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#### GARVEY SCHURERT BARER

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Please reply to JOHN M. PELKEY jpelkey@gsblaw.com TEL EXT 2528

February 25, 2008

ORIGINAL

Our File No. 21554-00100-61

# VIA FEDERAL EXPRESS

Ms. Marlene H. Dortch, Secretary Federal Communications Commission International and Satellite Service P.O. Box 979093 St. Louis, MO 63197-9000

Re:

Broadcast Company of the Americas, LLC

FCC Form 308 – Application for Permit to Deliver Programs to

Foreign Broadcast Stations XEKTT(AM)(XEPE)

Dear Ms. Dortch:

Submitted herewith in duplicate is an FCC Form 308, Application for Permit to Deliver Programs to Foreign Broadcast Stations, submitted by Broadcast Company of the Americas, LLC. Currently pending before the Commission is an application wherein Broadcast Company of the Americas, LLC, seeks authority to provide programming to XEKTT(AM) (See 325-NEW-20050426-00012). The instant application supersedes that earlier–filed application. It should be noted that XEKTT(AM) uses the call sign of "XEPE." A review of the Commission's CDBS database indicates, however, that the Commission continues to refer to the station in question under the call sign of "XEKTT." As a result, the accompanying application and exhibits use the "XEKTT" call sign for the sake of consistency.

Also submitted herewith are the FCC Form 159 and the requisite filing fee of \$90.00.

Should there be any questions concerning this matter, please communicate directly with this office.

Sincerely,

Jøhn M. Pelkev

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

REPUTATIONS COMMISSION
REPUTATION AD MICE

Approved by OMB 3060-0589 Page 1 of 1

(1) LOCKBOX # SPECIAL USE ONLY FEB 2 6 2008 FCC USE ONLY 979093 Gov't. LBX Operations SECTION A PAYER INFORMATION (2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) (3) TOTAL AMOUNT PAID (U.S. Dollars and cents) Garvey Schubert Barer \$90.00 (4) STREET ADDRESS LINE NO. 1 1000 Potomac Street, N.W. (5) STREET ADDRESS LINE NO. 2 Fifth Floor, Flour Mill Building (6) CITY (7) STATE (8) ZIP CODE 20007 Washington DC (9) DAYTIME TELEPHONE NUMBER (include area code) (10) COUNTRY CODE (if not in U.S.A.) (202) 965-7880 FCC REGISTRATION NUMBER (FRN) REQUIRED (11) PAYER (FRN) (12) FCC USE ONLY 0004988564 IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET (13) APPLICANT NAME Broadcast Company of the Americas, LLC (14) STREET ADDRESS LINE NO. 1 3655 Nobel Drive (15) STREET ADDRESS LINE NO. 2 Suite 470 (16) CITY (17) STATE (18) ZIP CODE San Diego 92122 (19) DAYTIME TELEPHONE NUMBER (include area code) (20) COUNTRY CODE (if not in U.S.A.) 858-535-2500 FCC REGISTRATION NUMBER (FRN) REQUIRED (21) APPLICANT (FRN) (22) FCC USE ONLY 0008-5274-18 COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET (25A) QUANTITY (23A) CALL SIGN/OTHER ID (24A) PAYMENT TYPE CODE XEKTT (AM) (XEPE) MBR (26A) FEE DUE FOR (PTC) (27A) TOTAL FEE FCC USE ONLY \$90.00 \$90.00 (28A) FCC CODE I (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 I (29B) FCC CODE 2 SECTION D - CERTIFICATION CERTIFICATION STATEMENT \_, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE \_ DATE \_\_\_ SECTION E - CREDIT CARD PAYMENT INFORMATION \_\_\_\_ VISA \_\_\_\_\_ AMEX \_\_\_\_ DISCOVER \_\_\_ EXPIRATION DATE \_\_\_\_ ACCOUNT NUMBER \_\_\_ I hereby authorize the FCC to charge my credit card for the service(s) authorization herein described. SIGNATURE \_ DATE

#### FOR COMMISSION USE ONLY

File No.

