

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

In re Applications of:)
)
QUETZAL BILINGUAL) 325-STA-20050401-00003
COMMUNICATIONS, INC.)
)
For Extension of Special Temporary)
Authorization under Section 325(c))
of the Act to Permit to delivery of)
programming to Station XHBCE-FM,)
Class B, Matamoros Jaramillo,)
B.C., Mexico)

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

INFORMAL OBJECTION

Lazer Broadcasting Corporation and Emmis Communications Corporation (“Petitioners”), under Section 73.3587 of the rules, hereby oppose the request of Quetzal Bilingual Communications, Inc. (“Quetzal”) for an extension of its captioned special temporary authorization (the “STA”) through which the Commission authorized Quetzal to deliver U. S. programming to Station XHBCE-FM, operating as a Class B facility at Matamoros Jaramillo, B.C., Mexico.

Quetzal’s extension request should be denied because, by its own admission, XHBCE-FM’s Class B facility is operating at a site that is neither authorized by Mexico nor coordinated and registered with the FCC. Quetzal admits that it is operating on the peak of Cerro Grande, whereas its transmitter should be located at a site identified in the FCC’s CDBS broadcast data system as Matamoros Jaramillo. It will be shown that the two sites are separated by 2.5 km (1.55 miles). Moreover, the ground elevation of Cerro Grande is

520 meters (1,706 feet) higher than the ground elevation of the authorized site at Matamoros Jaramillo.

On June 15, 2005 Quetzal filed a pleading entitled “Opposition to Petition to Deny” (the “Opposition”), in which it attempted to defeat charges by Petitioners that XHBCE-FM, among other violations, had never operated from its FCC-registered and internationally coordinated Class B Matamoros Jaramillo site at 32-26-50 North, 116-43-55 West.¹ At that site, XHBCE-FM is authorized to operate with a power of 50 kW ERP from a height above average terrain of 150 meters. *See* CDBS Application ID No. 1020778, Facility ID No. 163371.² Quetzal was trying to refute statements by Petitioners’ engineer, Joel Saxberg, who flew over Matamoros Jaramillo and, using GPS equipment, verified in a declaration given under penalty of perjury that there was no radio station there. In fact, Saxberg located the site in a ravine not served by roads or power lines and otherwise unsuitable for a radio station.³ Also under penalty of perjury, Mr. Saxberg said he did not pick up a “meaningful signal” from XHBCE-FM at the authorized location.⁴

In its Opposition, Quetzal boldly admits that its Class B operation is at Cerro Grande. Quetzal’s engineer, Lawrence Morton, who did not attest to the accuracy of his own statement under penalty of perjury as Section 1.16 of the rules requires, gives coordinates for the site that are unsupported by an affidavit *or any statement whatsoever*

¹ The petition to deny was filed May 16, 2005 against Quetzal’s request for permanent Section 325(c) authority to provide programming to XHBCE-FM.

² A copy of Appendix 1 to Petitioners’ May 16, 2005 petition to deny, which is a printout of the technical parameters for XHBCE-FM’s Class B facility as reflected in CDBS, is attached as Exhibit 1.

³ *See* May 16 petition to deny, engineering report, pp. 3-4 and photo.

⁴ *Id.*

from the purported surveyor to whom he attributes the data. The coordinates he ascribes to the XHBCE-FM tower at Cerro Grande peak are 32-26-51 North, 116-43-48.2 West.

It is instructive to refer to a topographic map to resolve this discrepancy. Just such a map was provided by Mr. Saxberg in Exhibit 2 of Petitioners' June 15, 2005 petition to deny.⁵ As a matter of convenience, an additional copy of the map is attached as Exhibit 2.

Mr. Saxberg's topographic map shows the location of the authorized Matamoros Jaramillo site as determined from the CDBS coordinates reflected in Exhibit 2, using the coordinate scales along the edges of the map to pinpoint the site on the map. The ground elevation of Matamoros Jaramillo is shown on the map to be 380 meters AMSL and the authorized antenna elevation of XHBCE-FM is stated to be 546 M AMSL (the CDBS figure). As a point of reference, Mr. Saxberg fortuitously identified the peak of Cerro Grande with a large label and shows the peak elevation to be 900 meters AMSL (the peak is identified by the words "C. Grande" on the map itself).⁶ The photograph that appears on page 12 of the Morton engineering report that accompanies the Opposition confirms that XHBCE-FM's tower is indeed at the peak of Cerro Grande. The difference in the elevations of the two sites is 520 meters, or 1,706 feet.

