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AUG 3 0 2011 FCC Mail Room

Law Office of Mark C. Del Bianco 3929 Washington Street Kensington, MD 20895 Ph/fax 301.933.7216 mark@markdelbianco.com

August 22, 2011

Ms. Marlene Dortch Secretary Federal Communications Commission c/o International Bureau Applications P.O. Box 979093 St. Louis, MO 63197-9000

**Re:** Application for Section 325(c) Permit to Deliver Programs to Foreign Broadcast Station XHFG

Dear Ms. Dortch:

Enclosed please find two copies of the application of Uniradio Corp. ("Uniradio") of San Diego, California, to make cross-border transmissions of broadcast programs to FM station XHFG in Tijuana, Mexico pursuant to Section 325(c) of the Communications Act of 1934, as amended. Uniradio is a California corporation that represents Mexican radio station XHFG in the United States.

The application requests authorization to deliver programs in such formats as news, talk, sports, and entertainment, and to do so at various times between 5 a.m. and midnight seven days a week throughout the year.

Enclosed also please find the necessary Form 159 to cover the filing fee. If you have any questions, please feel free to contact me.

Respectfully submitted,

Mark C. Del Biarico

Counsel for Uniradio

Cc: James Ballis, IB Janice Shields, IB Linda Pintro, IB

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1	f. Is any	officer or more	than one-fourth of	the directors o	if the corporation	n an alien?	X	YES		NO
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9.a	. What is ap	plicant's principa	business?					
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þ	any AM, FI	ant or any party M, or TV broadc fore the commiss	ast station leither domesti	ny interast in, or connection w ic or foreign), or any application	n	ට YES		No
	lf the anaw	er is Yes, ettech	Exhibit No. 1 giving fe	ill particulars.				
10, is	applicant a i	representative of	an alien or of a foreign g	overnment?		) yes	X	No
	If the answ	er is Yes, explain						
11.8.	Has ony rad application I	llo station author baan revoked, ail	ization previously issued t her by the Commission of	to the applicant or party to this r by any court?	, C	] yes	X	No
ь.	Has any pre the Commis	vious application sion or by a prec	by the applicant or party lecessor agency?	to this application been denied	d by	] yes	X	No
	If the answe	r to (a) and/or (	b) is Yes, explain:					
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12.a.	Has applican falony?	it or any party to	this application been fou	ind guilty by any court of any	C	] yes	X	No
b.	court of the	violation of the l	this application been fina aws of the United States air methods of competitio	ally adjudged guilty by a feder relating to unlawful monopoly m?		] yes	ß	No
	If the enewer	r to (a) and/or (b	) is Yes, explain.					

FGC 308 (Paga 3) July 1088

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с в 4-26 , 13. Address of studio or other place at which programs will originate:

#### 5030 Camino de la Siesta #403 San Diego, CA 92108

14. State ownership of originating facilities.

Uniradio, Corp

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

Applicant will utilize optimal transmission media at any given time which may include the internet, microwave relay, satellite or land line (telephone).

Line (telephone). 16. Give the location, type, and suthorized power of foreign station(s) to which programs will be delivered, and identify the licensee or operating agency of such station(s).

Please see Exhibit 2 (attached)

- Attach as Exhibit No. <u>3</u> 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. <u>4</u> a statement as to whether program deliveries are to be intermittant 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. <u>5</u> 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 bast of his/her knowledge and belief and are made in good faith.

Signed and dated this 9 day of Augu	ust_	. 2011
Ricardo Astiazaran	By	- DIZS
(Name of Applicant)	•	(Ghanatura)
WILLFUL FALSE STATEMENTS MADE ON THIS FORM		General Manager-CFO
ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.		(Tidə)

EXHIBITS furnished as required by this form:

Exhibit No.	Para. No. of form	Name of officer or employee (1) by whom or (2) under	Official uite
		whose direction exhibit was prepared (show which)	
1 2 3 4 5	9b 16 17 18a 18b	Ricardo Astiazaran (2) Ricardo Astiazaran (2) Ricardo Astiazaran (2) Ricardo Astiazaran (2) Ricardo Astiazaran (2)	CFO CFO CFO CFO CFO

Form 308 (Paga 4) July 1886

Uniradio Corp XHFG Exhibit #1, FCC Form 308 Question 9b

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#### Broadcast Interests

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Uniradio Corp is the Sales Representative of the foreign station in the United States of America.

