation will be dismissed for that reason. *See Citicasters Co.*, Memorandum Opinion and Order, 16 FCC Rcd 14137, 14137 (2001), *recon. denied*, 17 FCC Rcd 1997 (2002); *Family Media, Inc.*, Memorandum Opinion and Order, 2 FCC Rcd 2540 (1987); *see also Pan American Satellite Corporation* Memorandum Opinion, Order and Authorization, 60 RR 2d 398 (1986).

[2] Scott Savage, Receiver, filed an Opposition on April 17, 2009.

[3] *Letter to Percy Squire, Esq. and Mark J. Prak, Esq.* 24 FCC Rcd 2453 (MB 2009).

[4] 47 C.F.R. § 1.115(b)(2).

[5] *See* 47 U.S.C. § 310(d).

[6] *See* 47 C.F.R. § 1.115(c) (barring the grant of an application for review that raises new questions of law or fact).

[7] *See Hispanic Information and Telecommunications Network, Inc., et al.*, Memorandum Opinion and Order, 20 FCC Rcd 5471, 5480 (2005) ("*HITN*") (stay of administrative action will be granted only where request shows that (1) the requestor will suffer irreparable harm if the stay is not granted, (2) it is likely to prevail on the merits of its appeal, (3) the grant of a stay will not harm other interested parties, and (4) the grant would serve the public interest); *New Bohemia Group, Inc.*, Letter, 24 FCC Rcd 1357, 1361 & n.31 (MB Audio Div. 2009) (stay denied where requestor failed to make the required showing).

[8] 47 C.F.R. § 1.44(e).

filed as a separate pleading and directs the Commission not to consider such a request when not filed as a separate pleading.[9] Thus, the request for stay will be dismissed.

4. Accordingly, IT IS ORDERED that the application for review of Dr. Glenn Cherry and Charles Cherry, Esq. filed on March 31, 2009, IS DISMISSED. IT IS FURTHER ORDERED that the request for stay included in the application for review IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

[9] *HITN*, 20 FCC Rcd. at 5479; *Powell Meredith Communications Co.*, Memorandum Opinion and Order, 19 FCC Rcd 12672, 12676 (2004), *recon. denied*, 23 FCC Rcd 619 (2008), *aff'd on other grounds*, *Alvin Lou Media, Inc. v. FCC*, 571 F.3d 1 (D.C. Cir. 2009).