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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

MAY 16 2005

In re Applications of: )  
)  
QUETZAL BILINGUAL ) 325-NEW-20050406-00008  
COMMUNICATIONS, INC. )  
)  
For Section 325(c) Permit to deliver )  
programming to Station XHBCE-FM, )  
Class C1, Tecate, B.C., Mexico )

Federal Communications Commission  
Office of Secretary

To: The Secretary  
For Transmission to: Chief, International Bureau

**PETITION TO DENY**

Lazer Broadcasting Corporation ("Lazer"), licensee of Station KXRS(FM), 105.7 mHz, Hemet, California; Citicasters Licenses, L.P. ("Citicasters"), licensee of Station KIOZ(FM), 105.3 MHz, San Diego, California; and Emmis Communications Corporation ("Emmis"), operator of radio stations throughout the United States, including California, hereby jointly file this petition to deny the captioned application of Quetzal Bilingual Communications, Inc. ("Quetzal") for a permit under Section 325(c) of the Communications Act of 1934, as amended (the "Act"), to transmit programming material to Station XHBCE-FM, operating as a Class C1 facility at Tecate, Baja California ("B.C."), Mexico. In support whereof the following is shown:

**Procedural Matters**

This petition is filed under Section 309(d)(1) of the Act. Lazer has standing to file this petition because, as shown in the attached Declaration of Armando Gutierrez, a long-time sales representative at KXRS (Exhibit 1), XHBCE-FM is causing interference to Lazer's co-channel station KXRS, Hemet, California. *NBC v. FCC (KOA)*, 76

U.S.App. D.C. 238, 132 F.2d 545 (1942), *aff'd*, 319 U.S. 239, 63 S. Ct. 1035, 87 L. Ed. 1374 (1943). Citicasters has standing because its station, KIOZ in San Diego, competes for audience and revenue with XHBCE-FM as a result of the operation of that station from Quetzal's studio in Chula Vista, California. *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470 (1940); see Exhibit 2, the Declaration of Stephen G. Davis, Senior Vice President of Engineering and Capital Projects of Clear Channel Communications, Inc., the ultimate parent of Citicasters. Emmis is participating in this petition because, as the owner of radio stations in the U. S., including stations in states that border Mexico, it has a stake in the integrity and reliability of station notifications under U. S. broadcast agreements with Mexico. See *1998 Biennial Regulatory Review—Streamlining of Mass Media Rules and Processes*, 13 FCC Rcd 23056, 23064-65 (1998) (“[T]he Commission relies on members of the public to act as private attorneys general to assist in overseeing the conduct of applicants and licensees and in fulfilling our statutory functions [note omitted].”)

This petition is timely against Quetzal's request to provide programming to XHBCE-FM operating as Class C1 facility from Cerro Bola. Notice of the filing of that Section 325(c) application appeared on a *Public Notice*, Report No. 325-00094, released April 15, 2005.<sup>1</sup> The 30-day comment period set in that notice ends today.

This petition also is addressed to Quetzal's special temporary authorization (“STA”), 325-STA-20050401-00003, issued on April 1, 2005 and expiring June 30, 2005, under which its programs can be delivered for rebroadcast by XHBCE-FM operating as a Class B station at its notified and FCC-registered transmitter site at

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<sup>1</sup> Quetzal's original Section 325(c) application sought permission to deliver programming to XHBCE-FM operating as a Class B station from a site at Matamoros Jaramillo, B.C. (325-NEW-20041124-0013), but that application was amended and the file number reflected above was assigned.

Matamoros Jamarillo, B.C. *See Public Notice*, Report No. 325-00088, released April 4, 2005.

### **The Merits**

**Background.** Jaime Bonilla Valdez (“Bonilla”) is president and owns a controlling interest in Quetzal. *See* FCC Form 323 (Ownership Report) for KURS, Facility ID 54257, filed July 17, 2003 (File No. BOA-20030717ABX). Through the captioned applications Quetzal seeks authority under Section 325(c) of the Act to transmit programs to XHBCE-FM, Tecate, B.C. As shown below, Quetzal currently has Section 325(c) authorizations to provide programming to Mexican AM stations XEKT, 1700 kHz, Tijuana; XESDD, 1030 kHz, Puerto Nuevo; and XESS, 620 kHz, Ensenada. All Section 325(c) authorizations are issued on the express condition that each Mexican station engaged in cross-border rebroadcasting must, in accordance with U.S.-Mexico agreements, (i) have had their facilities approved through coordination procedures between the FCC and Mexico’s Secretaria de Comunicaciones y Transportes (“SCT”), and (ii) have on file with the FCC a record of the approved facilities. As shown below, Quetzal has consistently ignored these requirements and has misrepresented material facts to the Commission regarding the facilities it is using for rebroadcasts from Mexico, both FM and AM. These abuses continue to this day and include direct misrepresentations to the FCC in the application that is the subject of this petition.

**Field Inspection.** Lazer’s interest in Quetzal’s pending Section 325(c) applications, as Exhibit 1 confirms, is concern about interference to its Station KXRS. The coordinated facilities for XHBCE-FM, for both the Matamoros Jamarillo and Cerro Bola sites, provide the required protections to KXRS, but, based on the interference being

received by KXRS, Lazer has had doubts that XHBCE-FM, if physically inspected, would be found to be operating in accordance with those facilities. Based on the complaints filed by other California broadcasters,<sup>2</sup> Lazer was aware that Bonilla had a record of abuse in terms of using unauthorized Mexican facilities to broadcast programming back into the U.S. under Section 325(c) permits. To verify the facts regarding Quetzal's illegal cross-border operations, Lazer, with the assistance of Citicasters, Emmis and others, commissioned just such a field inspection.

During early May, 2005, Joel T. Saxberg, an engineering consultant from Arcadia, California, conducted an aerial inspection of the FCC-notified transmitter sites for XHBCE-FM as well as the three AM stations that are authorized to rebroadcast Quetzal's programming--XESS, XESDD and XEKTT. Mr. Saxberg made use of GPS equipment, a special radio receiver and an electronic camera. His report is attached as Exhibit 3 (hereafter "Engineering Report") and summarized below:

#### **Matamoros Jaramillo**

Matamoros Jaramillo is the site for XHBCE-FM that is specified in 325-NEW-20041124-00013, the now-superseded Section 325(c) application, and in the STA granted to Quetzal on April 1, 2005 in 325-STA-20050401-00003 (*see* note 1). The Engineering Report and the accompanying photos show there is no radio station at this site. There are not even power lines, roads or even a trail at this site, indicating it has never been used by XHBCE-FM or any other broadcast station. Thus, contrary to Quetzal's representations

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<sup>2</sup> *See* "Request for Issuance of Order to Show Cause Why Licenses and Construction Permits Should Not be Revoked" (the "ABC Petition"), filed jointly on May 11, 2004 by KGO-AM Radio, Inc., KABC-AM Radio, Inc., and Owens One Company. In the ABC Petition it is shown that a company commonly controlled with Quetzal consistently used unnotified Mexican AM stations managed by Bonilla's wife for cross-border operations under Section 325(c) permits. These operations, according to the ABC Petition, caused interference to an estimated 50 million listeners in the U.S. ABC Petition, pp. 2-3.

in its pending application, 325-NEW-20050406-00008,<sup>3</sup> XHBCE-FM is *not* operating, and most likely never has operated, from Matamoros Jaramillo. Moreover, as shown below, the STA issued for this site is being used to deliver programs to another site in spite of the FCC's denial of an STA proposing just such an operation. Given these facts, the Commission cannot rely on anything Quetzal says in its pending application. But there is more.

### **Cerro Bola**

Cerro Bola is the site in the vicinity of Tecate, B.C., where the SCT on April 1, 2005, authorized XHBCE-FM to move and operate as a Class C1 station.<sup>4</sup> Expecting to find the newly-authorized station to be either unbuilt or under construction, Mr. Saxberg instead found XHBCE-FM to be fully operational and using one of the two FM antennas at the site—the first, a two-bay and the second an eight-bay, the latter being far larger than would be required for the authorized maximum ERP of 8.2 kW, but which would accommodate the original 50 kW operation authorized by the SCT. Under the coordination letter the FCC sent to Mexico on March 1, 2005 (Exhibit 4, Ex.2), XHBCE-FM's radiation towards KXRS is limited to the equivalent of 16 kW at 300 meters HAAT which translates to 0.9 kW due to the 797-meter height of the antenna AAT (*see* Exhibit 4, Ex. 1).

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<sup>3</sup> In its "Amendment to Application for Permit to Deliver Programs to Foreign Station," dated April 6, 2005 (Exhibit 4), Quetzal states, on page 1, "Quetzal is currently delivering programming to the Station [XHBCE-FM], which is operating as a Class B facility from an authorized site known as Matamoros Jaramillo...."

<sup>4</sup> *See* Exhibit 4, Ex. 1, which is a copy of the original SCT authorization, specifying an ERP of 50 kW. Quetzal's application was amended on April 15, 2005 to substitute a new SCT authorization, specifying operations at Cerro Bola with an ERP of 8.2 kW. While not coordinated with the FCC, the 50 kW authorization likely reflects the Quetzal parties' real operating plan.

### **XEKTT, 1700 kHz, Tijuana**

In an effort to determine if the same pattern of abuse and deception existed with regard to Quetzal's programming operations on Mexican AM stations, Mr. Saxberg also surveyed the U.S.-registered transmitter sites of the three stations for which Quetzal currently has Section 325(c) authorizations. The first is XEKTT, which is authorized to operate on 1700 kHz.<sup>5</sup> XEKTT has two facilities notified in CDBS: the first, shown in Appendix 3 of the Engineering Report, is near the Tijuana airport. From that location, XEKTT is authorized to operate omnidirectionally during daytime hours and directionally at night with a two-tower array. XEKTT's second registered site is at Cerro Jaramillo, which Mr. Saxberg describes as being halfway between the border towns of Tijuana and Tecate. From that site, as shown in Appendix 4 of the Engineering Report, XEKTT is authorized to operate omnidirectionally daytime and directionally at night with two towers of equal height. Air surveillance revealed that nothing has been constructed at the Tijuana airport site. Surveillance of the Cerro Jaramillo site showed two towers, but at "grossly unequal height," meaning that XEKTT is either using an unauthorized directional antenna system or, as may be reasonably concluded based on other observations at the site (see below), XEKTT is operating omnidirectionally full time.

### **XESDD, 1030 kHz, Puerto Nuevo**

Quetzal was authorized to deliver programming to XESDD through 325-NEW-20041018-0009, granted December 15, 2005. *See Public Notice*, Report No. 325-00079, released December 15, 2005. Appendix 5 of Mr. Saxberg's report shows that XESDD is

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<sup>5</sup> Quetzal's Section 325(c) authorization to deliver programs to this station was granted December 15, 2004 in 325-NEW-20040910-0008. *See Public Notice*, Report 325-00078, released December 15, 2004.

authorized to operate directionally both day and night with the same three-tower array. Surveillance at the station's authorized site shows that XESDD is operating *omnidirectionally* with a single tower, in gross violation of its own authorization and U.S. treaty requirements.

#### **XESS, 620 kHz, Ensenada (Puerto Nuevo)**

Quetzal is authorized to deliver programming to XESS, Ensenada, under authority of 325-NEW-20041018-00010, granted December 15, 2004. *See Public Notice*, Report No. 325-00079, released December 15, 2005. Station XESS is authorized to operate on 620 kHz from the XESDD site at Puerto Nuevo by sharing the same three-tower directional array, day and night. *See Engineering Report*, Appendix 5. Instead, as shown by Mr. Saxberg, XESS is being operated from Cerro Jaramillo, an unauthorized site. At this site, where XEKTT, 1700 kHz, is also operating (see above), XESS is using either one or both of the same towers of unequal height that are also being used by XEKTT. The facility is unauthorized either way, since XESS is supposed to be operating 21 miles SSW of Cerro Jaramillo with a three-tower directional array. *See Engineering Report*, page 9.

