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December 24, 2003

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Federal Communication Commission
Bureau / Office

VIA MESSENGER

Kathryn O'Brien
Chief, Strategic Analysis and Negotiations Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

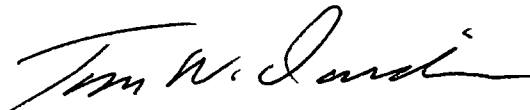
Re: Interference from Mexican Station XEKT, Tecate, Baja California, Mexico to Stations KSFO(AM), San Francisco, CA, KLAC(AM), Los Angeles, CA, KUZZ(AM), Bakersfield, CA, KBLU(AM), Yuma, AZ, and KFYI, Phoenix, AZ

Dear Ms. O'Brien:

On behalf of KGO-AM Radio, Inc. ("KGO"), licensee of station KSFO(AM), 560 kHz, San Francisco, California, enclosed please find a Request for Action to Eliminate Interference filed jointly with AMFM Radio Licenses, L.L.C. ("AMFM"), licensee of station KLAC(AM), 570 kHz, Los Angeles, California and station KFYI, 550 kHz, Phoenix, Arizona, Owens One Company ("Owens"), licensee of KUZZ(AM), 550 kHz, Bakersfield, California, and Capstar TX Limited Partnership ("Capstar"), licensee of station KBLU(AM), 560 kHz, Yuma, Arizona, which requests the International Bureau ("Bureau") to take immediate action regarding the operations of Mexican AM broadcast station XEKT, Tecate, Baja California on 550 kHz.

Please direct any inquiries to the undersigned counsel for KGO.

Sincerely,



Tom W. Davidson, Esq.
Natalie G. Roisman, Esq.

Enclosure

cc: Donald Abelson, Chief, International Bureau
James Ballis, Chief, Cross Border, Negotiations and Treaty Compliance Branch

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Elimination of Objectionable)
Interference to)
KSFO(AM), San Francisco, California)
KLAC(AM), Los Angeles, California)
KUZZ(AM), Bakersfield, California)
KBLU(AM), Yuma, Arizona)
KFYI(AM), Phoenix, Arizona)

File No. _____

To: Chief, Strategic Analysis and Negotiations Division

REQUEST FOR ACTION TO ELIMINATE INTERFERENCE

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**Before the
Federal Communications Commission
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In the Matter of)
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Elimination of Objectionable)
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KSFO(AM), San Francisco, California)
KLAC(AM), Los Angeles, California)
KUZZ(AM), Bakersfield, California)
KBLU(AM), Yuma, Arizona)
KFYI(AM), Phoenix, Arizona)

File No. _____

REQUEST FOR ACTION TO ELIMINATE INTERFERENCE

KGO-AM Radio, Inc. (“KGO”), licensee of station KSFO(AM), 560 kHz, San Francisco, California, AMFM Radio Licenses, L.L.C. (“AMFM”), licensee of station KLAC(AM), 570 kHz, Los Angeles, California and station KFYI(AM), 550 kHz, Phoenix, Arizona, Owens One Company (“Owens”), licensee of KUZZ(AM), 550 kHz, Bakersfield, California, and Capstar TX Limited Partnership (“Capstar”), licensee of station KBLU(AM), 560 kHz, Yuma, Arizona (collectively the “Affected Stations”) hereby request the International Bureau (“Bureau”) of the Federal Communications Commission (“Commission”) to take any action necessary to eliminate interference to the Affected Stations from Mexican AM broadcast station XEKTT, Tecate, Baja California, Mexico. As further explained below and in the attached engineering exhibit, XEKTT’s operation on 560 kHz beginning on or around December 9, 2003 is causing severe interference to the Affected Stations and is prohibited under the agreement governing U.S.-Mexico coordination for AM broadcast stations because it was never properly coordinated with and approved by the Commission. Accordingly, the Affected Stations urge the Bureau to act

immediately to request the Mexican government to cause XEKTT to discontinue operations on this frequency.