# United States of America Federal Communications Commission Washington, D.C. 20554

# APPLICATION FOR PERMIT TO DELIVER PROGRAMS TO FOREIGN BROADCAST STATIONS (Carefully read instructions before filling out Form – RETURN ONLY FORM TO FCC)

1.	Name of applicant	Street Address or P.O. Box	City	State	Zip Code	Telephon	e No.	
Br	oadcast Company of th	e Americas, LLC, 3655 Nobel D	rive, Suite	470, San Diego,	CA 92122 (8	58) 673-904	19	
2.	Name and address to Name	whom communication should b Street Address or P.O. Box	e sent if dif City	ferent from item State	1. Zip Code	Telephone	e No.	
Jo	hn M. Pelkey, Garvey S	Schubert Barer, 5 <sup>th</sup> Floor, 1000 P	otomac Str	reet, NW, Washi	ngton, DC 20	007, 202-96	5-7880	
3.	Legal identity of appli	cant: (only check one box)						
•	Other specify:	) Partnership ( ) Corp	oration	( ) Gover	nment Entity	( X)	Other	
4.	Application is for:							
	( X) New Auth	orization						
	( ) Extension	of Existing Authority						
5.	If applicant is an indivi	idual, is applicant a citizen of the	United Sta	ates? DNA	(	) Yes	( ) No	
6.	If applicant is a partne	ership, are all partners citizens of	the United	States? DNA	(	) Yes	( ) No	
7.	If Applicant is a corpor	ration: DNA - See Exhibit I.			(	) Yes	( ) No	
	a. Under laws of what state was it organized?							
	b. Is more than one-fifth of the capital stock of the corporation owned of record or may it be voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?  ( ) Yes ( ) No							
	c. Is any officer or dire	ector of the corporation an alien?	?		(	) Yes	( ) No	
lf th	he answer is yes, give t	he following for each:						
	Name	Nationalit	у		F	Position		

	is applicant directly or indirectly control			() Yes() N	•
	If the answer is Yes, give the following for the controlling corporation.				
	Name	Address	State in which	organized	
e.	Is more than one-fourth of the capital stock of the controlling corporation either owned or record; or may it be voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?  () Yes () No				
f.	Is any officer or more than one-fourth o	f the directors of the corporation	an alien?	( ) Yes	( ) No
	Name	Nationality	Position	Number of Dire	ectors
g.	Is the above-described controlling corpo	ration in turn a subsidiary?		( ) Yes	( ) No
	If the answer is Yes, attach as Exhibit No. I additional information answering the holding company questions in this paragraph for each company, to and including the organization having ultimate control.				
a.	If the applicant is an unincorporated association, give the following: DNA				
	Total number of members	Number of Alien members (if ar	ıy)		
b.	State the following for alien officers or directors (if any):				
	Name	Nationality		Position	

8.

9.	a.	What is applicant's principal business? Production of programming, promotion and sales	y, promotion and sales of advertising time.			
	b.	Does applicant or any party to this application have any interest in, or connection with, a broadcast station (either domestic or foreign), or any application pending before the com-			or TV	
			()	X) Yes	( )	No
		If the answer is Yes, attach Exhibit No. II giving full particulars.				
10.	ls a	applicant a representative of an alien or of a foreign government?	(	) Yes	( X	) No
		If the answer is Yes, explain.				
11.	a.	Has any radio station authorization previously issued to the applicant or party to this appleither by the Commission or by any Court?		tion been ) Yes		d, ) No
	b.	Has any previous application by the applicant or party to this application been denied by predecessor agency? Applicant has had two Section 325 applications dismissed because they had become mo 20050701-00016 and 325-NEW-20050426-00011.	(	) Yes	( X	y a ) No
		If the answer to (a) and/or (b) is Yes, explain:				
12.	a.	Has applicant or any party to this application been found guilty by any court of any felony	?(	) Yes	( X)	No.
		Has applicant or any party to this application been finally adjudged guilty by a federal coulaws of the United States relating to unlawful monopoly, restraint of trade, and/or unfair n	neth		mpetitio	
		If the answer to (a) and/or (b) is Yes, explain.				

- 13. Address of studio or other place at which programs will originate. 3655 Nobel Drive, Suite 470, San Diego, CA
- 14. State ownership of originating facilities.

The studio equipment will be owned by the applicant. The building space for the studios is leased from a commercial landlord.

15. Describe the means (wireline, radio link, or other method) whereby programs will be delivered to foreign station(s), including names of any interconnecting common carriers.

Applicant will use a satellite link provided by National Public Radio to deliver the programming to XEKTT(AM).

- 16. Give the location, type, and authorized power of foreign station(s) to which programs will be delivered, and identify the licensee or operating agency of such station(s).
  See Exhibit III
- 17. Attach as Exhibit No. V a full explanation of the legal relationship between the applicant and foreign station(s) involved, including a copy of contract (if any) with foreign station(s).
- 18. (a) Attach as Exhibit No. VI a statement as to whether program deliveries are to be intermittent or regularly scheduled, and the average number of hours per day, week and/or month during which the foreign station(s) involved will broadcast such programs.
  - (b) Attach as Exhibit No. VI a detailed description of the nature and character of the programming proposed and the language to be employed.