**Discussion.** XHBCE-FM is not operating in accordance with its SCT authorization as notified to the U.S. and included in CDBS. There is ample evidence for this conclusion. First, Lazer's KXRS is experiencing interference from this Mexican co-channel station. Second, as Mr. Saxberg observed, there is an eight-bay antenna at Cerro Bola, a far larger facility than would be necessary to produce a maximum ERP of 8.2 kW. Third, the record shows that Quetzal and Bonilla are untrustworthy. The Engineering Report establishes that XHBCE-FM never operated from Matamoros

Jaramillo, as Quetzal represents in its Section 325(c) application. Further, the station has been on the air since at least November 24, 2004, the date of Quetzal's original Section 325(c) application for use of XHBCE-FM. But this date is months before the FCC approved operations at Cerro Bola on March 1, 2005, or before the SCT approved operations at Cerro Bola on April 1, 2005. Indeed, the Cerro Bola operation still does not appear in CDBS and presumably has not been registered with the FCC. Thus, if XHBCE-FM was operating in 2004 or earlier, it had to be from a different location, probably Cerro Bola, without SCT authorization or international coordination. This is evidence of disregard of FCC and (presumably) SCT requirements, as well as international law. Moreover, as shown above, none of the AM stations with which Quetzal has rebroadcast agreements is operating with the facilities notified to the U.S. as reflected in CDBS. As the ABC Petition points out, Quetzal's AM partners in Mexico have caused massive interference in the U.S.

Another recent violation by Bonilla deserves mention in this context. On January 13, 2005 the FCC dismissed the application of Pacific Spanish Network, Inc. ("Pacific") for a microwave STL facility to transmit Quetzal's U.S. programs to XESDD, XESS and XEKTT in Mexico.<sup>6</sup> In spite of the dismissal of the application and the issuance of a Notice of Inquiry by the FCC's San Diego District Office on March 11, 2005, Pacific continues to operate this illegal facility.

This represents a pattern of serious and consistent violations of law by Bonilla and his Mexican partners. When added to Quetzal's own misrepresentations in *the very*

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<sup>6</sup> See Exhibit 5, a record of the dismissal from ULS and a copy of the attachment to Pacific's follow-up STA application, which still is pending. Pacific is the same Bonilla-controlled entity that was fined \$20,000 for violating its Section 325(c) permits in 2004. See *Notice of Apparent Liability for Forfeiture*, DA 04-2259 (July 30, 2004).



*application* that is now before the Commission, a clear picture emerges. Quetzal again is trying to dupe the FCC into approving cross-border program delivery to a Mexican station that cannot be relied upon to observe its internationally-established operating limits.<sup>7</sup> Mr. Saxberg's findings that all three of Quetzal's AM partners in Mexico are operating illegally removes any semblance of reliability with respect to anything Quetzal or Bonilla may tell the FCC on these subjects. The Commission should reject the Cerro Bola full-time Section 325(c) application in light of all of these transgressions, particularly the fact Quetzal has misrepresented the location of XHBCE-FM.

Also, the outstanding Section 325(c) STA, which specifies a Class B facility at Matamoros Jararillo, should be immediately terminated. Termination is warranted because there are no transmission facilities at that site and Quetzal's request for an STA to operate at Cerro Bola, where XHBCE-FM is operating, was denied. *See Public Notice*, Report No. 325-00095, released April 18, 2005 (325-STA-20050406-00009). To continue permitting delivery of programming to a facility that does not exist, coordinated or not, when the STA request for the real but unregistered facility was denied, does nothing but reward Quetzal's fraud on the Commission.

Further, given the record of consistent and continuing abuse reflected on this record, and in the ABC Petition, the Commission should "quarantine" any future Bonilla-related Section 325(c) applications and subject them to strict scrutiny. All facts regarding the facilities proposed for use in Mexico should be verified through physical evidence to

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<sup>7</sup> Quetzal should have full knowledge of XHBCE-FM's illegal operations. As reflected in Quetzal's original Section 325(c) application, filed November 24, 2004 (325-NEW-20041124-00013), the station is managed by a Mexican corporation whose majority owner is Bonilla's wife. Bonilla himself serves as general director of that corporation. *See* Exhibit 6.

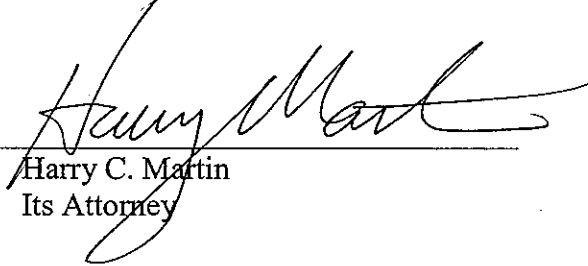
assure that such facilities are being operated in accordance with international coordination requirements. As shown here, the Commission cannot rely on mere representations of fact, or compliance with law, by Bonilla, his wife or their affiliates.

**WHEREFORE, THESE MATTERS CONSIDERED,** It is respectfully requested that the Commission dismiss or deny the captioned application of Quetzal Bilingual Communications, Inc. for Section 325(c) authority to provide programming to Station XHBCE-FM, Tecate, B.C., Mexico, and that the outstanding STA permitting such program delivery be terminated

Respectfully submitted,

LAZER BROADCASTING CORPORATION

By

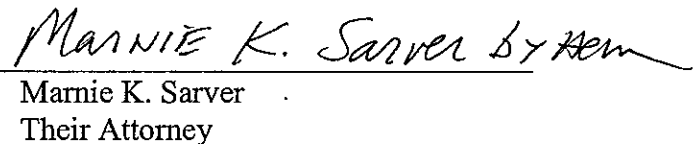


Harry C. Martin  
Its Attorney

Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209

EMMIS COMMUNICATIONS CORPORATION  
CITICASTERS LICENSES, LP

By



Marnie K. Sarver  
Their Attorney

Wiley Rein & Fielding LLP  
1776 K Street, NW  
Washington, DC 20006

May 16, 2005

# **Exhibit 1**

## **Declaration of Armando Gutierrez**

**DECLARATION OF ARMANDO GUTIERREZ**

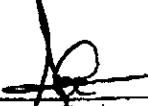
My name is Armando Gutierrez. I am a sales representative of Lazer Broadcasting Corporation's station KXRS, 105.7 MHz, Hemet, California. I have worked in this capacity for nine years and am personally familiar with the station's advertising accounts.

I have been receiving calls and other reports by our customers about interference to KXRS's signal. The interference is coming from a station in Mexico that operates on our frequency. Most of the calls have come from advertisers in Riverside County, where KXRS operates. Calls have come from, for instance, Moreno Valley, Lake Elsinore, San Jacinto, Perris, Temecula and Murrieta. The advertisers have complained that their messages are not getting full exposure due to this interference. I also have been told of the interference by KXRS listeners.

I personally have investigated the interference situation in these communities, and others in Riverside County, and can confirm that KXRS's signal receives interference from the Mexican co-channel station throughout our service area.

I hereby declare under penalty of perjury that the foregoing is based is based on my personal knowledge and is true and correct.

May 16, 2005

  
\_\_\_\_\_  
Armando Gutierrez

## **Exhibit 2**

### **Declaration of Stephen G. Davis**

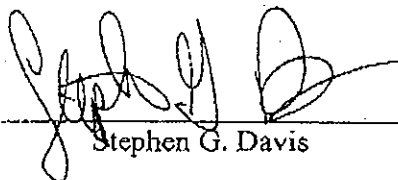
**DECLARATION OF STEPHEN G. DAVIS**

I, Stephen G. Davis, hereby declare under penalty of perjury that the following is true and correct:

I am Senior Vice President of Engineering and Capital Projects of Clear Channel Communications, Inc., the ultimate parent of Citicasters Licenses, L.P., the licensee of Station KIOZ(FM). This Declaration is made in connection with a Petition to Deny the application of Quetzal Bilingual Communications, Inc. for Section 325(c) Permit to deliver English and Spanish language programming to Mexican Radio station XHBCE-FM, 105.7 MHz.

Station KIOZ is licensed to serve San Diego, California. As such, it competes for advertising revenues with XHBCE-FM, which also broadcasts to the San Diego market.

Dated:

May 12<sup>th</sup> 2005  
\_\_\_\_\_  
Stephen G. Davis

## **Exhibit 3**

### **Engineering Report**

**REPORT ON FINDINGS  
OF  
FIELD INVESTIGATION  
OF RADIO FACILITIES  
XHBCE-FM, XESS(AM), XESDD(AM) & XEKTT(AM)  
ALL LOCATED IN  
BAJA CALIFORNIA NORTH, MEXICO**

**MAY 2005**

**BY:  
JOEL T. SAXBERG,  
CONSULTING RADIO ENGINEER  
ARCADIA, CA**



**ENGINEERING STATEMENT OF JOEL T. SAXBERG, CONSULTING  
RADIO ENGINEER**

This report has been prepared for Lazer Broadcasting Corporation, licensee of KXRS(FM), 105.7 MHz, Hemet, California, by Joel T. Saxberg of Broadcast Engineering and Equipment Maintenance Company of Arcadia, California. KXRS has reportedly been receiving considerable interference from co-channel XHBCE-FM, a relatively new station that operates from a site somewhat south of Tecate, Baja California North, Mexico. The purpose of this report is to document the findings of my field investigation on XHBCE (105.7 MHz), as well as my findings on XESS (620 kHz), XESDD (1030 kHz) and XEKTT (1700 kHz) that I understand are related to XHBCE by common ownership.

During the first two weeks of May 2005, I conducted an aerial inspection of the transmitter sites of the aforementioned stations using coordinate data available in the FCC's AM and FM Query programs, and in the case of Cerro Bola, the coordinates on file with the FCC (see Appendix 2). I flew to the various sites by using the standard GPS navigation equipment provided on the aircraft and verifying critical readings with my own Garmin 45XL GPS receiver. In addition, I was able to monitor relative incoming signal strengths on a Yaesu VR-500 receiver linked to its antenna through a switch-type thru-line RF attenuator and a short length of coaxial cable and in this way could determine which stations were being transmitted from which sites.

A total of five sites were surveyed and photographed. XHBCE holds authorizations for two of the sites, XEKTT holds authorizations for another two sites, and XESS and XESDD are said to share a fifth site, apparently with a common three-tower directional antenna array. The sites are identified in the following table by name and coordinates

expressed in degrees-minutes-seconds (NAD-27 datum). In addition, the frequencies that I monitored at each site are given:

<u>Site Name</u>	<u>Coordinates (NAD-27)</u>	<u>Frequencies Monitored</u>
Site 1: Matamoros Jaramillo	32-26-50 116-43-55	105.7 MHz
Site 2: Cerro Bola	32-18-51 116-39-54	95.3, 105.7, 685.75 MHz
Site 3: Tijuana Airport Site	32-32-16 116-59-23	620/1030/1700 kHz
Site 4: Cerro Jaramillo	32-31-36 116-49-04	620/1030/1700 kHz
Site 5: Puerto Nuevo	32-14-57 116-56-49	620/1030/1700 kHz

## RESULTS OF THE FIELD SURVEY

### SITE 1 - MATAMOROS JARAMILLO

This site is located about 11 miles southwest of Tecate, Mexico and is situated far down the northwest flank of a mountain. From FM Query (see Appendix 1), I had expected to find XHBCE's 50,000 watt Class B transmitter installation complete with a directional antenna. In reality, there was nothing at the coordinates but wild brush and grass. There were no power lines, no roads, no trails. An aeronautical search of the area for XHBCE's transmitter came up empty handed and my receiver failed to pick up any meaningful signal on 105.7 MHz.