Quetzal is attempting to pull the wool over the Commission's eyes by ascribing the bogus coordinates of 32-26-51 North, 116-43-48.2 West to Cerro Grande. These coordinates do not depict the peak of Cerro Grande by a long shot, as confirmed by the coordinate scales along the edges of the map. These coordinates--while serving Quetzal's

⁵ See Exhibit 2 to Petitioners' June 15, 2005 petition to deny the companion application of Broadcast Company of the Americas, LLC, Quetzal's programming partner. A clearer copy of the base map used by Mr. Saxberg is attached as Exhibit 3.

⁶ The pleading in which Mr. Saxberg's topo map was first introduced was filed June 15, 2005. Thus, neither Quetzal nor Mr. Morton was aware of the map when the Opposition was filed on the same day.

interests because they are numerically close to the authorized Matamoros Jaramillo coordinates--are grossly erroneous. In fact, as shown by the map distance scale, the authorized Matamoros Jaramillo site is separated from the unauthorized Cerro Grande site by 2.5 km.

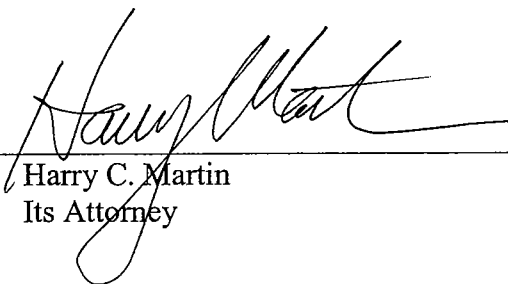
In summary, XHBCE-FM should not be operating at Cerro Grande, which affords vastly superior coverage and interference potential. Nor should the FCC countenance Quetzal's bold use of a grossly-high, unauthorized facility to rebroadcast its programs under authority of Section 325(c) of the Communications Act.

As shown in Petitioners' May 16, 2005 petition to deny, XHBCE-FM, which operates on the same frequency as Lazer's KXRS, is causing significant interference to KXRS in Riverside County, California. Indeed, Lazer would not be expending its resources to stop XHBCE-FM's illegal operations if it were not experiencing such interference.

Petitioners object to an extension of Quetzal's STA on this basis and request that it be denied, and renew their request that Quetzal's application for permanent 325(c) authority be denied.

Respectfully submitted,

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June 24, 2005

Exhibit 1

FCC's CDBS Data on XHBCE-FM,
Class B, Matamoros Jaramillo

Exhibit 2

**Topo Map Showing Relationship of
Matamoros Jaramillo to Cerro Grande
(Exhibit 2 of Saxberg Engineering Report
Filed June 15, 2005)**

LA PRESA 11D71

BAJA CALIFORNIA

ESFEROIDE CLARKE DE 1866
 PROYECCION TRANSVERSAL DE MERCATOR
 CUADRICULA UTM A CADA 1000 m.
 DATUM HORIZONTAL NORTEAMERICANO DE 1927
 REFERENCIA DE COTAS NIVEL MEDIO DEL MAR
 PROCEDIMIENTO DE COMPLICACION FOTOGRAFOMETRICO
 PRIMERA EDICION 1973
 PRIMERA IMPRESION 1973
 AUTORIDAD CEIENAL
 SEGUNDA IMPRESION 1978