Uniradio Corp XHFG (amendment) Exhibit 2, FCC Form 308 Question 16

#### Foreign Station Information

Station: XHFG FM Station —107.3 MHZ

Licensee: XHFG, S.A. DE C.V.

Location: Tijuana, B.C. Mexico

Channel: 297-C1

Effective Radiated Power: 20.6 KW (directional)

Uniradio Corp XHFG Exhibit 3, FCC Form 308 Question 17

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#### Legal Relationship with Foreign Station

The Applicant Uniradio Corp. has a Sales Representation Agreement with the foreign station. That agreement is confidential, but the Applicant will provide a copy of that agreement under separate cover if requested and if its confidentiality can be assured.

Uniradio Corp XHFG (amendment) Exhibit 4,FCC Form 308 Question 18a

#### Program Delivery

Program deliveries are to be regularly scheduled as follows:

- 1. San Diego Charger Games:
  - a) August through January
  - b) Monday Sunday 5am Midnight
  - c) Average of 8 hours per week
- 2. Local and brokered programs
  - a) Monday Sunday 5am Midnight
  - b) Average of 25 hours a week

\*All times given are Pacific Time.

Uniradio Corp XHFG (amendment) Exhibit 5, Form 308 Question 18b

#### Nature & Character of Programming

Description of Programming:

We wish to broadcast the San Diego Chargers major league football games, including all pre, post and regular season games in addition to a pre-game and post-game program prior to and after each broadcasted game. Games would be broadcast within the following time period: Monday thru Sunday from 5:00am to 1:00am for an average of 8 hours a week.

In addition we wish to broadcast local and brokered programs with various topics such as health, immigration, finance, mortgage, sports, and entertainment, among others, which would be broadcast within the following time period: Monday thru Sunday from 5:00 am to 1:00 am for an average of 25 hours a week.

\* All times given are Pacific time.

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Name	Street Address or P.O. Box	City State	ZIP Code		aphoni Juda s		
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	f. Is any officer	or more than one-fourth of the direct	ore of the corporation an	alien?	🕅 YES	D NO
		is Yes, give the name, nationality, an total number of directors of the corpo				
	Name	Nationality	Position	Numbe	r of Direc	store
	Gustavo Er	nrique Astiazaran Mexica	an President	3		
	g. Is the above-o	ascribed controlling corporation in tur	m a subsidiary?		T YES	NO NO
	holding comp	is Yes, attach as Exhibit No add any questions in this paragraph for ea aving ultimate control.	ditional information anaw ich company, to and incl	rering the luding the		
	8. a. If the applican	t is an unincorporated association, gr	ive the following: NA			
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	b. State the follo	wing for alien officers or directors (if	nny): NA			
	Name	Nationality		Position		

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1	h. Does applic	ant or any party	to this application have	any interest in, or connection w	ith.			· .
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	_				ι. L	1 YES	Ц	No
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10,1	a applicant a r	epresentative of a	alien or of a foreign	government?	C	] yes	X	No
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			er by the Commission	· · · · · · · · · · · · · · · · · · ·	14-1	J YES	[X]	Na
b		vious application l sion or by a prede		y to this application been denied	Гру Г	] YES	X	No
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~1	court of the v	violation of the lay		s relating to unlawful monopoly,		YES	<u>ک</u> ا	No
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	If the onewor	to (a) and/or (b)	is Yes, explein.					

FCC 308 (Page 3) July 1086 ł

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13. Address of studio or other place at which programs will originate:

#### 5030 Camino de la Siesta #403 San Diego, CA 92108

14. State ownership of originating facilities,

Uniradio, Corp

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#### CERTIFICATION

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Signed and deted this day of Ricardo Astiazaran By (Name of Applicant) General Manager-CFO WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. (Tida) 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 prepared (show which)	Official title
1 2 3 4 5	9b 16 17 18a 18b	Ricardo Astiazaran (2) Ricardo Astiazaran (2) Ricardo Astiazaran (2) Ricardo Astiazaran (2) Ricardo Astiazaran (2)	CFO CFO CFO CFO

Form 300 (Paga 4) July 1886

Uniradio Corp XHFG Exhibit #1, FCC Form 308 Question 9b

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#### Broadcast Interests

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Uniradio Corp is the Sales Representative of the foreign station in the United States of America.

Uniradio Corp XHFG (amendment) Exhibit 2, FCC Form 308 Question 16

#### Foreign Station Information

Station: XHFG FM Station —107.3 MHZ

Licensee: XHFG, S.A. DE C.V.