In short, there is nothing built at XHBCE's authorized transmitter site, and there is no physical evidence to suggest that a transmitter was ever built there, see photo below.



**SITE 1 - MATAMOROS JARAMILLO**

**105.7 MHz Authorized Class "B" location is in foreground of this ravine**

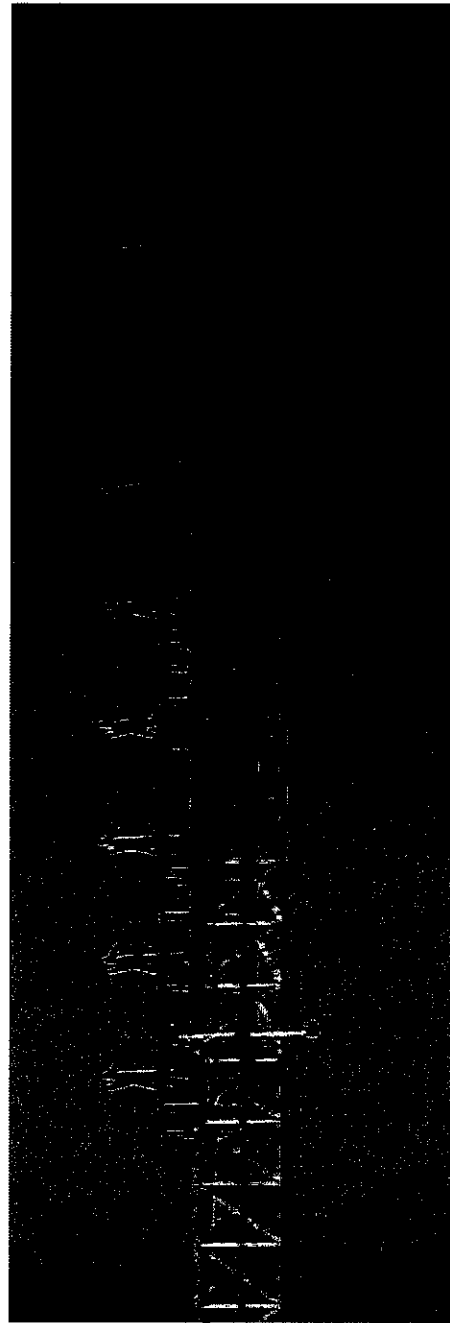
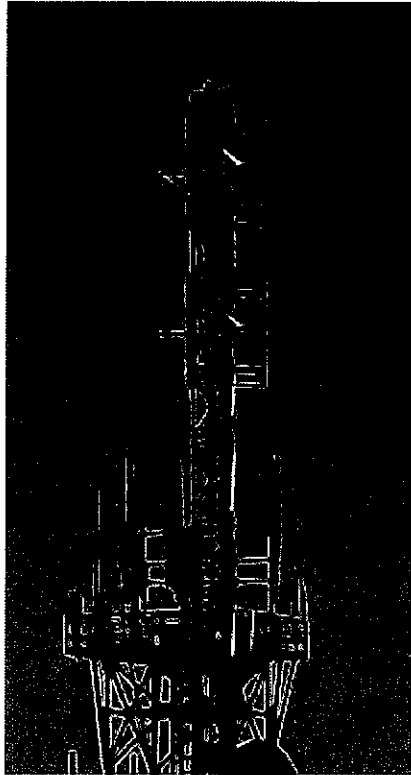
**SITE 2 - CERRO BOLA**

This site is located on a commanding mountaintop about 18 miles SSW of Tecate, Mexico and serves as a microwave hub as well as a broadcast site. From an FCC letter dated March 1, 2005 provided to me by Lazer Broadcasting the first page of which is included in Appendix 2, I had expected to find XHBCE's Class C1 directional facility under construction at Cerro Bola if work on that newly authorized plant had even begun.

Instead of finding no station or a station under construction, I was surprised to find a complete operating XHBCE transmitter plant as confirmed by signal strength readings in fly-by measurements. To review, XHBCE's transmitter should have been built in a grass field on the side of a mountain about 10 miles from Cerro Bola (see the Matamoros Jaramillo write up above), but was operating from the much higher Cerro Bola instead.

In addition to XHBCE on 105.7 MHz, I determined that signals from XHATE-FM, 95.3 MHz, and a Channel 49 television station were also coming from the Cerro Bola site. The XHATE signal is noteworthy because, like the XHBCE plant authorized for construction, XHATE is a Class C1 facility. Class C1 facilities at the height of Cerro Bola should be permitted to run about 8 kW ERP maximum based on XHBCE's SCT authorization. What caught my eye were two FM antennas at Cerro, an eight bay one-half wavelength spaced directional and a panel antenna consisting of two panels per level with two levels. Both antennas (the panel type and the eight bay backed by a reflector panel) are pictured below.

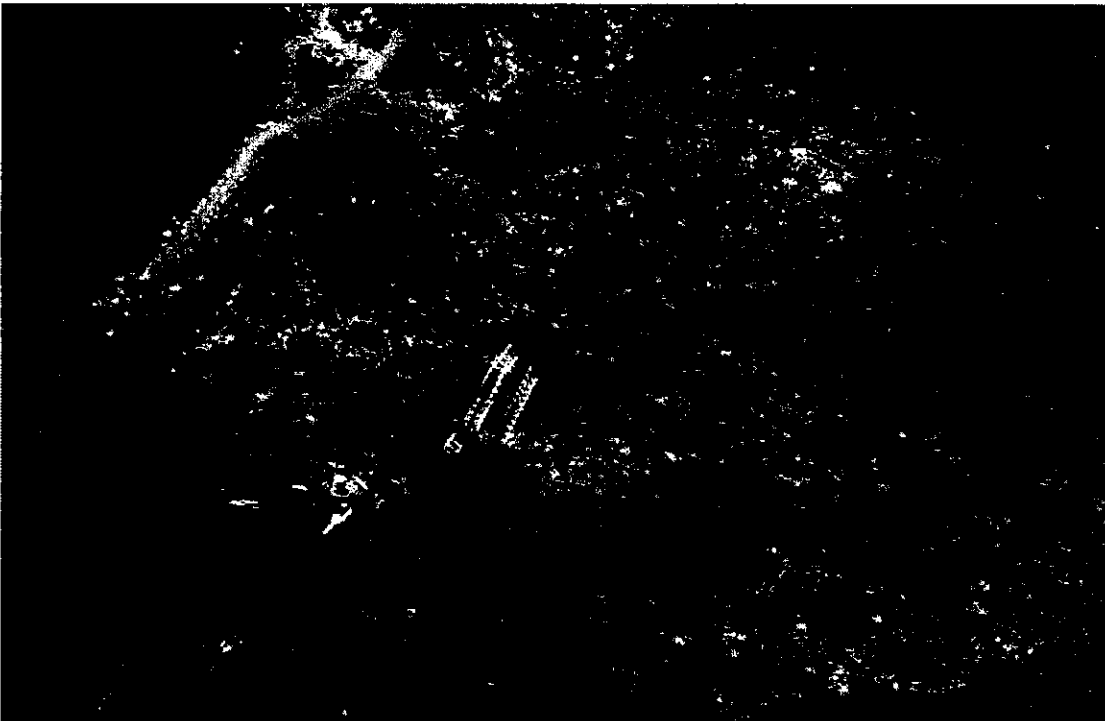
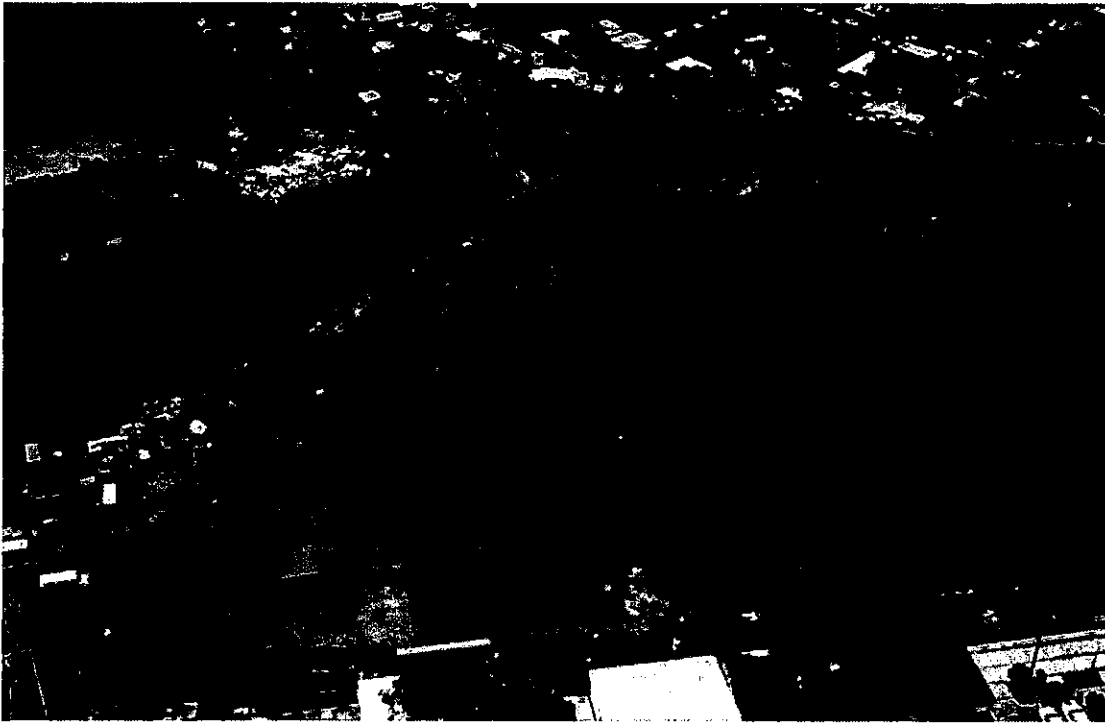
Based on these findings, a field investigation of the antenna installation - and the transmitters connected to them - is highly recommended. Furthermore, XHBCE should be called upon to provide (if it has not done so already) the horizontal antenna pattern of its directional antenna to ensure that the entire arc of KXRS' 60 dBu contour is protected from interference. This information must be provided to the U.S. per Article 8, Section 8.3 of the U.S./Mexican FM Broadcasting Agreement signed August 11, 1992. KXRS should then inspect the antenna to ensure that it was installed properly and oriented correctly.



**Panel Antenna (2 per level) & one-half wavelength spaced directional  
SITE 2 - CERRO BOLA**

### SITE 3 – TIJUANA AIRPORT SITE

This site is immediately south of Tijuana International Airport and is one of two sites authorized as a 1700 kHz transmitter location. AM Query indicates that if this site is in use, I should find two 90 degree tall towers spaced by 90 degrees and oriented toward 92 degrees true. In fact, no towers were erected. A few painted tower sections could be seen laying on the ground suggesting that towers would soon be built, or that towers had recently been dismantled. It is suggested that an eye be kept on tower construction if construction lies ahead. Two towers must be built on this property – not one -- if XEKT is to operate from this site at night, see Appendix 3.