#### **CERTIFICATION**

The APPLICANT acknowledges that all statements contained in this application and attached exhibits are material representations, and that the exhibits forming a part of this application are incorporated herein as if set out in full in the application. The undersigned certifies that the statements contained in this application are true, complete, and correct to the best of his/her knowledge and belief and are made in good faith.

Signed and dated this 2 day of LW, 2008

Broadcast Company of the Americas, LLC

(Signature)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S., CODE, TITLE 18, SECTION 1001.

# **EXHIBITS** furnished as required by this form:

Exhibit No.	Para. No. of Form	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepare (show which)	Official Title	
1	7	John T. Lynch	President	
II	9(b)	John T. Lynch	President	
111	16	John T. Lynch	President	
IV				
V	17	John T. Lynch	President	
VI	18	John T. Lynch	President	

# Application for Permit to Deliver Programs to Foreign Broadcast Stations Broadcast Company of the Americas, LLC XEKTT(AM) Exhibit I

# Structure of the Applicant

The applicant is a limited liability company organized under the laws of the State of California. The applicant seeks Section 325(c) authority for Broadcast Company of the Americas, LLC, consisting of four members: John T. Lynch; John Lynch, Jr; JMI Services, Inc., and The Viejas Band of Kumeyaay Indians.

Both John T. Lynch and John Lynch, Jr., are US citizens.

JMI Services, Inc., is a California corporation. Its sole principal is John Moores, a US citizen.

The Viejas Band is one of the twelve bands of the Kumeyaay Indian Nation and maintains its reservation east of Alpine, California, in San Diego County. The Viejas Band is governed by a tribal council consisting of Bobby L. Barrett, Chairman; Raymond J. Cuero Hyde, Vice Chairman; Diana L. Aguilar, Secretary; John A. Christman, Treasurer, and council members Virginia M. Christman, Alan L. Barrett, and Greybuck S. Espinoza. The Viejas Band is a federally-recognized sovereign Indian tribe.

Application for Permit to Deliver Programs to Foreign Broadcast Stations
Broadcast Company of the Americas, LLC
XEKTT(AM)
Exhibit II

#### **Broadcast Interests**

Broadcast Company of the Americas, LLC, holds authorizations under Section 325 of the Communications Act to provide programming to XEPRS(AM) (325-NEW-20030303-00001) and XHBCE-FM (325-NEW-20050425-00010). There is also pending before the Commission an application for Section 325 authority to provide programming to XEKTT(AM) (325-NEW-20050426-00012).

John T. Lynch holds an attributable interest in Armada Media Corporation. Through its subsidiaries, Armada Media Corporation owns the radio broadcast stations set forth in the attachment to this Exhibit II. All of those stations are geographically distant from the station that is the subject of the instant application.

Other than as set forth above, the applicant and its principals hold no interests in any broadcast station or pending application.

# Broadcast Holdings of Armada Media Corporation

Through its subsidiaries, Armada Media Corporation holds interests in the following broadcast stations:

## Armada Media – Aberdeen, Inc.

KSDN(AM), Aberdeen, SD (Fac. ID. No. 25120) KSDN-FM, Aberdeen, SD (Fac. ID. No. 25118) KGIM(AM), Aberdeen, SD (Fac. ID. No. 1172) KGIM-FM, Redfield, SD (Fac. ID. No. 70081) KNBZ(FM), Redfield, SD (Fac. ID. No. 84240) KBFO(FM) Aberdeen, SD (Fac. ID. No. 9670).

# Armada Media – Menominee, Inc.

WMAM(AM), Marinette, WI (Fac. ID. No. 40149) WLST(FM), Marinette, WI (Fac. ID. No. 47935) WAGN(AM), Menominee, MI (Fac. ID. No. 24584) WHYB(FM), Menominee, MI (Fac. ID. No. 11609) WSFQ(FM), Peshtigo, WI (Fac. ID. No. 30467)

#### Armada Media – McCook, Inc.

KICX-FM, McCook, NE (Fac. ID. No. 57517)
KRKU(FM), McCook, NE (Fac. ID. No. 86863)
KFNF(FM), Oberlin, KS (Fac. ID. No. 37132)
BNPH-20060310AAY, McCook, NE (Fac. ID. No. 166033)
KBRL(AM) McCook, NE (Fac. ID. No. 57516)
KADL(FM), Imperial, NE (Fac. ID. No. 88537)
KSTH(FM), Holyoke, CO (Fac. ID. No. 85760)
KJBL(FM), Julesburg, CO (Fac. ID. No. 84864)