Location: Tijuana, B.C. Mexico

Channel: 297-C1

Effective Radiated Power: 20.6 KW (directional)

Uniradio Corp XHFG Exhibit 3, FCC Form 308 Question 17

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#### Legal Relationship with Foreign Station

The Applicant Uniradio Corp. has a Sales Representation Agreement with the foreign station. That agreement is confidential, but the Applicant will provide a copy of that agreement under separate cover if requested and if its confidentiality can be assured.

Uniradio Corp XHFG (amendment) Exhibit 4,FCC Form 308 Question 18a

#### Program Delivery

Program deliveries are to be regularly scheduled as follows:

- 1. San Diego Charger Games:
  - a) August through January
  - b) Monday Sunday 5am Midnight
  - c) Average of 8 hours per week
- 2. Local and brokered programs
  - a) Monday Sunday 5am Midnight
  - b) Average of 25 hours a week

\*All times given are Pacific Time.

Uniradio Corp XHFG (amendment) Exhibit 5, Form 308 Question 18b

Nature & Character of Programming

Description of Programming:

We wish to broadcast the San Diego Chargers major league football games, including all pre, post and regular season games in addition to a pre-game and post-game program prior to and after each broadcasted game. Games would be broadcast within the following time period: Monday thru Sunday from 5:00am to 1:00am for an average of 8 hours a week.

In addition we wish to broadcast local and brokered programs with various topics such as health, immigration, finance, mortgage, sports, and entertainment, among others, which would be broadcast within the following time period: Monday thru Sunday from 5:00 am to 1:00 am for an average of 25 hours a week.

\* All times given are Pacific time.



# **PUBLIC NOTICE**

FEDERAL COMMUNICATIONS COMMISSION 445 12th STREET S.W. WASHINGTON D.C. 20554

News media information 202-418-0500 Internet: http://www.fcc.gov (or ftp.fcc.gov) TTY (202) 418-2555

Report No. 325-00165

Thursday September 15, 2011

#### Permit To Deliver Programs to Foreign Broadcast Stations

#### **RE:** Applications Accepted for Filing

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of the applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations and its Policies.

#### **INFORMATIVE**

325-NEW-20110830-00003

UNIRADIO CORP.

Application for Section 325 (c) permit to allow Uniradio Corp ("Uniradio") of San Diego, California to make cross-border transmissions of broadcast programs to FM station XHFG in Tijuana, Mexico. Uniradio Corp ("Uniradio") is a California corporation that represents Mexican radio station XHFG in the United States.

Petitions to deny this application must reference the file number associated with the 325(c) application and be on file no later than 30 days from the date of the notice accepting this Application for filing. Guidelines for filings are available at: www.fcc.gov/osec. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first- class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N. E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p. m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554 . All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. In addition, please submit one copy of your petition to Janice Shields, FCC, International Bureau, Room 6-B418, 445 12th Street, SW, Washington, D.C. 20554.

For more information concerning this Notice, contact Janice Shields at (202) 418-2153; Janice.Shields@fcc.gov; TTY 202-418-2555.

#### Law Office of Mark C. Del Bianco 3929 Washington Street Kensington, MD 20895 Ph/fax 301.933.7216 <u>mark@markdelbianco.com</u>

September 10, 2010

Ms. Marlene Dortch Secretary Federal Communications Commission 445 12<sup>th</sup> St., S.W. Washington, D.C. 20554

## **Reference:** Request for Special Temporary Authority to Deliver Programs to Foreign Broadcast Station XHFG

Dear Ms. Dortch:

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Uniradio Corp. ("Uniradio") of San Diego, California, is filing this request for Special Temporary Authority to make cross-border transmissions of broadcast programs to FM station XHFG in Tijuana, Mexico pursuant to Section 325(c) of the Communications Act of 1934, as amended, and Section 25.120 of the Commission's rules. Uniradio is a California corporation that represents Mexican radio station XHFG in the United States.

The Commission in 2004 granted Uniradio a permit under Section 325(c) to provide cross border delivery of the Spanish language broadcasts of a variety of programming to AM radio station XRCN in Tijuana, Mexico. *Permit to Deliver Programs to Foreign Broadcast Stations*, Report No. 325-00074, rel. Nov. 12, 2004. Pursuant to this permit, Uniradio transmitted, among other programming, broadcasts of San Diego Chargers National Football League games throughout the 2007 and 2008 football seasons.