**SITE 3 - TIJUANA AIRPORT SITE**

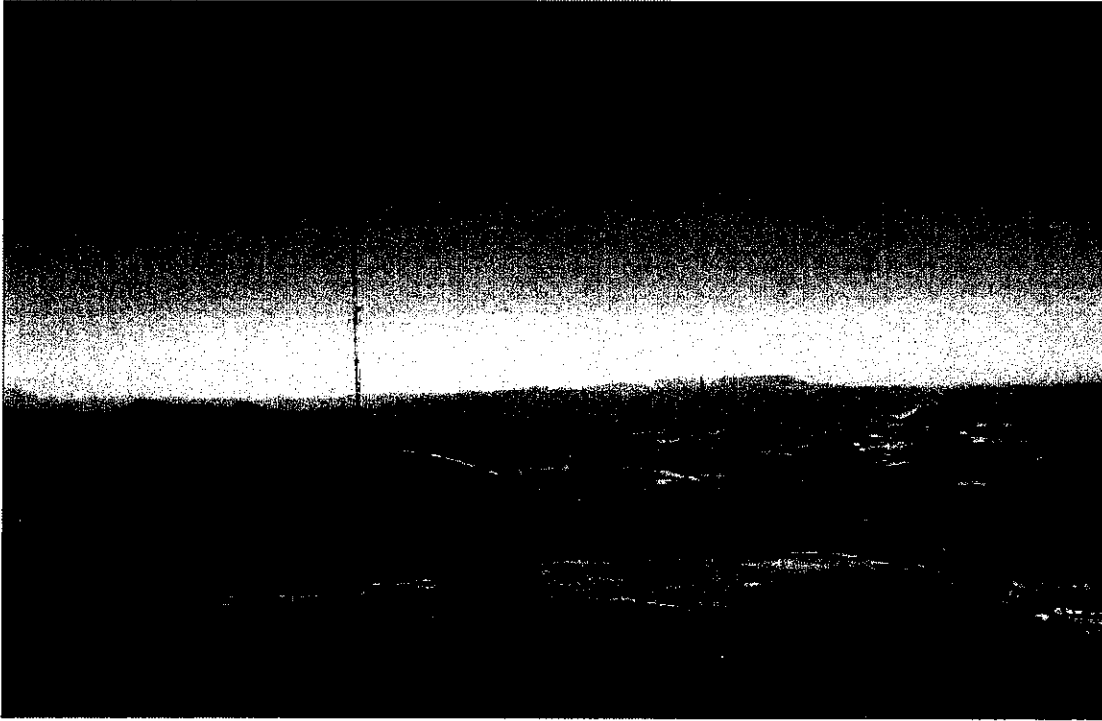
#### SITE 4 - CERRO JARAMILLO

This site is located on a graded-off mountaintop about midway between the Mexican border towns of Tijuana and Tecate, Mexico. AM Query data indicate that this is one of two sites authorized for XEKT on 1700 kHz. According to the data in Appendix 4, I should find two towers 184 degrees tall and separated by 90 degrees.

Signal strength readings showed that this was in fact XEKT's active transmitter site. However, the two towers found on the site were of grossly unequal height reflecting unauthorized tower construction and therefore unauthorized operation of XEKT, see photo below.

I was surprised to find by signal strength readings that Cerro Jaramillo – XEKT's transmitter site – is also being used to radiate XESS' signal on 620 kHz. By international agreement, XESS should be located about 21 miles SSW of Cerro Jaramillo, see the coordinate data for XESS in Appendix 5. Further, XESS is required to use a three tower pattern on a fulltime basis (Appendix 5), but Cerro Jaramillo only supports two towers, so there is yet another apparent rule violation.





**SITE 4 - CERRO JARAMILLO**

#### SITE 5 - PUERTO NUEVO

This site is on virtual beachfront property on the Pacific Ocean and about 20 miles due south of Tijuana, Mexico. AM Query data in Appendix 5 indicate that I should expect to find both 620 and 1030 kHz transmitters at this site sharing a common three-tower directional antenna array. These stations are required to use three towers on a fulltime basis; they are not authorized for non-directional operation.

What I found at Puerto Nuevo was a single tower radiating the signal of XESDD alone (1030 kHz). Thus, the radiation from this site would be non-directional and in gross violation of the terms agreed upon internationally. See Appendix 5 and the photo below.



**SITE 5 - PUERTO NUEVO**

APPENDIX 1

XHBCE-FM                      BN      MATAMOROS JARAMILLO      Mexico  
 Service Designation: FM      'Full Service'      FM station or application

Channel/Class: 289B Frequency: 105.7 MHz  
 File No.: ---                      Facility ID number: 163371  
 CDBS Application ID No.: 1020778  
 32° 26' 50.00" N Latitude  
 116° 43' 55.00" W Longitude (NAD 27)

	Polarization: Horizontal	Vertical	
Effective Radiated Power (ERP):	50.	50.	kW ERP
Antenna Height Above Average Terrain:	150.	150.	meters HAAT
Antenna Height Above Mean Sea Level:	546.	546.	meters AMSL
Antenna Height Above Ground Level:	0.	0.	meters AGL

Directional                      Antenna ID No.: 67858                      Pattern Rotation: 0.00

Relative Field values for directional antenna

Relative field values do not include any pattern rotation that may be indicated above.

0° 0.200	60° 0.030	120° 0.040	180° 0.030	240° 0.530	300° 0.980
10° 0.080	70° 0.040	130° 0.040	190° 0.030	250° 0.700	310° 0.920
20° 0.030	80° 0.040	140° 0.040	200° 0.030	260° 0.830	320° 0.830
30° 0.030	90° 0.040	150° 0.030	210° 0.060	270° 0.920	330° 0.700
40° 0.030	100° 0.040	160° 0.030	220° 0.200	280° 0.980	340° 0.530
50° 0.030	110° 0.040	170° 0.030	230° 0.400	290° 1.000	350° 0.400

APPENDIX 2  
(CERRO BOLA)



Federal Communications Commission  
Washington, DC 20554

International Bureau

Jorge Rodriguez Castaneda, Director General  
de Normas y Sistemas de Difusion  
Av. Eugenia No, 197 1-Piso  
Col. Vertiz Narvato  
Del. Benito Juarez  
03600 Mexico, Mexico, D.F.

March 1, 2005

Dear Mr. Castaneda:

The following is in response to your Administration's letter dated 18 February 2005, file #119.305.402/016/2005-947, proposing to amend Table A of the 1992 USA-Mexico FM Broadcasting Agreement as follows:

<u>Location</u>	<u>Delete</u>	<u>Channel</u>	<u>Add</u>
Matamoros Jaramillo, B.C. L.N.: 32°26'50" L.W.: 116°43'55"	289B*(L1)		—
Tecate, B.C. L.N.: 32°18'51" L.W.: 116°39'54"	—		289C1*(L2)

\*(L1) Restricted allotment limited to 10 kW ERP and 246.38m HAAT or the equivalent along the 352.6° azimuth in the direction of channel 289A in Hemet, CA.

\*(L2) Restricted allotment limited to 16 kW ERP and 300m HAAT or the equivalent along the 351.03° azimuth in the direction of channel 289A in Hemet, CA, and limited to 96 kW ERP and 300m HAAT or the equivalent along the 8.88° azimuth in the direction of channel 289B in Ludlow, CA.

In reference to your 18 February 2005 letter, it is stated that Mexican broadcast station XHBCB-FM has the obligation to provide service, apart from the city of Tijuana, B.C., to the city of Ensenada. It is also stated that, to provide service to Ensenada, a directional antenna system was authorized. However, we find that the directional antenna authorized to XHBCB-FM, Matamoros Jaramillo is not designed to serve Ensenada, which is some 65 kilometers away from the Matamoros Jaramillo site.

It is stated in your 18 February 2005 letter that the Commission was not notified of XHBCB-FM's changes to serve Ensenada due to the fact that the signal radiation is present within Mexican territory, thus avoiding causing potential interferences to US stations. However, article 8.1.1 of the agreement between our governments states that

APPENDIX 3

XEKTT                      BN                      TIJUANA                      Mexico  
 Daytime  
 1700 kHz  
 Domestic Station Class: B    Region 2 Station Class (corresponds to W. Hemisphere): B

Coordination Status: Canada: -                      Mexico:                      Accepted Region 2: -

File No: ---                      Facility ID No.: 104044

CDBS Application ID No.: 1036430

32° 32' 16.00" N Latitude                      Power: 10.0 kilowatts (kW) Daytime

116° 59' 23.00" W Longitude (NAD 27)

DAN - Directional Antenna: Nighttime only

Number of Augmentations to standard directional pattern: 0

RMS Standard: 0.00 mV/m at 1 kilometer

**RMS Theoretical: 306.95 mV/m at 1 kilometer**

1 tower                      CDBS Ant. System ID: 88656

**TOWER INFORMATION:**

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. (#0)	-No Top Loaded or Sectionalized Tower(s)-				Antenna Structure Registration Number
							A	B	C	D	
1	1.000	0.00	0.00	0.00	90.000	0	0.00	0.00	0.00	0.00	0.00

XEKTT                      BN                      TIJUANA                      Mexico

Nighttime

1700 kHz

Domestic Station Class: B Region 2 Station Class (corresponds to W. Hemisphere): B

Coordination Status: Canada: -                      Mexico: Accepted Region 2: -

File No: ---                      Facility ID No.: 104044

CDBS Application ID No.: 1036430

32° 32' 16.00" N Latitude                      Power: 10.0 kilowatts (kW) Nighttime

116° 59' 23.00" W Longitude (NAD 27)

DAN - Directional Antenna: Nighttime only

Number of Augmentations to standard directional pattern: 0

RMS Standard: 0.00 mV/m at 1 kilometer

**RMS Theoretical: 984.50 mV/m at 1 kilometer**

2 towers in the directional array                      CDBS Ant. System ID: 88657

**Tower information:**

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. (#0)	-No Top Loaded or Sectionalized Tower(s)-				Antenna Structure Registration Number
							A	B	C	D	
1	0.800	0.00	0.00	0.00	90.000	0	0.00	0.00	0.00	0.00	
2	0.500	100.00	90.00	91.60	90.000	0	0.00	0.00	0.00	0.00	

APPENDIX 4

XEKT T BN CERRO JARAMILLO Mexico

Daytime  
1700 kHz

Domestic Station Class: B Region 2 Station Class (corresponds to W. Hemisphere): B

Coordination Status: Canada: - Mexico: - Region 2: -

File No: --- Facility ID No.: 104044

CDBS Application ID No.: 1000313

32° 31' 36.00" N Latitude Power: 10.0 kilowatts (kW) Daytime

116° 49' 4.00 " W Longitude (NAD 27)

DAN - Directional Antenna: Nighttime only

Number of Augmentations to standard directional pattern: 0

RMS Standard: 0.00 mV/m at 1 kilometer

RMS Theoretical: 386.45 mV/m at 1 kilometer

1 tower CDBS Ant. System ID: 86585

Tower Information:

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. Tower(s)- (#0)	-No Top Loaded or Sectionalized				Antenna Structure Registration Number
							A	B	C	D	
1	1.000	0.00	0.00	0.00	183.730	0	0.00	0.00	0.00	0.00	

XEKT T BN CERRO JARAMILLO Mexico

Nighttime  
1700 kHz

Domestic Station Class: B Region 2 Station Class (corresponds to W. Hemisphere): B

Coordination Status: Canada: - Mexico: - Region 2: -

File No: --- Facility ID No.: 104044

CDBS Application ID No.: 1000313

32° 31' 36.00" N Latitude Power: 10.0 kilowatts (kW) Nighttime

116° 49' 4.00 " W Longitude (NAD 27)

DAN - Directional Antenna: Nighttime only

Number of Augmentations to standard directional pattern: 0

RMS Standard: 0.00 mV/m at 1 kilometer

RMS Theoretical: 1226.73 mV/m at 1 kilometer

2 towers in the directional array CDBS Ant. System ID: 86586

Tower information:

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. Tower(s)- (#0)	-No Top Loaded or Sectionalized				Antenna Structure Registration Number
							A	B	C	D	
1	0.800	0.00	0.00	0.00	183.730	0	0.00	0.00	0.00	0.00	
2	0.500	100.00	90.00	91.60	183.730	0	0.00	0.00	0.00	0.00	

APPENDIX 5

XESDD BN PUERTO NUEVO Mexico

**Unlimited**

1030 kHz

Domestic Station Class: B Region 2 Station Class (corresponds to W. Hemisphere): B

