

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

In the Matter of)	
)	
97.5 Licensee TX, LLC)	KBNA-FM, El Paso, TX (FID 67066)
)	
)	KAMA, El Paso, TX (FID 36948)
Petition for Declaratory Ruling Under)	
Section 310(b)(4) of the Communications Act)	KQBU, El Paso, TX (FID 67065)
of 1934, as amended)	

To: Office of the Secretary
Attn: Chief, Media Bureau

**PETITION FOR DECLARATORY RULING OF
97.5 LICENSEE TX, LLC**

97.5 Licensee TX, LLC (“97.5 Licensee”) and Lorena Margarita Perez Toscano (“Transferee”) (collectively, “Petitioners”), by their undersigned counsel and pursuant to Section 310(b)(4) of the Communications Act of 1934, as amended (the “Act”),¹ and Sections 1.2 and 1.5000 *et seq.* of the Commission’s rules,² hereby jointly file this Petition for Declaratory Ruling (this “Petition”) to increase 97.5 Licensee’s indirect foreign ownership interests from a pre-transfer interest of 0.0%, voting and equity, to a post-transfer indirect foreign ownership interest of 100.0%, voting and equity, due to the instant Transfer of Control application (the “Application”).

The Application requests FCC approval of the following proposed ownership: (1) 97.5 Licensee, a U.S. (Texas) limited liability company, will continue to be wholly owned by 97.5

¹ 47 U.S.C. § 310(b)(4).

² 47 C.F.R. §§ 1.5000 *et seq.*

Holdings TX, Inc. (“97.5 Holdings”), a U.S. (Texas) corporation; and (2) Transferee, a Mexican citizen, will become the sole shareholder of 97.5 Holdings.

I. INFORMATION REQUIRED BY 47 C.F.R. § 1.5001

Pursuant to Section 1.5001 of the Commission’s rules, Petitioners provide the following information in support of this Petition:

A. Licensee: Contact Information, FRN, Place of Organization, Type of Business, and Certification Information (47 C.F.R. § 1.5001(a))

Licensee:	97.5 Licensee TX, LLC
FRN:	0026209908
Mailing Address:	2100 Trawood Drive, El Paso, TX 79935
Place of Organization:	Texas
Telephone:	(915) 542-2969
Fax:	N/A
Email:	denise@radiocentrotx.com
Type of Business:	Texas Limited Liability Company
Certifying Officer:	Rafael Marquez Aguirre, President

B. Transferee: Contact Information, FRN, Place of Organization, Type of Business, and Certification Information (47 C.F.R. § 1.5001(a))

Transferee:	Lorena Margarita Perez Toscano
FRN:	0033782301
Mailing Address:	Bosques de Olivos 449 Bosques de las Lomas CDMX, 11700
Place of Organization:	N/A (Mexican Citizen)

Telephone: (915) 542-2969
Fax: N/A
Email: juridico@nrm.com.mx
Type of Business: Sole Proprietor
Certifying Officer: Lorena Margarita Perez Toscano, Individual

C. Legal Counsel Contact Information (47 C.F.R. § 1.5001(b))

Counsel for Petitioners is as follows:

Francisco R. Montero
Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100
Arlington, VA 22209
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D. Licenses Covered by Declaratory Ruling (47 C.F.R. § 1.5001(c)(1))

This Petition covers the following authorizations, which are proposed to be transferred by the Application: KBNA-FM, El Paso, Texas (FCC Facility ID No. 67066); KAMA (AM), El Paso, Texas (FCC Facility ID No. 36948); and KQBU (AM), El Paso, Texas (FCC Facility ID No. 67065) (the “Stations”).

E. Associated Applications (47 C.F.R. § 1.5001(c)(2))

This Petition is being filed as an exhibit to the instant Application requesting Commission approval of the sale of 97.5 Licensee’s U.S. parent entity to a foreign citizen. A file number is therefore not yet available but can be provided upon request.

F. Type of Declaratory Ruling (47 C.F.R. § 1.5001(d))

This Petition seeks authority pursuant to Section 1.5000(a)(1) of the Commission’s rules to exceed the 25% indirect foreign ownership benchmark established by Section 310(b)(4) of the

Act by increasing its combined indirect foreign ownership voting and equity interests from 0.0% to 100.0%.