In the spring of 2009, the decision was made to move the broadcasts of Chargers games from XRCN to an FM station, XHFG, for the 2009 season. In May 2009, a Uniradio employee prepared an application for a permit for cross border transmissions to XHFG covering Chargers games and associated pre- and post-game programming. Uniradio provided cross border delivery of the Chargers programming to XHFG during the 2009 football season and the 2010 pre-season. Uniradio this week discovered that the 2009 application was never filed and that it does not have a permit to make cross-border transmissions of Chargers-related programming on XHFG. Unfortunately, the Chargers' NFL season starts Monday, September 13, 2010.

Ms. Marlene Dortch Secretary Federal Communications Commission

This STA requests a narrow and temporary authorization to allow Uniradio to deliver to XHFG cross border Spanish language broadcasts of regular season Chargers football games and associated pre- and post-game shows. Next week, Uniradio will be filing an application for a regular permit under Section 325(c). I will provide a copy of that application to you. The nature of the programming for which the STA is sought is narrower than that covered by the Section 325(c) application. In addition to the Chargers programming, the application will request authorization to deliver other programs in such formats as news, talk, sports, and entertainment, and to do so at various times seven days a week throughout the year.

The programming covered by the STA is unique. For the past three seasons, these broadcasts have allowed, and if the STA is granted will continue to allow, the more than 900,000 Spanish-speaking potential listeners in the San Diego metro listening area to hear American football broadcasts in their native language and at no cost. The STA will directly benefit the U.S. economy because advertisers' payments to Uniradio stay in the U.S. In addition, the programming indirectly contributes to the U.S. economy and U.S.-Mexico trade by encouraging Mexican fans to cross the border to attend Chargers games and spend their recreation funds in the U.S. Conversely, there will be no harmful or deleterious effects from granting the STA and allowing the Chargers broadcasts to continue uninterrupted. Accordingly, grant of this STA will most certainly be in the public interest.

In light of the foregoing, the STA should be granted.

Respectfully submitted,

C. Del Bianco

Mark C. Del Bianco

Counsel for Uniradio

Cc: Janice Shields, IB Linda Pintro, IB



# **PUBLIC NOTICE**

FEDERAL COMMUNICATIONS COMMISSION 445 12th STREET S.W. WASHINGTON D.C. 20554

News media information 202-418-0500 Internet: http://www.fcc.gov (or ftp.fcc.gov) TTY (202) 418-2555

Report No. 325-00167

Wednesday October 26, 2011

#### Permit To Deliver Programs To Foreign Broadcast Stations

#### re: Actions Taken

The Commission, by its International Bureau, took the following actions pursuant to delegated authority. The effective dates of the actions are the dates specified.

#### **INFORMATIVE**

325-NEW-20110830-00003

UNIRADIO CORP.

Granted on October 26, 2011, subject to conditions, application for Section 325 (c) permit to allow Uniradio Corp ("Uniradio") of San Diego, California to make cross-border transmissions of broadcast programs to FM station XHFG in Tijuana, Mexico. Uniradio Corp ("Uniradio") is a California corporation that represents Mexican radio station XHFG in the United States.

Grant of this Permit is conditioned upon the Mexican stations operation in full compliance with applicable treaties and related provisions concerning electrical interferences to U.S. Broadcast stations.

This authorization is predicated on the use of a foreign station assignment, which must abide by the terms of the 1992 USA-Mexico FM Broadcast Agreement. Hence, this program authorization applies only to the specific foreign station facilities which are currently on file with the Commission as having been officially coordinated by the Secretaria de Comunicaciones y Transportes (SCT) in Mexico and subsequently approved by the Commission for operation. If the transmitter coordinates or technical operating parameters of the foreign station are altered subsequent to this authorization or are found to be different from those currently on file and approved by the Commission, this program authorization will be subject to immediate termination without right to hearing.

For more information concerning this Notice, contact Janice Shields at (202) 418-2153; Janice.Shields@fcc.gov; TTY 202-418-2555.



#### UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION

### **RADIO STATION AUTHORIZATION**

Name: UNIRADIO CORP. Authorization Type: Section 325(c) Call Sign:

File Number: 325-NEW-20110830-00003

Grant date: 10/26/2011

Expiration Date: 10/26/2016

Subject to the provisions of the Communications Act of 1934, subsequent Acts, and Treaties, and Commission Rules made thereunder, and further subject to conditions set forth in this permit, the PERMITTEE:

UNIRADIO CORP.

is hereby authorized to locate, use, or maintain a studio in the United States for the purpose of supplying program material to foreign broadcast stations for the term ending October 26, 2016 (3 AM Eastern Standard Time).