Coordination Status: Canada: - Mexico: Accepted Region 2: -

File No: --- Facility ID No.: 162100

**CDBS Application ID No.: 1000302**

32° 14' 57.00" N Latitude Power: 5.0 kilowatts (kW) Unlimited

116° 56' 49.00" W Longitude (NAD 27)

DA1 - Directional Antenna: Same constants day and night

Number of Augmentations to standard directional pattern: 0

**Q Factor: 22.360000**

RMS Standard: 0.00 mV/m at 1 kilometer

RMS Theoretical: 685.19 mV/m at 1 kilometer

3 towers in the directional array CDBS Ant. System ID: 86579

Tower information:

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. (#0)	-No Top Loaded or Sectionalized Tower(s)-	A	B	C	D
1	1.000	0.00	0.00	0.00	118.740	0		0.00	0.00	0.00	0.00
2	0.550	-70.00	167.37	190.00	118.740	0		0.00	0.00	0.00	0.00
3	0.550	70.00	167.37	10.00	118.740	0		0.00	0.00	0.00	0.00

XESS BN ENSENADA Mexico

**Unlimited**

620 kHz

Domestic Station Class: B Region 2 Station Class (corresponds to W. Hemisphere): B

Coordination Status: Canada: - Mexico: Accepted Region 2: -

File No: --- Facility ID No.: 103522

**CDBS Application ID No.: 1000423**

32° 14' 57.00" N Latitude Power: 5.0 kilowatts (kW) Unlimited

116° 56' 49.00" W Longitude (NAD 27)

DA1 - Directional Antenna: Same constants day and night

Number of Augmentations to standard directional pattern: 0

RMS Standard: 0.00 mV/m at 1 kilometer

RMS Theoretical: 709.99 mV/m at 1 kilometer

3 towers in the directional array CDBS Ant. System ID: 86591

Tower information:

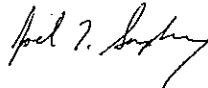
Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. (#0)	-No Top Loaded or Sectionalized Tower(s)-	A	B	C	D	Antenna Structure Registration Number
1	1.000	0.00	0.00	0.00	71.470	0		0.00	0.00	0.00	0.00	0.00
2	0.520	-125.00	100.75	190.00	71.470	0		0.00	0.00	0.00	0.00	0.00
3	0.520	125.00	100.75	10.00	71.470	0		0.00	0.00	0.00	0.00	0.00

ENGINEERING CERTIFICATION

JOEL T. SAXBERG deposes and says:

1. That he is President of Broadcast Engineering and Equipment Maintenance Company, "BEEM CO.", radio engineering consultants. BEEM CO. maintains offices at: 2322 S. Second Avenue, Arcadia, CA 91006. Telephone (626) 446-3468
2. That he was graduated from California State University at Los Angeles, February 1966, with a Bachelor of Science degree in Electronic Engineering. He received a MS degree in Electronic Engineering Technology in August 1996.
3. That he has submitted many applications to the Federal Communications Commission for broadcast and auxiliary broadcast construction permits and licenses.
4. That his experience in broadcast engineering is a matter of record and he has spent over forty years working in the field of radio engineering.
5. That the attached report was prepared by him or under his direction and supervision. That he believes the facts stated therein to be both true and accurate. Statements that are based on information supplied by others are also believed to be true and accurate.
6. That he has performed field work on AM and FM broadcast transmitting systems throughout this country and continues to provide technical consulting services on a daily basis to broadcasters.
7. That he declares under penalty of perjury the foregoing is true and correct.

Executed on May 13, 2005



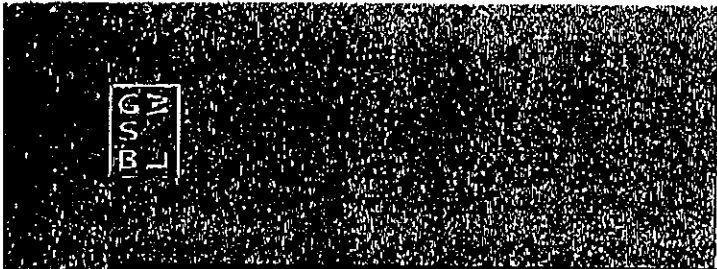
Joel T. Saxberg



# **Exhibit 4**

**Quetzal's Amended Application**

**April 2005**



GSB  
LAW

WASHINGTON, DC OFFICE  
fifth floor  
flour mill building  
1000 potomac street nw  
washington, dc 20007-3001  
TEL 202 966 7880 FAX 202 966 1789

OTHER OFFICES  
new york, new york  
portland, oregon  
seattle, washington  
GSBLAW.COM



A PARTNERSHIP OF PROFESSIONAL CORPORATION

Please reply to HENRY A. SOLOMON  
hsolomon@gsblaw.com TEL (202) 290-2529

April 6, 2005

Our File No. 20570-00104-61

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-B204-C  
Washington, DC 20554

Reference: **Quetzal Bilingual Communications, Inc.**  
**325-NEW-20041124-0013**  
**325-STA-20050401**

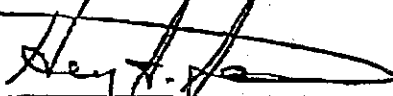
Dear Madam Secretary:

Submitted herewith on behalf of Quetzal Bilingual Communications, Inc., is an "Amendment to Application for Permit to Deliver Programs to Foreign Station and Request to Modify STA: Alternative Request for a Section 325(c) Permit."

A filing fee of Eighty-five Dollars is being paid by credit card.

Should you have any questions concerning this matter, please communicate with the undersigned.

Respectfully submitted,  
**QUETZAL BILINGUAL  
COMMUNICATIONS, INC.**

By:   
Henry A. Solomon  
Its Attorney

HAS:ar  
Enclosure  
cc: Linda P. Armstrong, Esq.  
Mr. James Ballis

APR 06 05 08:40a KURS Radio 6194094182 p. 1

APR-06-05 12:37 FROM- DEFORE PROCEEDING

T-463 P.02/03 P-064

FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE

OPTIONAL FORM NO. 10 FEBRUARY 2003 (REVISED)

(1) LOCKBOX # 356175	SPECIAL USE ONLY FCC USE ONLY
-------------------------	----------------------------------

SECTION A - PAYER INFORMATION

(2) PAYER NAME (If paying by credit card enter name exactly as it appears on the card) Jaime B. Valdez, Pacific Spanish Network, Inc.		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) 85.00	
(4) STREET ADDRESS LINE NO 1 296 H Street			
(5) STREET ADDRESS LINE NO 2 Second Floor			
(6) CITY Chula Vista		(7) STATE CA	(8) ZIP CODE 91910
(9) DAYTIME TELEPHONE NUMBER (include area code) 619 409-4182		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FIRM) REQUIRED			
(11) PAYER (FIRM) 0002-9656-73		(12) FCC USE ONLY	

IF MORE THAN ONE APPLICANT USE CONTINUATION SHEETS (FORM 304-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE SERVICES ARE NEEDED, USE CONTINUATION SHEET

(13) APPLICANT NAME Quezral Bilingual Communications, Inc.			
(14) STREET ADDRESS LINE NO 1 296 H Street			
(15) STREET ADDRESS LINE NO 2 Second Floor			
(16) CITY Chula Vista		(17) STATE CA	(18) ZIP CODE 91910
(19) DAYTIME TELEPHONE NUMBER (include area code) 619 409-4182		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FIRM) REQUIRED			
(21) APPLICANT (FIRM) 0004 9589 30		(22) FCC USE ONLY	

COMPLETE SECTION C FOR EACH SERVICE. IF MORE SERVICES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID Letter	(24A) PAYMENT TYPE CODE MBR	(25A) QUANTITY 01
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE 89.00	FCC USE ONLY
(28A) FCC CODE 1	(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY
(28B) FCC CODE 1	(29B) FCC CODE 2	

SECTION D - CERTIFICATION

CERTIFICATION STATEMENT  
I, Jaime B. Valdez, hereby certify that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.

SIGNATURE [Signature] DATE 4/6/05

SECTION E - CREDIT CARD PAYMENT INFORMATION

ACCOUNT NUMBER 371273714211006 EXPIRATION DATE 02/08

MASTERCARD  VISA  AMEX  DISCOVER

SIGNATURE [Signature] DATE 4/6/05

SEE PUBLIC NUMBER ON REVERSE

FCC FORM 159

FEBRUARY 2003 (REVISED)

**QUETZAL BILINGUAL COMMUNICATIONS, INC.**

296 H Street, 3<sup>rd</sup> Floor  
Chula Vista, California 91910  
619.426.6323  
April 6, 2005

**AMENDMENT TO APPLICATION FOR PERMIT TO DELIVER PROGRAMS TO  
FOREIGN STATION AND REQUEST TO MODIFY STA: ALTERNATIVE REQUEST  
FOR A SECTION 325(c) PERMIT**

Quetzal Bilingual Communications, Inc. ("Quetzal"), licensee of standard broadcast station KURS, San Diego, California, respectfully requests that its pending application (File No. 325-NEW-20041124-0013) for a Permit under Section 325(c) of the Communications Act of 1934, as amended, be amended as set forth herein. Quetzal is seeking additional authority to deliver programming originated in the United States to XHBCE-FM, Tecate, Baja California, Mexico ("the Station"), under a recently-issued License from Mexico. An Alternative Request also is contained herein.

**Delivery of Programming**

The programming will be in English and Spanish and will consist of sports, entertainment and news. Programming will originate in San Diego County (Chula Vista) and will be distributed to the Station via point-to-point microwave, or by satellite or the Internet.

**Technical Characteristics**

The Station will operate pursuant to the technical parameters specified in Exhibit 1, which is a copy of the Station's License issued by the SOT on April 1, 2005. The antenna site identified in the License is known as "Cerro Bola, Municipio de Tecate, B.C." ("Cerro Bolla")

**Frequency Coordination**

Exhibit 2 is a copy of a March 1, 2005 frequency coordination letter from the FCC to the SOT approving proposed operations at 32/18/51-116/39/54 as a Class C1 operation on Channel 289 (105.7 MHz). The facility is under construction as of this date at Cerro Bola.

**Factual Background**

Quetzal is currently delivering programming to the Station, which is operating as a Class B facility from an authorized site known as Matamoros, Jaramillo, B.C. (aka "Cerro Grande"). On April 1, 2005, the FCC granted Quetzal an STA for that purpose. See File No. 325-STA-20050401-0003. The grant was announced Report No. 325-00088, released April 4, 2005. The Station's proposed operation as a Class C from the Cerro Bola site is expected to enhance signal reception and increase coverage.

Apr 06 05 08:32a

KURS Radio

6194094182

p.1

REQUEST TO MODIFY STA

As noted, Quetzal is delivering programming from the San Diego area to the Station pursuant to a 90-day STA. In view of the SCT's April 1, 2005 approval of the Station's SCT application for a Class C upgrade and a site change, and the issuance of a License on that day, the technical operations set forth in that Permit application ultimately will be superseded by the newly-authorized operational parameters. Accordingly, Quetzal now seeks to amend its pending Permit application to substitute the technical parameters set forth herein and requests that its STA be modified to authorize the proposed delivery of programming from the San Diego area to XHBC-FM at its new site upon FCC receipt of a satisfactory "assignment" from the SCT.

ALTERNATIVE REQUEST FOR A SECTION 325(c) PERMIT

In the event the Commission declines to grant this Request, Quetzal requests that this Amendment be treated as request for a new Section 325(c) Permit and be processed accordingly.

ANTI-DRUG ABUSE CERTIFICATION

The applicant certifies that no party to this Request is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862a.

Yes No 

An \$85.00 filing fee is being submitted herewith.

