

ANN BAVENDER*
SIMA N. CHOWDHURY*
HARRY F. COLE
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
JOSEPH M. DI SCIPIO*
PAUL J. FELDMAN
JEFFREY J. GEE*
FRANK R. JAZZO
M. SCOTT JOHNSON*
MITCHELL LAZARUS
STEPHEN T. LOVELADY*
SUSAN A. MARSHALL
HARRY C. MARTIN
ALISON J. MILLER
FRANCISCO R. MONTERO
LEE G. PETRO*
RAYMOND J. QUIANZON
MICHAEL W. RICHARDS*
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS

*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
DONALD J. EVANS
EDWARD S. O'NEILL*
ROBERT M. GURSS*
EUGENE M. LAWSON, JR.

WRITER'S DIRECT

703-812-0415
martin@fhhlaw.com

September 15, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW, Room TWB204
Washington, D.C. 20554

**Re: 325-STA-20050701
Broadcast Company of the Americas, Inc. ("BCA")
Request for Special Temporary Authority ("STA")
Under Section 325(c) of the Communications Act
For Delivery of Programming to Station XHBCE-FM,
Class C1, Tecate, B.C., Mexico**

Dear Ms. Dortch:

Transmitted herewith on behalf of Lazer Broadcasting Corporation ("Lazer") and Emmis Communications Corporation ("Petitioners") is an engineering statement that responds to matters raised in BCA's September 9, 2005 letter filed in support of its referenced request for an STA to provide U.S. programming to Station XHBCE-FM, Class C1, Tecate (Cerro Bola), Mexico, under Section 325(c) of the Communications Act.

Petitioners' respectfully request leave to file this additional showing. The pleading cycle for BCA's application for permanent interconnection authority with the Cerro Bola facility (325-NEW-20050425-00010) has closed. Yet BCA has filed four letters (on July 1, July 29, August 5 and September 9) and a 40-page pleading (on July

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15) regarding its referenced STA request, all of which relate to the merits of its application for permanent Section 325(c) authority for use of the Cerro Bola site. The September 9, 2005 letter, like the other filings, raises new issues that affect Petitioners' vital interests beyond whether an STA should be granted. Even though Section 1.45 of the rules does not apply to informal applications--thus allowing today's further filing at least in the STA context--Petitioners want to be sure the material presented today is considered in the broader Section 325(c) proceeding, where it could be dispositive. Thus, leave to file the attached statement is requested so that it will be considered as part of the record pertaining to BCA's application for permanent Section 325(c) authority. The public interest would be served by accepting the additional material, not only because it provides the measured data BCA says is needed, but because the data show definitively that the XHBCE-FM antenna installed at Cerro Bola violates international law.

The new statement, in the form of a letter sworn to under penalty of perjury by Joel Saxberg, supplies the "readings" BCA claims have been missing in Petitioners' studies of XHBCE-FM's antenna design. The Saxberg measured data compare the composite antenna pattern for XHBCE-FM provided by BCA in the technical exhibits to its June 30, 2005 Opposition to Petition to Deny (Engineering Statement, Attachment 1, Figures 4A and 4B), to the publicly-available antenna pattern for XHBCE-FM/Cerro Bola provided by Mexico to the FCC. The results show that the pattern developed by the SWR antenna installed at Cerro Bola exceeds the notified pattern. This is evident from the table on page 2 of Mr. Saxberg's statement, which shows that radiation towards Lazer's co-channel station KXRS, Hemet, California, exceeds the notified pattern along an arc between 341 to 348 degrees true and at 357 degrees true.

In its efforts to discredit Petitioners' technical evidence and showings of misrepresentation on the part of BCA and its partner, Quetzal Bilingual Communications, Inc. ("Bonilla"), BCA has repeatedly provided incomplete or otherwise misleading information. Tellingly, Bonilla withdrew his Section 325(c) application when the underlying technical data pertaining to XHBCE-FM's Class B site at Cerro Grande mountain was shown to be fabricated. Now, in its September 9, 2005 letter, but with no engineering support, BCA attacks Petitioners' ERI-supplied showing that the SWR antenna could not produce the directional pattern filed for XHBCE-FM by Mexico. And, BCA rejects ERI's offer to publicly test the SWR antenna pattern.