I. BACKGROUND

Beginning in late November and increasingly in recent weeks, the Affected Stations have received numerous complaints from listeners within their protected service contours indicating that listeners have experienced interference from another station broadcasting Spanish language programming. Engineers for the Affected Stations investigated the interference complaints and determined that the interfering station is identified by the call letters XEKTT and is broadcasting on 560 kHz. Further research and conversations with the Bureau staff revealed that XEKTT is licensed to Tecate, Baja California, Mexico and initially was licensed for operation on 1600 kHz. According to the Bureau staff, on November 15, 2003, XEKTT was granted a license by the Mexican government for operation on 550 kHz and on December 9, 2003, XEKTT was granted a license by the Mexican government for operation on 560 kHz.¹ The Bureau staff has informed the Affected Stations that the Bureau did not receive coordination notifications from the Mexican government for the 550 kHz or 560 kHz operations as required by the U.S.-Mexico treaty governing coordination of medium frequency AM band stations.² Further, the Bureau did not approve or authorize either operation as required by the U.S.-Mexico AM Agreement.

¹ According to the Bureau staff, the coordinates for XEKTT's operations on 560 kHz are 32-30-49 N, 116-49-08 W, approximately 770 kilometers from San Francisco, 200 kilometers from Yuma, 370 kilometers from Bakersfield, 215 kilometers from Los Angeles, and 460 kilometers from Phoenix. The tower height is 98 meters. The station is operating at 20 kW ERP daytime and 10 kW ERP nighttime with a non-directional antenna.

² Agreement Between the Government of the United States of America and the Government of the United Mexican States Relating to the AM Broadcasting Service in the Medium Frequency Band (Aug. 28, 1986) ("U.S.-Mexico AM Agreement"). Article 3 of the U.S.-Mexico AM Agreement governs the procedure for modifications to the frequency assignment plan ("Plan") adopted as part of the U.S.-Mexico AM Agreement. Specifically,

II. THE OBJECTIONABLE INTERFERENCE CAUSED BY XEKTТ IS SEVERE AND PROHIBITED

The attached engineering exhibit demonstrates that XEKTТ's operation on 560 kHz causes objectionable interference as defined by the U.S.-Mexico AM Agreement to a total population of nearly 29 million people within the five Affected Stations' protected service contours.³ Specifically, the XEKTТ daytime contour: completely overlaps the KBLU daytime 0.5 mV/m interference-free contour;⁴ covers 97% of the population of the KLAC daytime 0.5 mV/m interference-free contour;⁵ and covers 60% of the population of the KUZZ daytime 0.5 mV/m interference-free contour.⁶ In the Los Angeles metropolitan area alone, more than 18 million people within the KLAC daytime interference-free contour receive objectionable interference from XEKTТ.⁷ The XEKTТ nighttime contour also completely overlaps the KSFO and KBLU nighttime "interference-free" contours, causing interference to more than 7 million

Article 3 provides that "[w]hen an administration proposes to modify the Plan, i.e., to modify the characteristics of a frequency assignment to a station shown in the Plan, whether or not the station has been brought into use, or to introduce a new assignment into the Plan . . . [t]he administration proposing to modify the characteristics of an assignment in the Plan or introduce a new assignment shall seek the agreement of the other administration and shall send . . . the necessary information via registered mail." Article 3 further provides that "[a]ny assignment in conformity with the Agreement shall be considered as adversely affected when calculations, based on Annex 2, indicate that objectionable interference would occur as a result of the proposed modification to the Plan" and that modifications to the Plan are not to be registered until "the agreement of the other administration has been obtained or when the time period for responding to the notification . . . has expired and no such response has been received."

³ Engineering Statement of Richard H. Mertz, Cavell, Mertz & Davis ("Engineering Exhibit"), Table II. The Affected Stations are not the only stations experiencing objectionable interference from the XEKTТ operation. See Engineering Exhibit, note 2.

⁴ Engineering Exhibit, Table II.

⁵ Engineering Exhibit, Table II.

⁶ Engineering Exhibit, Table II.