Respectfully submitted,

QUETZAL BILINGUAL COMMUNICATIONS,  
INC.By: Jaime Bonilla Valdez  
Its President

cc: Linda P. Armstrong, Esq.  
James Ballis  
(both via email)

Attachments

Of Counsel:

Henry A. Solomon  
Garvey Schubert Barer  
1000 Potomac Street, N.W. 5<sup>th</sup> Floor  
Washington, DC 20007-3501  
Direct phone: 202.298.2529  
Telecopier: 202.965.1729  
E-mail: [hsolomon@gsblaw.com](mailto:hsolomon@gsblaw.com)

04/04/2005 10:27 619-4094184

JAIME BONILLA

PAGE 02



SECRETARIA DE COMUNICACIONES  
Y  
TRANSPORTE

DIRECCION GENERAL DE SISTEMAS DE RADIO Y TELEVISION FORMA C. G. 2

119.202.361/2005 00002058

Ref.: Solicitud 12137 del 7 de diciembre de 2005.

**ASUNTO:** XHBCE-FM Ensenada, B.C., 105.7 MHz. Se autoriza cambio de ubicación de la antena y planta transmisora y aumento de potencia radiada aparente.

México, D.F., 01 ABR. 2005

C. David Alberto Salas Contreras  
Representante de la C. Roxana Alexanderson Torres  
Concesionaria de la estación XHBCE-FM  
Sor Juana Inés de la Cruz No. 14, Despacho 103  
Col. Centro  
Tlalapantla, Estado de México  
54000 México.

EXHIBIT

1

Me refiero a su diverso citado al rubro, mediante el cual solicita autorización de esta Dependencia, para que la estación de radiodifusión XHBCE-FM con frecuencia asignada de 105.7 MHz., de Ensenada, B.C., concesionada a su representante, cambie la ubicación de la antena y planta transmisora de Cerro Grande a Cerro Bola, Municipio de Tecate, B.C., lo cual representa un desplazamiento de 16.04 km, y aumento la potencia radiada aparente (PRA) de 50 kW a 99.5 kW.

Sobre el particular, comunico a usted que, previa estudio técnico realizado en esta Dirección General, conforme a las disposiciones establecidas en la Norma Oficial Mexicana NOM-02-SCT1-1993, y al Acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de los Estados Unidos de América, relativo al Servicio de Radiodifusión en FM, en la Banda de 88 a 108 MHz., así como a lo establecido en el artículo 7 de la Ley Federal de Radio y Televisión, que a la letra dice "El estado otorgará las facilidades para su operación a las estaciones difusoras que, por su potencia, frecuencia o ubicación, sean susceptibles de ser captadas en el extranjero, para divulgar las manifestaciones de la cultura mexicana, fomentar las relaciones comerciales del país, intensificar la propaganda turística y transmitir informaciones sobre los acontecimientos de la vida nacional" se determinó que, a reserva de que se cumplan las condiciones posteriormente señaladas, es procedente su petición, manteniendo la P.R.A. de 50 kW.

Por lo anterior, con fundamento en los Artículos 16 de la Ley General de Bienes Nacionales, 8º, fracción III, 22, 41, 42, 43, 45 y 49 de la Ley Federal de Radio y Televisión y 24 fracción VIII del Reglamento Interior de esta Secretaría de Estado, se le autoriza la modificación de las características del título de concesión Clave BCE-88-XI-16-FM con vigencia de 12 años, contada a partir del 16 de noviembre de 2003 y vencimiento el 15 de noviembre de 2016, por lo que, a partir de esta fecha, la estación quedará registrada con las siguientes características técnicas:

- |  |                                       |
|--|---------------------------------------|
| 1. Población:  | Tecate, B.C.                          |
| 2. Frecuencia:                                       | 105.7 MHz.                            |
| 3. Distintivo:                                       | XHBCE-FM                              |
| 4. Potencia Radiada Aparente (PRA):                  | 50 kW                                 |
| 5. Clase:  | "C1"                                  |
| 6. Ubicación del equipo Transmisor:                  | Cerro Bola, Municipio de Tecate, B.C. |
| 7. Coordenadas Geográficas:                          | LN: 32°18'51" y L.W.: 115°39'54"      |
| 8. Sistema radiador y sus especificaciones técnicas: |                                       |

04/04/2005 10:27

619-4094104

JAIME BONILLA

PAGE 03



SECRETARIA DE COMUNICACIONES  
Y  
TRANSPORTES

DIRECCION GENERAL DE SISTEMAS DE RADIO Y TELEVISION

119.202.72/2005

00002058

Ref.: Solicitud 12137 del 7 de diciembre de 2005.

ASUNTO: XHBCE-FM Ensenada, B.C., 105.7 MHz. Se autoriza cambio de ubicación de la antena y planta transmisora y aumento de potencia radiada aparente.

- 2 -

- 8.1 Direccionalidad: **Direccional**  
Limitada a operar con 5.0 kW de P.R.A. y un AATP de 967 metros a lo largo del acimut de 351.03°, protegiendo el canal 289-A de Hamat, Co., y limitada a operar con 5.0 kW de P.R.A. y un AATP de 910 metros a lo largo del acimut de 6.84°, protegiendo el canal 289-B de Lixilow, Co.
- 8.2 Altura del obstáculo sobre el lugar de instalación: **45 metros**
- 8.3 Altura del centro de radiación de la antena sobre el nivel del terreno: **39.5 metros**
- 8.4 Altura del centro de radiación de la antena con relación al terreno promedio entre 3 y 16 km (AATP): **707.28 metros**  
Se hace la observación que el AATP no corresponde a la altura de la antena o del centro eléctrico de la misma sobre el lugar de instalación, ya que este valor se determina considerando el promedio de las alturas existentes de los ocho radios estándar (0°, 45°, 90°, 135°, 180°, 225°, 270° y 315°), considerando el promedio de las alturas, a cada 500 metros entre 3 y 16 km, de cada uno de los radios.
- 8.5 Altura sobre el nivel del mar del lugar de instalación: **1,280 metros**

La presente autorización no crea derechos reales, otorga simplemente frente a la administración y sin perjuicio de terceros, el derecho a realizar los usos, aprovechamientos o explotaciones, de acuerdo con las reglas y condiciones que establezcan las leyes, el título de concesión y las siguientes:

CONDICIONES

1. Los trabajos de instalación, materia de esta autorización, en apego al artículo 45 de la Ley Federal de Radio y Televisión, se realizarán en un plazo de 240 días hábiles contados a partir de la fecha de acuse de recibo del presente, dentro del cual notificará su conclusión. Asimismo remitirá al Área de Servicio (AS-FM) y las Características Técnicas de la Estación (CTE-FM-II-III), elaboradas y suscritas por un perito en Telecomunicaciones con especialidad en radiodifusión y registro vigente, y acreditará el derecho al uso del predio donde se instalará la planta transmisora.
2. Se deberá apoyar en los servicios profesionales de una Unidad de Verificación y en ausencia de ésta, de un Perito en Telecomunicaciones con la especialidad de radiodifusión, de conformidad con lo ordenado en la Ley Federal sobre Metrología y Normalización o el Reglamento que Norma las Actividades de los Peritos en Telecomunicaciones, según corresponda, para que se verifique y garantice la no afectación a otros sistemas radioeléctricos y/o de radiodifusión dentro del área de servicio de la estación, ya que, de presentarse interferencias, deberá acatar las medidas que dicte esta Secretaría, conforme a lo establecido en la NOM-02-8CT1-1992.
3. El cambio de ubicación de la antena y planta transmisora, solicitada por usted, se aprueba con el presente como resultado de los estudios realizados por esta dependencia, la cual tomó como base la información proporcionada con su solicitud y se funda en los factores determinantes que la autoridad tuvo a la vista sobre la viabilidad del trámite, por lo que acepta acatar, en el caso de que se presenten interferencias con otros sistemas de radiodifusión o telecomunicaciones, las medidas y modificaciones técnicas necesarias que al respecto dicte

04/04/2005 10:27 619-4094184

JAIME BONILLA

PAGE 04



SECRETARÍA DE COMUNICACIONES  
Y  
TRANSPORTES

**DIRECCION GENERAL DE SISTEMAS DE RADIO Y TELEVISION**

119.202.72/2005 00002058

Ref.: Solicitud 12137 del 7 de diciembre de 2005.

**ASUNTO:** XHBC-FM Ensenada, B.C., 105.7 MHz. Se autoriza cambio de ubicación de la antena y planta transmisora y aumento de potencia radiada aparente.

- 3 -

esta dependencia, hasta que éstas hayan sido eliminadas por completo, de conformidad con lo establecido por los artículos 28, 42, 49, 50 y 51 de la Ley Federal de Radio y Televisión, así como las demás disposiciones legales, administrativas y técnicas aplicables en la materia.

Lo anterior, tomando en cuenta que la presente autorización se otorga bajo el entendido que todas las modificaciones que pudieran presentarse, por virtud de las medidas que esta dependencia pudiera dictar para eliminar las interferencias que en su caso llegaran a presentarse, deberán acatarse bajo su absoluta y entera responsabilidad, y asumiendo todos los costos que las mismas llegaran a implicar.

- 4. Deberá presentar ante esta Dirección General de Sistemas de Radio y Televisión, en un plazo de 10 días hábiles contado a partir de la fecha de notificación de la presente, un escrito donde manifieste su conformidad con lo establecido en el presente oficio.

Derivado de lo anterior, y en uso de las atribuciones que se confieren a esta Dirección General por los artículos 10 fracción IV, 24 fracción XII del Reglamento Interior de la Secretaría de Comunicaciones y Transportes, y 32 de la Ley Federal de Procedimiento Administrativo, se le comunica que, en caso de no cumplir en tiempo y forma con las condiciones señaladas anteriormente, esta autorización se extinguirá de pleno derecho, con fundamento en el Artículo 11, fracción III de la Ley Federal de Procedimiento Administrativo, de aplicación superior a la materia.

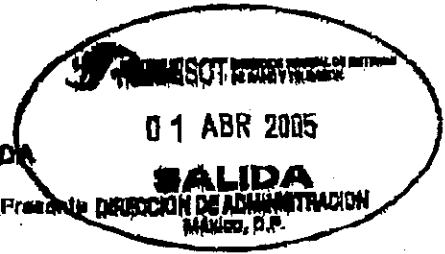
El término otorgado, en la condición 1 de esta autorización, podrá ser prorrogado hasta por la mitad del mismo, de conformidad con lo establecido en el artículo 31 de la Ley Federal de Procedimiento Administrativo, siempre que se solicite con anticipación a su vencimiento y se exhiba el comprobante de pago de derechos vigente, en apego al artículo 124, fracción III de la Ley Federal de Derechos, además de exponer los hechos o razones que den motivo a su petición, adjuntando las constancias que comprueban éstos, como lo previene el segundo párrafo del numeral 15 de la citada Ley Federal de Procedimiento Administrativo.

Por otra parte, se remita revisado y registrado al Plano de Ubicación (PU-FM), avalado por el Ing. Melesio Fernández Quiroz, Perito en Telecomunicaciones con registro No. 2, haciéndole saber que para el caso del balizamiento de la torre, deberá ajustarse al contenido del oficio 1387 del 3 de marzo de 2005, emitido por la Dirección General de Aeronáutica Civil, del cual se anexa copia.

Por último, se remita sin registro al Área de Servicio (AS-FM), para que la misma sea presentada de nueva cuenta con las características técnicas autorizadas en el presente y con las protecciones correspondientes,

Atentamente,  
El Director General

JORGE RODRIGUEZ CASTAÑEDA



C.c.p. LIC. JORGE ALVAREZ HOTH, Subsecretario de Comunicaciones, Presidente

AALTECH/LE/EM/JMBE



03/03/05 THU 11:00 FAX 202 418 1414

RCC CCB ASD

EXHIBIT

2



Federal Communications Commission  
Washington, DC 20554

International Bureau

Jorge Rodriguez Castaneda, Director General  
de Normas y Sistemas de Difusion  
Av. Eugenia No. 197 1-Piso  
Col. Vertiz Narvato  
Del. Benito Juarez  
03600 Mexico, Mexico, D.F.