ESCALA 1:50,000

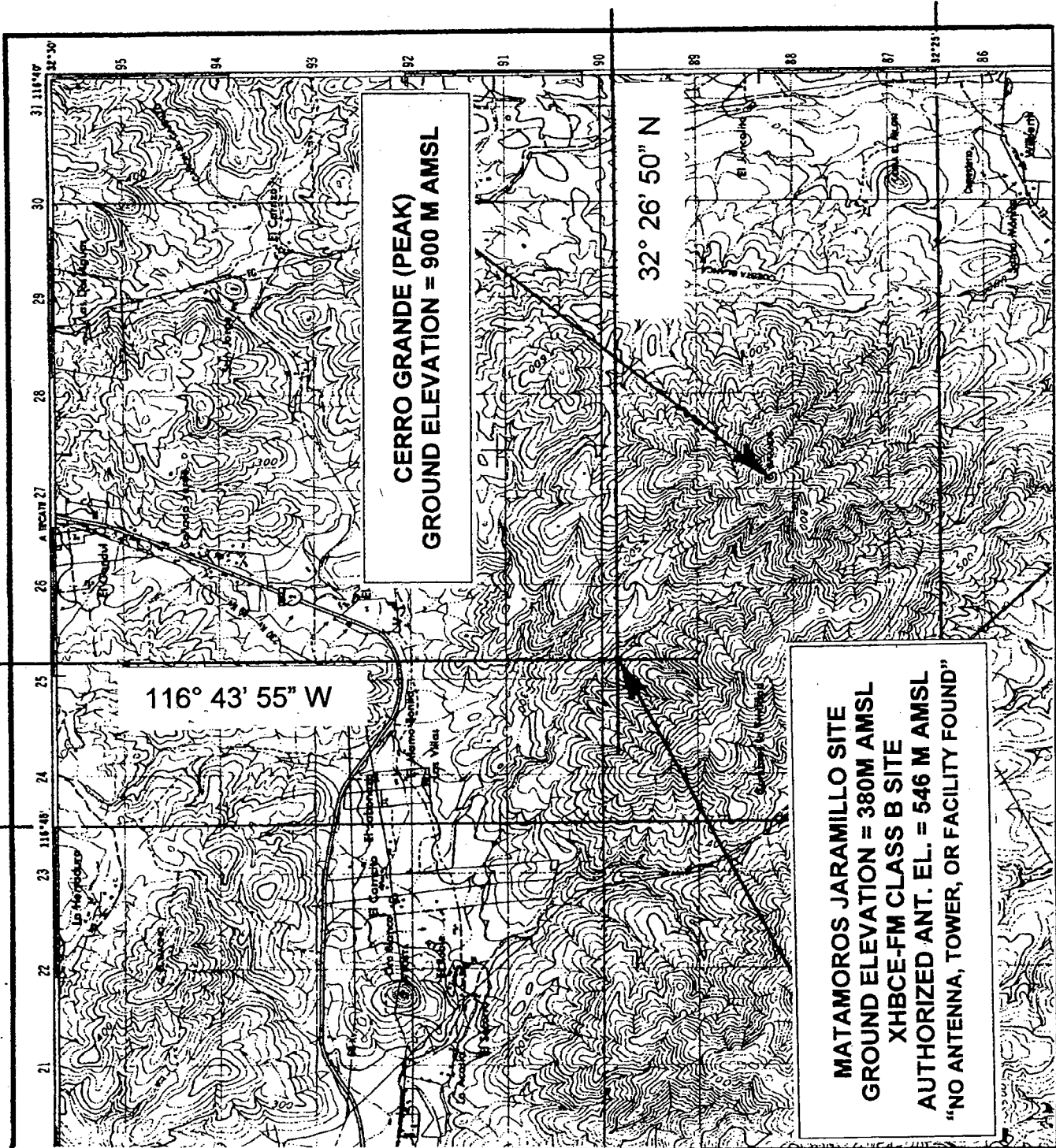


Exhibit 3

**Base Topo Map Used by
Joel Saxberg in Creating
Exhibit 2**

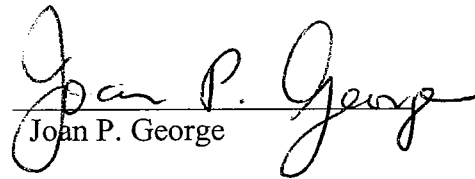
(Circle and arrow added by counsel)

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 foregoing *Informal Objection* was sent this 24th day of June, 2005, by hand and by e-mail where indicated and via United States First Class Mail, postage prepaid, to the following:

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* Via e-mail and by hand