⁷ Engineering Exhibit, Table II.

people, including 6.8 million in the San Francisco metropolitan area.⁸ In sum, for some or all of each day, there exists absolutely no area or population within the KBLU and KSFO coverage areas that does not receive interference from XEKTT, and virtually no area or population within the KLAC coverage area that does not receive interference from XEKTT. XEKTT's operations also cause objectionable interference under the U.S.-Mexico AM Agreement to the daytime operations of KUZZ, KSFO, and KFYI and to the nighttime operations of KLAC.⁹

Measurements and tests conducted by the Affected Stations and complaints lodged by listeners of the Affected Stations substantiate the actual severity of the interference predicted in the Engineering Exhibit. Consistent with the interference predicted in the Engineering Exhibit, listener complaints of total interference from XEKTT have come from the heart of the Affected Stations' interference-free contours.¹⁰ The Affected Stations' ability to reach their listeners is severely handicapped by the prohibited operations of XEKTT and appropriate and immediate Bureau action is required.

Conversations with the Bureau staff indicate that no coordination requests or notifications were submitted by the Mexican government regarding XEKTT's moves from 1600 kHz to 550 kHz and subsequently to 560 kHz. However, copies of the XEKTT licenses within the Bureau's possession indicate that the Mexican government approved XEKTT's moves to 550 kHz and 560 kHz. These actions violate the medium frequency AM band coordination procedure agreed upon between the U.S. and Mexico in 1986 and followed since the effective date of the U.S.-Mexico AM Agreement. As outlined in note 2, *supra*, an administration that seeks to modify the frequency of an AM station subject to the U.S.-Mexico AM Agreement must seek the agreement

⁸ Engineering Exhibit, Table II.

⁹ Engineering Exhibit, Table II.

¹⁰ Engineering Exhibit, Figures 1-3.

of the other administration. Further, any such change must comply with the interference protection requirements set forth in Annex 2 of the U.S.-Mexico AM Agreement. Contrary to the requirements of the U.S.-Mexico AM Agreement, the Bureau did not have any opportunity to evaluate the proposed operation of XEKT on 560 kHz and, if it had, clearly would have concluded that the operation would cause severe and objectionable interference in contravention of the U.S.-Mexico AM Agreement. Accordingly, in light of the severe and extensive nature of the prohibited interference caused to the Affected Stations by XEKT, the Bureau must act promptly to notify the Mexican government of the nature and extent of the interference caused by XEKT and request that the Mexican government cause XEKT to cease operation on 560 kHz immediately.

III. CONCLUSION

XEKT's operations on 560 kHz are causing severe interference to the Affected Stations and preventing the Affected Stations from serving millions of listeners located well within their interference-free contours. XEKT is not licensed in accordance with the U.S.-Mexico AM Agreement because the Bureau was never notified of the frequency change and the change was never approved or authorized by the Bureau. Moreover, if the Bureau had been notified of the proposed move to 560 kHz, the Bureau clearly would have objected to the modification based on the nature and extent of the objectionable interference caused to the Affected Stations in

violation of the U.S.-Mexico AM Agreement. Accordingly, the Affected Stations urge the Bureau to act immediately to request the Mexican government to cause XEKTT to discontinue operation on 560 kHz.

Respectfully submitted,



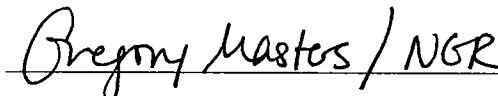
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Engineering Statement
**INTERFERENCE FROM XEKTT(AM), TECATE,
BAJA CALIFORNIA, MEXICO TO
AM RADIO FACILITIES IN THE UNITED STATES**
prepared for
KGO-AM RADIO, INC.

KGO-AM RADIO, INC. ("KGO") is the licensee of medium wave (AM) broadcast station KSFO(AM), 560 kHz, San Francisco, California. KGO, in cooperation with Owens One, Company ("Owens"), AM/FM Radio Licenses, L.L.C. ("AM/FM"), and Capstar Limited TX Partnership ("Capstar") is filing a formal complaint with the FCC regarding interference being received from XEKTT, Tecate, Baja California, Mexico. This engineering statement provides specific data supporting the complaint.