March 1, 2005

Dear Mr. Castaneda:

The following is in response to your Administration's letter dated 18 February 2005, file #119.305.402/016/2005-947, proposing to amend Table A. of the 1992 USA-Mexico FM Broadcasting Agreement as follows:

Location	Channel	
	Delete	Add
Matamoros Jaramillo, B.C. L.N.: 32°26'50" L.W.: 116°43'55"	289B*(L1)	---
Tecate, B.C. L.N.: 32°18'51" L.W.: 116°39'54"	---	289C1*(L2)

\*(L1) Restricted allotment limited to 10 kW ERP and 246.38m HAAT or the equivalent along the 352.6° azimuth in the direction of channel 289A in Hemet, CA.

\*(L2) Restricted allotment limited to 16 kW ERP and 300m HAAT or the equivalent along the 351.03° azimuth in the direction of channel 289A in Hemet, CA, and limited to 96 kW ERP and 300m HAAT or the equivalent along the 8.88° azimuth in the direction of channel 289B in Ludlow, CA.

In reference to your 18 February 2005 letter, it is stated that Mexican broadcast station XHBCE-FM has the obligation to provide service, apart from the city of Tijuana, B.C., to the city of Ensenada. It is also stated that, to provide service to Ensenada, a directional antenna system was authorized. However, we find that the directional antenna authorized to XHBCE-FM, Matamoros Jaramillo is not designed to serve Ensenada, which is some 65 kilometers away from the Matamoros Jaramillo site.

It is stated in your 18 February 2005 letter that the Commission was not notified of XHBCE-FM's changes to serve Ensenada due to the fact that the signal radiation is present within Mexican territory, thus avoiding causing potential interferences to US stations. However, article 8.1.1 of the agreement between our governments states that

08/03/05 THU 11:01 FAX 202 418 1414

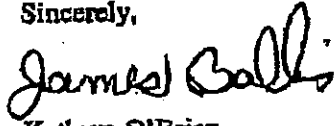
FCC\_CCB ASD

003

such changes must be notified to the other Administration within 30 days of coming into operation. Since we have not received such notification, we are lead to believe that operation of XHBCE-FM's changes to serve Ensenada have not commenced.

In light of the above, the Commission has no objections to the above proposals and will amend Table A accordingly. It is understood from your letter that the Commission will be notified of the operating parameters for channel 289C1\*, Tecate, B.C. in accordance with article 8.3. Please note that we will not allow US parties to enter into programming relationships with any Mexican stations unless the operating facilities of the station are on file with the Commission. In addition, coordination of the allotment will be insufficient to grant program authority to US applicants. Accordingly, please note that we are withholding processing of a pending 325C application until we have determined that the operating parameters for channel 289C1\* protect the above-mentioned US stations.

Sincerely,



 Kathryn O'Brien  
Chief, Strategic Analysis and Negotiations Division  
International Bureau

## **Exhibit 5**

**Record of Dismissal of Microwave Application**

and

**Attachment to Pending Microwave STA Request**



## Universal Licensing System

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#### Specified Search

File Number=**0002006216**

Matches **1**- 1 (of **1**)

= Open Petition For Reconsideration (PFR) Status

Page 1

File Number	Call Sign	Applicant Name	FRN	Purpose	Radio Service	Receipt Date	Status
1 <a href="#">0002006216</a>		PACIFIC SPANISH NETWORK INC.	0012469557	New	MG	01/13/2005	Dismissed

File Number	Call Sign	Applicant Name	FRN	Purpose	Radio Service	Receipt Date	Status
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Page 1

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Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Phone: 1-888-CALL-FCC (1-888-225-5322)  
TTY: 1-888-TELL-FCC (1-888-835-5322)  
E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

## STATEMENT IN SUPPORT OF REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pacific Spanish Network, Inc. ("Applicant") respectfully requests special temporary authority (an "STA") to continue to operate a Private Operational Fixed Point-to-Point Microwave radio station on 22473.5 MHz between 296 H Street, Chula Vista, California, and a receive site at Cerro Jaramillo, Baja California, Mexico, pending final action on its license application. That application initially was filed on January 13, 2005, but was dismissed on March 1 because Applicant had not paid a broadcast Regulatory Fee. Applicant resubmitted the application on March 10, 2005, after settling its FCC debt. *See* File No. 0002073942.

Applicant has determined that the 22473.5 MHz microwave station was activated during the first week of February, 2005. The station was operating on March 9, 2005, the date of an FCC inspection. On March 11, 2005, the District Director, San Diego District Office (Western Division), Enforcement Bureau, sent Applicant a Notice of Inquiry. Applicant is completing its verified response to the NOI.

Applicant's station relays programming originated in a studio at Chula Vista, California, to Baja California for broadcasts by three local AM stations: XESDD and XESS, Puerto Nuevo, and XEKTT, Tecate. The Mexican Stations' operations were coordinated between COFETEL and the FCC under applicable treaties. The programmer is Quetzal Bilingual Communications, Inc., Applicant's affiliate. Quetzal holds three cross-border permits, each of which was granted on December 15, 2004. *See* Communications Act, Sec. 325 (c).

The Mexican Stations' signals are regularly received in the Greater San Diego area and listeners enjoy a variety of Quetzal-originated entertainment and talk programs in the Spanish language. The Mexican Stations depend on the microwave feed for substantially all of their programming. If microwave service is terminated, primarily the Mexican Stations' audiences will suffer what may turn out to be a prolonged disruption of valued program service. Continuing operations on 22473.5 MHz will not harm any foreign or domestic stations since, as noted, Applicant's engineering has been successfully coordinated. Applicant has not received any interference complaints.

Applicant hopes that the FCC will approve this request and assures the Commission that it will impose safeguards to guarantee that in the future it strictly complies with all legal requirements that apply to private microwave operators. If the Commission declines to act favorably, Applicant respectfully urges that it be allowed continue microwave service until the end of this month. During that period, Quetzal should be able to arrange alternative means, such as the Internet, for delivering its programming to Mexico.

# **Exhibit 6**

**Quetzal's November 2004**

**Application for a Section 325(c) Permit**

WASHINGTON, DC OFFICE

fifth floor

flour mill building

1000 potomac street nw

washington, dc 20007-3501

TEL 202 966 7880 FAX 202 966 1729

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GARVEY SCHUBERT BARER

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Please reply to HENRY A. SOLOMON.  
hsolomon@gsblaw.com TEL (202) 298-2529

November 23, 2004

Our File No. 20670-00100-61

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TWK-B204-C  
Washington, DC 20554

FCC/MELLON

NOV 24 2004

**Reference: Quetzal Bilingual Communications, Inc.  
Application for Permit to Deliver Programs to a Foreign Station  
Station XHBCE-FM, Ensenada, B.C. Mexico**

Dear Ms. Dortch:

Resubmitted herewith in duplicate, is an amended application for a permit under Section 325(c) of the Communications Act of 1934, as amended. Please note that this fee is paid by credit card as listed on the FCC 159 form and that Block 3 of the Form 159 has been corrected to reflect the \$85.00 payment. A copy of the Commission's November 9, 2004 application return form is also enclosed.

Should you have any questions concerning this matter, please communicate directly with the undersigned.

Respectfully submitted,

QUETZAL BILINGUAL COMMUNICATIONS, INC.

By:

Henry A. Solomon  
Its Attorney

HAS:ar  
Enclosure

**QUETZAL BILINGUAL COMMUNICATIONS, INC.**

296 H Street, Third Floor  
Chula Vista, California 91910

619.427.6323

November 12, 2004

**APPLICATION FOR PERMIT TO DELIVER PROGRAMS TO FOREIGN STATION**

Quetzal Bilingual Communications, Inc. ("Applicant"), respectfully requests a permit under Section 325(c) of the Communications Act of 1934, as amended, for authority to deliver programming originated at a studio operated by Applicant at 296 H Street, 3<sup>rd</sup> Floor, Chula Vista, CA 91910, to Station XHBCE-FM, whose city of license is Ensenada, B.C. The licensee of XHBCE-FM is C. Roxanna Alexanderson Torres. In support hereof it is shown as follows:

1. **Means of Delivery:** The Internet; Alternatively, microwave relay, or satellite.
2. **Technical Characteristics:** The Station's technical characteristics are set forth in Exhibit No. 1, (May 21, 2004 coordination letter from the FCC to Mexico's Secretary of Communications and Transportation ["SCT"]), and Exhibit No. 2 (November 11, 2004 license issued by the SCT).
3. **Legal Relationships:** Applicant is the licensee of AM station KURS, San Diego, CA. It will be supplying programming to XHBCE-FM under an oral time brokerage agreement whereby Applicant will retain all advertising revenues sold on that station. Applicant's controlling shareholder is owned by Mr. Jaime Bonilla Valdez, who also owns a Pacific Spanish Network, Inc. ("PSN"), a former FCC licensee. Mr. Bonilla owns a majority of the voting stock of Padre Serra Communications, Inc., licensee of AM station KJDJ, San Luis Obispo, CA. PSN owns the remaining shares. XHBCE-FM is managed by Media Sports de Mexico ("MSM") a Mexican corporation, whose majority shareholder is Mr. Bonilla's spouse. Mr. Bonilla serves as MSM's General Director. MSM plans to acquire XEKT-AM's license and owns the station's equipment.
4. **Programming:** Programming supplied to the Station will be in Spanish or English. Programs will be delivered on a regularly-scheduled basis (24 hours per day, 7 days per week), and will consist primarily of music, as well as sports, talk, cultural, and informational programs.
5. **Compliance with the U.S.-Mexico Treaty:** Please see Exhibit No. 1.
6. **Voluntary Disclosure:** PSN formerly held a Section 325(c) permit to deliver Spanish language programming to XEKT-AM, Tecate, BC, on 550 kHz. PSN tendered that permit for cancellation in February 2004. On July 30, 2004, the FCC issued a *Notice of Apparent Liability for Forfeiture* ((DA 04-2259) against PSN in the amount of twenty thousand dollars. The NALF principally found that PSN had violated its Section 325(c) authorization by providing cross-border service to XEKT-AM on 560 kHz notwithstanding the fact that the station's operations in that band had not been coordinated or approved in accordance with the U.S.-Mexico treaty. PSN has elected to pay the fine assessed by the FCC, and is seeking authority to pay on an installment basis.
7. **Anti Drug Abuse Certification:** The applicant certifies that, in the case on an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862a, or, in the case on a non-individual applicant (e.g., corporation, partnership, or



Nov 12 04 01:51p

KURS Radio

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other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

Respectfully submitted,

QUETZAL BILINGUAL COMMUNICATIONS,  
INC.

By:   
\_\_\_\_\_  
President

Attachment  
Of Counsel:

Henry A. Solomon, Esq.  
Garvey Schubert Barer  
1000 Potomac Street, N.W. 5<sup>th</sup> Floor  
Washington, D.C. 20007-3501  
Telephone: 202-298-2529  
Facsimile: 202-965-1729  
E-mail: [hsolomon@gsblaw.com](mailto:hsolomon@gsblaw.com)



International Bureau

Federal Communications Commission  
Washington, DC 20584

EXHIBIT  
No. 1

**REGISTERED MAIL-RETURN RECEIPT REQUESTED**

Jorge Rodriguez Castaneda, Director General  
de Normas y Sistemas de Difusion  
Av. Eugenia No. 197 1-Pls  
Col. Vertiz Narvato  
Del. Benito Juarez  
03600 Mexico, Mexico, D.F.