#### **Particulars of Operations**

A) Studio Location:

5030 Camino de la Siesta #403 San Diego, CA 92108

San Diego, CA 92108

B) For the purpose of producing programs consisting of:

To deliver broadcast programs to FM Station XHFG-FM, Tijuana, Baja California, Mexico

C) To be delivered by means of:

Common Carrier

#### D) To stations identified and located as follows:

Call Sign	Channel	Station Locations(s)

#### XHFG297 C1Tijuana, Mexico

The Commission reserves the right during said permit period of terminating this permit or making effective any changes or modifications of this permit which may be necessary to comply with any decision of the Commission rendered as a result of any such hearing which has been designated but not held, prior to the commencement of this permit period.

This permit is issued on the permittee's representation that statements contained in the permittee's application are true and that the undertakings therein contained, so far as they are consistent herewith, will be carried out in good faith.

This permit shall not vest in the permittee any right to operate beyond the term hereof nor in any other manner than authorized herein. Neither the permittee nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This permit is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

#### **E)** Special and General Provisions

- A) This RADIO STATION AUTHORIZATION is granted subject to the following special provisions and general conditions:
  - 200 --- This authorization is predicated on the use of a foreign station assignment, which must abide by the terms of the 1992 USA-Mexico FM Broadcast Agreement. Hence, this program authorization applies only to the specific foreign station facilities which are currently on file with the Commission as having been officially coordinated by the Secretaria de Comunicaciones y Transportes (SCT) in Mexico and subsequently approved by the Commission for operation. If the transmitter coordinates or technical operating parameters of the foreign station are altered subsequent to this authorization or are found to be different from those currently on file and approved by the Commission, this program authorization will be subject to immediate termination without right to hearing.



#### UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION

### **RADIO STATION AUTHORIZATION**

Name: UNIRADIO CORP. Authorization Type: Section 325(c) Call Sign:

File Number: 325-NEW-20110830-00003

Grant date: 10/26/2011

Expiration Date:

Date: 10/26/2016

**B**) This RADIO STATION AUTHORIZATION is granted subject to the additional conditions specified below:

This authorization is issued on the grantee's representation that the statements contained in the application are true and that the undertakings described will be carried out in good faith.

This authorization shall not be construed in any manner as a finding by the Commission on the question of marking or lighting of the antenna system should future conditions require. The grantee expressly agrees to install such marking or lighting as the Commission may require under the provisions of Section 303(q) of the Communications Act. 47 U.S.C. § 303(q).

Neither this authorization nor the right granted by this authorization shall be assigned or otherwise transferred to any person, firm, company or corporation without the written consent of the Commission. This authorization is subject to the right of use or control by the government of the United States conferred by Section 706 of the Communications Act. 47 U.S.C. § 706. Operation of this station is governed by Part 25 of the Commission's Rules. 47 C.F.R. Part 25.

This authorization shall not vest in the licensee any right to operate this station nor any right in the use of the designated frequencies beyond the term of this license, nor in any other manner than authorized herein.

This authorization is issued on the grantee's representation that the station is in compliance with environmental requirements set forth in Section 1.1307 of the Commission's Rules. 47 C.F.R. § 1.1307.

This authorization is issued on the grantee's representation that the station is in compliance with the Federal Aviation Administration (FAA) requirements as set forth in Section 17.4 of the Commission's Rules. 47 C.F.R.§ 17.4.

The following condition applies when this authorization permits construction of or modifies the construction permit of a radio station.

This authorization shall be automatically forfeited if the station is not ready for operation by the required date of completion of construction unless an application for modification of authorization to request additional time to complete construction is filed by that date, together with a showing that failure to complete construction by the required date was due to factors not under control of the grantee.

Licensees are required to pay annual regulatory fees related to this authorization. The requirement to collect annual regulatory fees from regulates is contained in Public Law 103-66, "The Omnibus Budget Reconciliation Act of 1993." These regulatory fees, which are likely to change each fiscal year, are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities. The Commission issues a Report and Order each year, setting the new regulatory fee rates. Receive only earth stations are exempt from payment of regulatory fees.