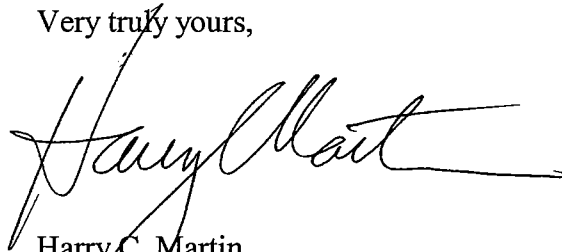
Mr. Saxberg's attached statement provides the readings that BCA says are needed. Those readings were taken from BCA's *own pleading*. They show that radiation from the XHBCE-FM antenna now installed at Cerro Bola exceeds the internationally-coordinated pattern along the arc towards co-channel station KXRS. The Commission must not grant Section 325(c) authority for interconnection with such a patently illegal operation.

FLETCHER, HEALD & HILDRETH, P.L.C.

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Should any questions arise concerning this showing, please communicate with the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harry C. Martin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

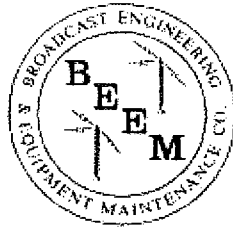
Harry C. Martin
Marne K. Sarver
Counsel for
LAZER BROADCASTING CORPORATION and
EMMIS COMMUNICATIONS CORPORATION

HCM:jpg

Attachment

cc (w/encls): John M. Pelkey, Esquire
Henry A. Solomon, Esquire
Linda Armstrong (linda.armstrong@fcc.gov)

BROADCAST ENGINEERING & EQUIPMENT MAINTENANCE CO.



September 13, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW, Room TWB204
Washington, D.C. 20554

Dear Ms. Dortch:

I have compared the SCT-notified antenna pattern of XHBCE-FM (PDBCA Exhibit 3) against the SWR composite antenna pattern (Morton 2, Attachments 4A&B) for the antenna that XHBCE is using on Cerro Bola. Please see my Engineering Statement of July 26, 2005, Exhibit E-1, for a list of document abbreviations.

As shown below, the SWR composite pattern exceeds the SCT-notified pattern on several bearings in the direction of KXRS' protected 60 dBu contour in violation of Annex 1, Section 1.4.1, of the "Agreement Between the Government of the United States of America and the Government of the United Mexican States Relating to the FM Broadcasting Service in the Band 88-108 MHz" (U.S./Mexican Agreement).

Annex 1, Section 1.4.1, of the U.S./Mexican Agreement reads in salient part as follows:

"Directional antennas operated by restricted assignments may be used to render protection to other co-channel and adjacent channel allotments or assignments. In the direction of limitation, a restricted assignment using a directional antenna must not exceed the notified antenna pattern values" (emphasis added).

Calculations show that XHBCE must protect KXRS over the arc of 341 to 357 degrees true. The relative field values for the SCT-notified antenna pattern of XHBCE-FM are compared against the SWR composite antenna pattern in the table below:



**XHBCE-FM PATTERN TABULATION DATA
RELATIVE FIELD**

BEARING DEGREES TRUE	SCT- NOTIFIED PATTERN	SWR COMPOSITE PATTERN
341	0.51	0.60*
342	0.48	0.58*
343	0.45	0.56*
344	0.42	0.54*
345	0.39	0.52*
346	0.38	0.48*
347	0.37	0.43*
348	0.36	0.39*
349	0.36	0.35
350	0.35	0.30
351	0.34	0.30
352	0.34	0.30
353	0.34	0.30
354	0.34	0.30
355	0.34	0.30
356	0.34	0.34
357	0.35	0.37*

*** INDICATES COMPOSITE SWR PATTERN EXCEEDS SCT-NOTIFIED PATTERN**

Notice that the SWR composite pattern exceeds the SCT-notified pattern along 9 of the 17 radials requiring protection. Thus, even if I were to believe that the SWR composite pattern is accurate, the XHBCE-FM antenna on Cerro Bola is in repeated violation of the U.S./Mexican Agreement and will not protect KXRS.

Under penalty of perjury under the laws of the United States, I hereby declare and state that the foregoing is based on my personal knowledge or belief and is true and correct.

Signed and dated as of this 13th day of September, 2005

Joel T. Saxberg
President