Background

Information provided by FCC Staff from the International Branch indicates that Mexican authorities have apparently authorized a change in frequency for XEKTT from 1600 kHz to 560 kHz. Information provided by FCC Staff suggests that the new XEKTT frequency assignment was made outside the structure of the *U.S. - Mexican Agreement*¹ allocation plan agreed upon by both Mexico and the U.S. The coordination process, required in the agreement, was apparently not employed for this frequency assignment. **Table I**, attached hereto, provides a listing the technical data regarding the stations involved in this study². The technical data for XEKTT, provided by FCC Staff and shown in **Table I**, indicates daytime non-directional operation at 20 kW and nighttime non-directional operation of 10 kW. As will be shown herein, operation at these power levels clearly violates the agreed upon technical parameters in the *U.S. - Mexican Agreement*. Further, the resulting interference to broadcast stations in the United States is extensive and has generated numerous listener complaints. The operation of XEKTT must cease immediately to insure proper protection of licensed domestic stations.

¹ See the Agreement Between The Government of the United States Of America And The Government of the United Mexican States Relating To The AM Broadcasting Service In The Medium Frequency Band ("*U.S.-Mexican Agreement*"), 1986.

² The list of stations studied in this report does not represent the only stations experiencing interference from the XEKTT operation.

Engineering Statement
INTERFERENCE FROM XEKTT(AM), TECATE, BAJA CALIFORNIA, MEXICO
(Page 2 of 5)

Discussion

Article 3, Section 3.2 of the *U.S. – Mexican Agreement* provides a procedure for the introduction of a new assignment or station to the existing plan. The procedures for such a change is set forth in Article 4. Information provided by FCC staff indicates that notification from Mexican authorities for a new station on 560 kHz at Tecate, BN, was never received. Therefore, absent the coordination, review, and acceptance procedures set forth in the *U.S. – Mexican Agreement*, it appears the XEKTT operation does not conform to the agreement.

Annex 2, Chapter 4 of the *U.S. – Mexican Agreement* provides the criteria for determining a station's protected coverage area and associated incoming interference. Region 2 Class B stations, such as those discussed herein, are protected at night to the 2500 $\mu\text{V/m}$ groundwave contour or the usable field strength as determine by Chapter 4, Section 4.7. Nighttime "interference free" contour predictions for the authorized domestic facilities were employed³. Daytime operations of Region 2 Class B facilities are protected to the 0.5 mV/m contour. **Table II** provides a comparison of both the daytime and nighttime population and area for the domestic stations studied. The impact of the XEKTT operation on 560 kHz severely interferes with the service normally provided by the stations studied. For the purpose of this study, the protection ratios in the *U.S. – Mexican Agreement* for co-channel and adjacent channel stations were employed⁴.

Exhibit I provides night studies for impacted stations with and without XEKTT. As demonstrated, the "interference free" contours are severely impacted by XEKTT. **Table II** documents the changes to the "interference free" contours for the impacted stations.

The following provides greater detail on the impact of XEKTT to the stations studied.

³ Using RSS calculations as specified in the *U.S. – Mexican Agreement* and the FCC Rules.

⁴ See Annex 2, Chapter 4, Sections 4.8.1 and 4.8.2

Engineering Statement
INTERFERENCE FROM XEKTT(AM), TECATE, BAJA CALIFORNIA, MEXICO
(Page 3 of 5)

KSFO, 560 kHz, San Francisco, California

KGO is the licensee of KSFO. Predicted overlap of the KSFO daytime 0.5 mV/m protected contour by the XEKTT 0.025 mV/m contour, causing interference to 747,359 persons, a 6% reduction in the KSFO population coverage. At night, the KSFO 2.6 mV/m “interference free” contour is *wholly encompassed* by the XEKTT nighttime 130 μ V interfering skywave contour. Thus, 6,848,401 persons who normally receive “interference free” nighttime service from KSFO now receive interference from XEKTT.

KSFO has compiled numerous listener complaints. A sample of these complaints are documented in **Exhibit II**. The location of these (former) listeners, along with the KSFO nighttime “interference free” contour, is provided in **Figure 1**.