On September 6, 2007, Armada Media – McCook, Inc., filed with the Commission an application, under lead File No. BALH-20070906AEC, seeking the Commission's consent to the assignment of the FCC licenses associated with the following stations from NRG License Sub, LLC, to Armada Media – McCook, Inc.:

KXNP(FM), North Platte, NE (Fac. ID. No. 9934) KODY(AM), North Platte, NE(Fac. ID. No. 9931) KMTY(FM), Holdrege, NE(Fac. ID. No. 27174) KUVR(AM), Holdrege, NE(Fac. ID. No. 27178) That assignment application has been granted. As of the date of filing of the instant application, the assignment of the licenses for KXNP(FM), KODY(AM), KMTY(FM) and KUVR(AM) from NRG License Sub, LLC, has not yet been consummated.

#### Armada Media – Watertown, Inc.

KMSD(AM), Milbank, SD (Fac. ID. No. 63599) KDIO(AM), Ortonville, MN (Fac. ID. No. 67770) KPHR(FM), Ortonville, MN (Fac. ID. No. 67753) KBWS-FM, Sisseton, SD (Fac. ID. No. 36355)

# Armada Media - Garden City, LLC

On August 30, 2007, Armada Media – Garden City, Inc., filed with the Commission applications, under lead File Nos. BAL-20070830ACE and BALH-20070830ACD, seeking the Commission's consent to the assignment of the FCC licenses associated with the following stations from KBUF Partnership and Western Kansas Wireless, Inc., to Armada Media – Garden City, Inc.:

KBUF(AM), Holcomb, KS (Fac. ID. No. 33689) KKJQ(FM), Garden City, KS (Fac. ID. No. 33690) KSKZ(FM), Copeland, KS (Fac. ID. No. 60873) KULY(AM), Ulysses, KS (Fac. ID. No. 198) KFXX-FM, Hugoton, KS (Fac. ID. No. 199) KWKR(FM), Leoti, KS (Fac. ID. No. 67042) KSSA(FM), Ingalls, KS (Fac. ID. No. 77873) KSKL(FM), Scott City, KS (Fac. ID. No. 71853)

Those applications have been granted. As of the date of filing of the instant application, the assignment of the licenses for these eight stations from KBUF Partnership and Western Kansas Wireless, Inc., has not yet been consummated.

Currently pending before the Commission are applications seeking Commission consent to the transfer of control of Armada Media Corporation. The transfer would arise as the result of the acquisition of interests in Armada Media Corporation by parties other than John T. Lynch. Applications have been filed with respect to each of the above Armada stations. See BTC - 20071221ADR. Also pending before the Commission is an application wherein Armada Media – McCook, Inc., seeks the Commission's consent to a minor modification of the facilities of KRKU(FM), Maxwell, NE. See BMPH-20071203CIM.

# Application for Permit to Deliver Programs to Foreign Broadcast Stations Broadcast Company of the Americas, LLC XEKTT(AM) Exhibit III

# Foreign Station(s) to which Programming will be Delivered

The programming will be delivered to XEKTT(AM), <sup>1</sup> which operates on 1700 kHz. The holder of the concession for XEKTT(AM) is C. Carlos de Jesus Quinones Armendariz.

XEKTT(AM) holds authority from the Mexican government to operate at a power of 10 kW, day and night, operating non-directionally during the day and directionally, with a two tower array, at night.

Currently pending before the Commission is an application whereby the applicant seeks Section 325 authority from the Commission that would permit the applicant to provide programming over XEKTT(AM). See 325-NEW-20050426-00012. The instant application supersedes that earlier application.

<sup>&</sup>lt;sup>1</sup> XEKTT(AM), 1700 kHz, Tijuana, BC, actually uses the call sign of XEPE. A review of the Commission's CDBS database indicates that the Commission's records continue to recite that the call sign of the station is XEKTT(AM). For the sake of consistency, the XEKTT(AM) call sign will be used throughout this application and accompanying exhibits.

Application for Permit to Deliver Programs to Foreign Broadcast Stations
Broadcast Company of the Americas, LLC
XEKTT(AM)
Exhibit V

# Relationship Between the Applicant and the Foreign Station

By the foregoing application, the applicant is seeking authority to deliver programming to XEKTT(AM). The applicant has entered into an agreement whereby the applicant is to provide programming to, and sell commercial time on, XEKTT(AM). A copy of that agreement (from which the financial terms have been redacted) is attached hereto. The XEPRS(AM) concession holder holds no interest in the applicant.