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April 7, 2004

20670-00100-61

VIA FACSIMILE (202.418.6799) AND MAIL

Kathryn Berthot, Deputy Chief
Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
Room 7-C802
445 12th Street, S.W.
Washington, DC 20554

Re: File No. EB-04-SE-020

Dear Ms. Berthot:

I represent Pacific Spanish Network, Inc. ("PSN").

As you and Joint Petitioners are aware, PSN's above-referenced Section 325(c) permit authorizes PSN to supply programming originated in Chula Vista, California, to three Mexican stations: XEKTT-AM (550 kHz); XESS-AM (780 kHz); and XESDD (920 kHz). In mid-February, PSN informed all parties that it would no longer supply cross-border programming to XEKTT-AM. PSN also informed the parties in its responses to the Bureau's Letters of Inquiry, that it did not supply cross-border programming to the two other Mexican Stations.

It is evident that the proposals to upgrade the Mexican stations were not coordinated with the United States Government before or after PSN applied for its permit. Further, PSN is aware that the SCT and the FCC are actively considering coordination of an alternate frequency for XEKTT-AM. It is unclear what action those bodies will take respecting the technical operation of XEKTT-AM, or for that matter, XESS-AM and XESDD-AM. PSN is aware that their upgrade applications have not been coordinated with the U.S., and must undergo that procedure.

In the hope and expectation that this matter will be resolved to the satisfaction of all parties, and to conserve the FCC's and my client's resources, PSN has authorized me to advise you that it is tendering its Section 325(c) permit for cancellation. A copy of the permit is attached.



April 7, 2004

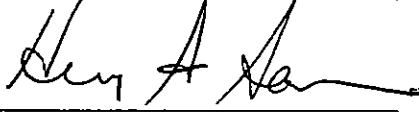
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When all coordination proceedings involving the Mexican Stations have been completed, PSN may seek a new permit to serve some or all of them. Accordingly, PSN reserves the right to re-apply for a 325(c) authorization at that time. Its application will ensure that all of the stations identified thereon were successfully coordinated. Finally if it is awarded a permit, PSN will also ensure that it will be able to satisfy all Special and General Provisions on the authorization.

PSN understands that the Bureau's enforcement proceeding remains a pending matter.

Respectfully submitted,

PACIFIC SPANISH NETWORK, INC.

By: 

Henry A. Solomon
Its Attorney

Enclosure

cc: Counsels for Joint Petitioners (via facsimile & mail)
Messrs. Ballis & Yachbes (via hand delivery)



UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

RADIO STATION AUTHORIZATION

Name: Pacific Spanish Network, Inc.

Call Sign:

Authorization Type: Section 325(c)

File Number: 325-NEW-20030519-00004

Grant Date: 07/16/2003

Expiration Date: 07/16/2008

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:

Pacific Spanish Network, Inc.

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 July 16, 2008 (3 AM Eastern Standard Time).

Particulars of Operations

A) Studio Location:

296 H Street, Suite 300

Chula Vista, CA 91910

B) For the purpose of producing programs consisting of:

Music, talk and other entertainment and informational programming in Spanish.

C) To be delivered by means of:

The Internet

D) To stations identified and located as follows:

Call Sign	Channel	Station Locations(s)
XEDD	920 kHz	Ensenada, Mexico
XESS	780 kHz	Ensenada, Mexico
XEKTT	550 kHz	Tecate, Mexico

Then Commission reserves the right during said permit period of terminating this permit or making effective any changes or modification 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 permit 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:

325 --- +Grant of this permit is conditioned upon the Mexican stations operation in full compliance with applicable treaties and related provisions concerning electrical interference to U.S. Broadcast stations.



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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.