KBLU, 560 kHz, Yuma, Arizona

KBLU is owned by Capstar and is located 205 km from XEKTT. Overlapping interfering contours are predicted to exist to KBLU’s entire authorized daytime and nighttime operations. As a result of the XEKTT operation, 414,358 persons (100% of the population within the protected contour) during the day and 155,648 persons (100% of the population within the nighttime “interference free” contour) will receive interference where none existed before.

KUZZ, 550 kHz, Bakersfield, California

KUZZ is owned by Owens and is located 370 km from XEKTT. A portion of the KUZZ daytime 0.5 mV/m protected contour is predicted to receive interference from the XEKTT 0.5 mV/m contour. There are 3,117,002 persons within the XEKTT interference area resulting in a 60% loss in audience. KUZZ has also received numerous complaints from former listeners regarding the interference from XEKTT. The locations of these listener complaints are depicted in **Figure 2** along with the KUZZ protected and XEKTT interfering contour.

KLAC, 570 kHz, Los Angeles, California

KLAC is owned by AM/FM and is located 215 km from XEKTT. Overlap of the KLAC 0.5 mV/m protected contour from the XEKTT 0.5 mV/m contour exists resulting in 97% lost coverage to 18,473,208 persons.

Engineering Statement
INTERFERENCE FROM XEKT(AM), TECATE, BAJA CALIFORNIA, MEXICO
(Page 4 of 5)

KLAC has reported many complaints from listeners. Numerous complaints were received from San Diego and Orange Counties in California. **Figure 3** shows the locations of these highly populated areas in addition to the KLAC daytime protected contour and the XEKT(AM) interfering contour.

KFYI, 550 kHz, Phoenix, Arizona

KFYI operates on 550 kHz on a first adjacent channel from XEKT(AM). A portion of the daytime 0.5 mV/m contour is overlapped by the 0.5 mV/m XEKT(AM) contour resulting in a loss of service to 150,369 persons are located in this overlap area.

Conclusion

As demonstrated herein, the daytime and nighttime operation of XEKT(AM) on 560 kHz causes severe interference to KSFO, KBLU, KUZZ, KLAC, and KFYI. Other broadcast stations not studied herein may also be impacted. In these times of heightened security levels and with the prevalence of earthquakes in California it is crucial that domestic broadcasting be interference free to insure unimpeded transmission of emergency information to the public. Therefore, it is respectfully requested that immediate action be taken by the FCC to cause XEKT(AM) to cease operation on 560 kHz. Further, any future operation of XEKT(AM) must comply with the *U.S.-Mexican Agreement*.

Engineering Statement
INTERFERENCE FROM XEKT(AM), TECATE, BAJA CALIFORNIA, MEXICO
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Certification

The foregoing statement was prepared by the undersigned and is believed to be true and correct to his knowledge and belief. Mr. Mertz is a principal in Cavell, Mertz, and Davis, Inc. and has filed numerous submissions with the Federal Communications Commission. His qualifications are a matter of record with that agency.

Respectfully submitted,



Richard H. Mertz
December 24, 2003

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Table I
TRANSMITTER DATA
 prepared for
KGO-AM Radio, Inc.

Callsign City, State, Country	Frequency Facility ID	Day Power Night Power	Day Pattern Night Pattern	Latitude Longitude
XEKT* Tecate, Baja California, Mexico	560 kHz 34472	20 kW 10 kW	Non-Directional Non-Directional	32° 30' 49" N 116° 49' 08" W
KSFO San Francisco, California, US	560 kHz 34472	5 kW 5 kW	Non-Directional Directional	37° 44' 44" N 122° 22' 40" W
KBLU Yuma, Arizona, US	560 kHz 62233	1 kW 1 kW	Non-Directional Directional	32° 43' 25" N 114° 38' 39" W
KUZZ Bakersfield, California, US	550 kHz 7695	5 kW 5 kW	Directional Directional	35° 20' 25" N 118° 56' 14" W
KLAC Los Angeles, California, US	570 kHz 59958	5 kW 5 kW	Non-Directional Directional	34° 4' 11" N 118° 11' 36" W
KFYI Phoenix, Arizona, US	550 kHz 63918	5 kW 1 kW	Non-Directional Non-Directional	33° 23' 17" N 112° 0' 22" W

* Source: FCC International Bureau Staff