May 21, 2004

Dear Mr. Rodriguez:

The following is in response to your Administration's letter dated May 12, 2004, file #4236, which proposes to amend Table A of the 1992 USA-Mexico FM Broadcasting Agreement as follows (Effective Radiated Power: ERP; Height Above Average Terrain: HAAT):

Location	Delete	Channel	Add
Metamoras Jaramillo, HN 32-26-50 NL/116-49-55 WL Call Sign: XHBOE-FM ERP: 50kW HAAT: 150m Antenna: Directional			289B*(L1)

HAAT's along pertinent radials of 315°, 0°, and 45° are 197.7m, 194.1m, and 101.8m respectively.

\*(L1) Restricted allotment limited to 10kW ERP and 246.4m HAAT or the equivalent along the 352.6° azimuth to protect channel 289A in Hemet, CA.

This proposal's directional antenna exceeds the maximum to minimum ratio of 15dB as specified in Annex 1, Section 1.4.1 of the 1992 FM Agreement. The Agreement, however, provides for the exception of this requirement in cases where terrain may present a problem due to signal reflections. The Commission, therefore, consents to the above facilities but would like to note that Annex 1, Section 1.4.1 also stipulates that "a restricted assignment using a directional antenna must not exceed the notified antenna pattern values."

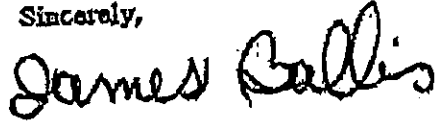
un 01 04 11:01a KURS Radio


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P.3

The Commission has no objection to the facilities and antenna pattern as specified in your Administration's May 12 letter and we will amend Table A and our database accordingly.

Sincerely,



 Kathryn O'Brien  
Chief, Strategic Analysis and Negotiations Division  
International Bureau

Nov 12 04 01:27p

**EXHIBIT**  
*No. 2*

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SECRETARÍA DE COMUNICACIONES  
Y  
TRANSPORTES

DIRECCION GENERAL DE SISTEMAS DE RADIO Y TELEVISION FORMA C. G. 2  
DIRECCION DE RADIO  
119.202.790/2004 00012109

Ref.: Solicitudes 5555, 6081 del 20 y 25 de junio y 10360 del 29 de octubre de 2003.

ASUNTO: XHBCE-FM-FM Ensenada, B.C., 92.1 MHz.  
Se autoriza cambio de frecuencia, de ubicación de antena y planta transmisora y aumento de potencia radiada aparente.

México, D.F., 11 NOV. 2004

C. Roxana Alexanderson Torres  
Concesionaria de la estación XHBCE-FM  
Sor Juana Inés de la Cruz No. 14, Despacho 103  
Col. Centro  
Tlalnepantla, Méx.  
54000 México.

Me refiero a sus diversos citados al rubro, mediante los cuales presenta ante esta Dependencia del Ejecutivo Federal para la estación XHBCE-FM, de Ensenada, B.C., con frecuencia asignada de 92.1 MHz, la solicitud para cambiar la ubicación de la antena y planta transmisora de Lote 1, Manzana 6, Col. Bellavista, Ensenada, B.C., a Cerro Grande, Matamoros, B.C., así como cambiar la frecuencia de 92.1 a 105.7 MHz., incrementando la potencia radiada aparente, utilizando sistema de antena direccional.

Sobre el particular, comunico a usted que realizado el estudio técnico conforme a la Norma Oficial Mexicana NOM-02-SCTI-93 y al Acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de los Estados Unidos de América, relativo al Servicio de Radiodifusión en FM, en la Banda de 88 a 108 MHz., y así como a lo establecido en el artículo 7 de la Ley Federal de Radio y Televisión, que a la letra dice "El estado otorgará las facilidades para su operación a las estaciones difusoras que, por su potencia, frecuencia o ubicación, sean susceptibles de ser captadas en el extranjero, para divulgar las manifestaciones de la cultura mexicana, fomentar las relaciones comerciales del país, intensificar la propaganda turística y transmitir informaciones sobre los acontecimientos de la vida nacional" se determinó que, a reserva de que se cumplan las condiciones posteriormente señaladas, es procedente su petición.

En consecuencia, con fundamento en los Artículos 16 de la Ley General de Bienes Nacionales, 9º fracción III, 22, 41, 42, 43, 45 y 49 de la Ley Federal de Radio y Televisión y 24 fracción VIII del Reglamento Interior de esta Secretaría de Estado, se autoriza la modificación de las características del título de concesión clave BCE-88-XI-16-FM, con vigencia de 12 años contados a partir del 16 de noviembre de 2003 y vencimiento el día 15 de noviembre del año 2015, quedando registrada con las siguientes características técnicas:

- |    |  |                               |
|----|--|-------------------------------|
| 1. | Población principal:                         | Ensenada, B.C.                |
| 2. | Frecuencia:                                  | 105.7 MHz.                    |
| 3. | Distintivo:                                  | XHBCE-FM                      |
| 4. | Potencia Radiada Aparente:                   | 50 kW                         |
| 5. | Clase:                                       | "B"                           |
| 6. | Domicilio de la Antena y Planta Transmisora: | Cerro Grande. Matamoros, B.C. |
| 7. | Coordenadas Geográficas:                     | 32°26'50" LN y 116°43'55" LW  |

Nov 12 04 01:27p

KURS Radio

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SECRETARIA DE COMUNICACIONES  
Y  
TRANSPORTES

DIRECCION GENERAL DE SISTEMAS DE RADIO Y TELEVISION FORMA C. G. 2  
DIRECCION DE RADIO  
119.202.790/2004 00012109

Ref.: Solicitudes 5555, 6081 del 20 y 25 de junio y 10360 del 29 de octubre de 2003.

ASUNTO: XHBCE-FM-FM Ensenada, B.C., 92.1 MHz.  
Se autoriza cambio de frecuencia, de ubicación de antena y planta transmisora y aumento de potencia radiada aparente.

8. Sistema radiador y sus especificaciones técnicas:

8.1 Direccionalidad:

Direccional

Limitada a operar con 10 kW de P.R.A. y un AATP de 246.4 metros o su equivalente a lo largo del azimut de 352.6° protegiendo al canal 289-A de Hemat, Ca.

8.2 Altura del centro de radiación de la antena con relación al terreno promedio (AATP):

150 metros

Se hace la observación que el AATP no corresponde a la altura de la antena o del centro eléctrico de la misma sobre el lugar de instalación, ya que este valor se determina considerando el promedio de las altura existentes de los ocho radiales estándar (0°, 45°, 90°, 135°, 180°, 225°, 270° y 315°), considerando el promedio de las alturas, a cada 500 metros entre 3 y 16 km, de cada uno de los radiales.

La presente autorización no crea derechos reales, otorga simplemente frente a la administración y sin perjuicio de terceros el derecho a realizar los usos, aprovechamientos o explotaciones, de acuerdo con las reglas y condiciones que establezcan las leyes, el título de concesión y las siguientes:

CONDICIONES

1. Los trabajos de instalación, materia de esta autorización, en apego al artículo 45 de la Ley Federal de Radio y Televisión, se realizarán en un plazo de 240 días hábiles contados a partir de la fecha de acuse de recibo del presente, dentro del cual notificará su conclusión. Asimismo remitirá el Plano de Ubicación (PU-FM), Área de Servicio (AS-FM) y Características Técnicas del Equipo (CTE-FM-II-III), elaboradas y suscritas por un perito en Telecomunicaciones con especialidad en radiodifusión y registro vigente.
2. Apoyarse en los servicios profesionales de una unidad de verificación y en ausencia de ésta, de un Perito en Telecomunicaciones con la especialidad de radiodifusión, de conformidad con lo ordenado en la Ley Federal sobre Metrología y Normalización o el Reglamento que Norma las Actividades de los Peritos en Telecomunicaciones, según corresponda, para que se verifique y garantice la no afectación a otros sistemas radioeléctricos y/o de radiodifusión dentro del área de servicio de la estación, ya que, de presentarse interferencias deberá acatar las medidas que dicta esta Secretaría.

Nov 12 04 01:27p

KURS Radio

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P. 4



SECRETARIA DE COMUNICACIONES  
Y  
TRANSPORTES

DIRECCION GENERAL DE SISTEMAS DE  
RADIO Y TELEVISION FORMA C. G. 2  
DIRECCION DE RADIO  
119.202.790/2004 00012109

Ref.: Solicitudes 5555, 6081 del 20 y 25 de junio y  
10360 del 29 de octubre de 2003.

**ASUNTO:** XHBCE-FM-FM Ensenada, B.C., 92.1 MHz.  
Se autoriza cambio de frecuencia, de  
ubicación de antena y planta transmisora y  
aumento de potencia radiada aparente.

3. Las modificaciones técnicas que han sido solicitadas y que se aprueban en sus términos, se funda en los factores determinantes que la autoridad ha tenido a la vista sobre la viabilidad del trámite; asimismo, el concesionario acepta acatar en el caso, de que se presenten interferencias con otros sistemas de radiodifusión o telecomunicaciones, las medidas y modificaciones técnicas necesarias que al respecto dicte esta Secretaría, hasta que éstas hayan sido eliminadas por completo, de conformidad con lo establecido por los artículos 28, 42, 49, 50 y 51 de la Ley Federal de Radio y Televisión, así como las demás disposiciones legales, administrativas y técnicas aplicables en la materia.

"Artículos 28" Cuando por efecto de un convenio internacional, sea indispensable suprimir o restringir el empleo de un canal originalmente asignado a una radiodifusora, el concesionario o permisionario tendrá derecho a un canal equivalente entre los disponibles y lo más próximo al suprimido o afectado.

"Artículo 42. La Secretaría de Comunicaciones y Transportes dictará todas las medidas que juzgue adecuadas para la seguridad y eficiencia técnica de los servicios que prestan las radiodifusoras, las cuales deberán estar dotadas de los dispositivos de seguridad que se requieran."

"Artículo 49. El funcionamiento técnico de las estaciones de radio y televisión deberá reunir las condiciones señaladas en las disposiciones que dicte la Secretaría de Comunicaciones y Transportes, de acuerdo con las normas de ingeniería reconocidas".

"Artículo 50. La Secretaría de Comunicaciones y Transportes dictará las medidas necesarias para evitar interferencias en las emisiones de radio y televisión. Toda estación o aparato científico, terapéutico o industrial, y aquellas instalaciones que radien energía en forma suficientemente perceptible para causar perturbaciones a las emisoras autorizadas, deberán suprimir esas interferencias en el plazo que al efecto fije la Secretaría".

"Artículo 51. La misma Secretaría evitará las interferencias entre estaciones nacionales e internacionales, y dictará las medidas convenientes para ello, velando porque las estaciones que operen sean protegidas en su zona autorizada de servicio".

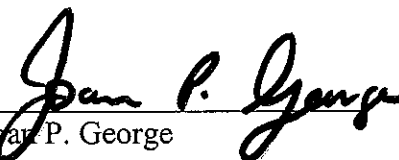
"Determinará también los límites de las bandas de los distintos servicios, la tolerancia o desviación de frecuencia y la amplitud de las bandas de frecuencia de emisión para toda clase de difusoras cuando no estuvieren especificadas en los tratados en vigor".

**CERTIFICATE OF SERVICE**

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the *Petition to Deny* was sent this 16<sup>th</sup> day of May, 2005, by hand and by e-mail where indicated and via United States First Class Mail, postage prepaid, to the following:

Linda P. Armstrong ([linda.armstrong@fcc.gov](mailto:linda.armstrong@fcc.gov)) \*  
International Bureau  
Federal Communications Commission  
The Portals II  
445 12<sup>th</sup> Street, S.W., Room 7-A737  
Washington, DC 20554

Henry A. Solomon, Esq.  
Garvey, Schubert & Barer  
1000 Potomac Street, 5th Floor  
Washington, DC 20007

  
Joan P. George

\* Via e-mail and by hand