G. Direct and Indirect Ownership Information & Citizenship (47 C.F.R. §§ 1.5001(e)–(g))³

With a grant of the Application, Transferee, a Mexican citizen, would be the sole shareholder of 97.5 Licensee’s U.S. parent entity, 97.5 Holdings. No other individual or entity holds, has held, or would hold, directly or indirectly, an attributable foreign ownership interest in either 97.5 Licensee or 97.5 Holdings. Transferee would hold directly 100.0% voting and 100.0% equity interests in 97.5 Holdings and, through 97.5 Holdings, hold indirectly attributable interests of the same percentages in 97.5 Licensee.⁴

H. Estimate of Aggregate Foreign Ownership (47 C.F.R. § 1.5001(h)(1))

With a grant of the Application, the estimated aggregate foreign voting attributable interest in 97.5 Licensee would increase from 0.0% to 100.0%,⁵ and the aggregate foreign equity attributable interest would increase from 0.0% to 100.0%.⁶ All calculations of ownership interests made in this Petition are based upon a thorough examination of the Commission’s rules, and the interests disclosed herein satisfy each of the pertinent standards and criteria set forth in the Commission’s rules.⁷

³ The nature of each pre- and post-transaction direct and indirect attributable interest in 97.5 Licensee are summarized in Exhibits C and D.

⁴ See Pre- and Post-Transfer Ownership Charts, attached hereto as **Exhibit A**; Pre- and Post-Transaction Direct Ownership Interests, attached hereto as **Exhibit C**; and Pre- and Post-Transaction Indirect Ownership Interests, attached hereto as **Exhibit D**

⁵ See Exhibits A and D.

⁶ *Id.*

⁷ See 47 C.F.R. § 1.5002(b)(2)(i) (“Voting interests that are held through one or more intervening corporations shall be calculated by successive multiplication of the voting percentages for each link in the vertical ownership chain, except that wherever the voting interest

The filing of this Petition was prompted by the instant Application in which FCC approval is sought to transfer 100.0% ownership of 97.5 Licensee's U.S. parent entity to a foreign citizen. A demonstration that the public interest would be served by granting this Petition is set forth in **Section II** herein.

I. Ownership and Control Structure (47 C.F.R. § 1.5001(h)(2))

The Ownership Charts attached hereto as **Exhibit A** describe the ownership and control structure of 97.5 Licensee before and after grant of the Application.

J. Requests for Specific Approval (47 C.F.R. § 1.5001(i))

Specific approval is requested for the attributable indirect foreign interest of Transferee, Lorena Margarita Perez Toscano, only. Following a grant of the Application, Transferee, a Mexican citizen, would directly hold 100.0% voting and 100.0% equity interests in 97.5 Licensee's controlling U.S. parent, 97.5 Holdings, and Transferee would, through 97.5 Holdings, indirectly hold 100.0% voting and 100.0% equity interests in 97.5 Licensee.

K. Certifications (47 C.F.R. § 1.5000(c)(1))

The certifications required by Section 1.5000(c)(1) of the Commission's rules⁸ are attached hereto as **Exhibit B**.

II. PUBLIC INTEREST STATEMENT

Petitioners submit that it would be in the public interest for the Commission to grant the instant Petition and permit the requested increase in 97.5 Licensee's foreign ownership levels. Grant of this Petition would further the Commission's goals of encouraging foreign investment

for any link in the chain is equal to or exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.”).

⁸ 47 C.F.R. § 1.5000(c)(1).

and ownership diversity in, and continued operation of U.S. broadcast stations.⁹ 97.5 Licensee is, and will remain, a minority-owned broadcaster of Spanish-language radio programming to the Latino community in the El Paso, Texas region. 97.5 Licensee's stations broadcast Spanish-language programming that is produced both internationally in Mexico and locally at its studios in Texas. Transferee's capital contributions and extensive experience in Spanish-language broadcasting will allow 97.5 Licensee to continue operation of the Stations and enhance its provision of locally produced, Spanish-language programming to its local, Latino audience.¹⁰ Accordingly, the Commission's grant of this Petition would be in the public interest.

III. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Commission grant this Petition and the associated Transfer of Control application.

Respectfully submitted,

/s/ Francisco R. Montero
Francisco R. Montero
Travis J. Andring
Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100

⁹ See Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, Report and Order, 31 FCC Rcd. 11272, 11273, ¶ 2 (2016); Commission Policies and Procedures Under Section 310(b)(4) of the Communications Act, Foreign Investment in Broadcast Licensees, Declaratory Ruling, 28 FCC Rcd. 16244, 16249 (2013) ("2013 Declaratory Ruling").

¹⁰ See *2013 Declaratory Ruling*, 28 FCC Rcd. at 16249, ¶ 10 ("Greater capitalization may in turn yield greater innovation, particularly in programming directed at niche or minority audiences."); *id.* at 16254 (Statement of Chairman Wheeler) ("The Commission will look at each petition . . . to determine if approval to exceed 25 percent benchmark for foreign ownership is consistent with the public interest, including the goals established by Congress. Those goals include encouraging investment, innovation, *media diversity*, [and] *localism*" (emphasis added)).

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Counsel for Petitioners

Date: June 9, 2023

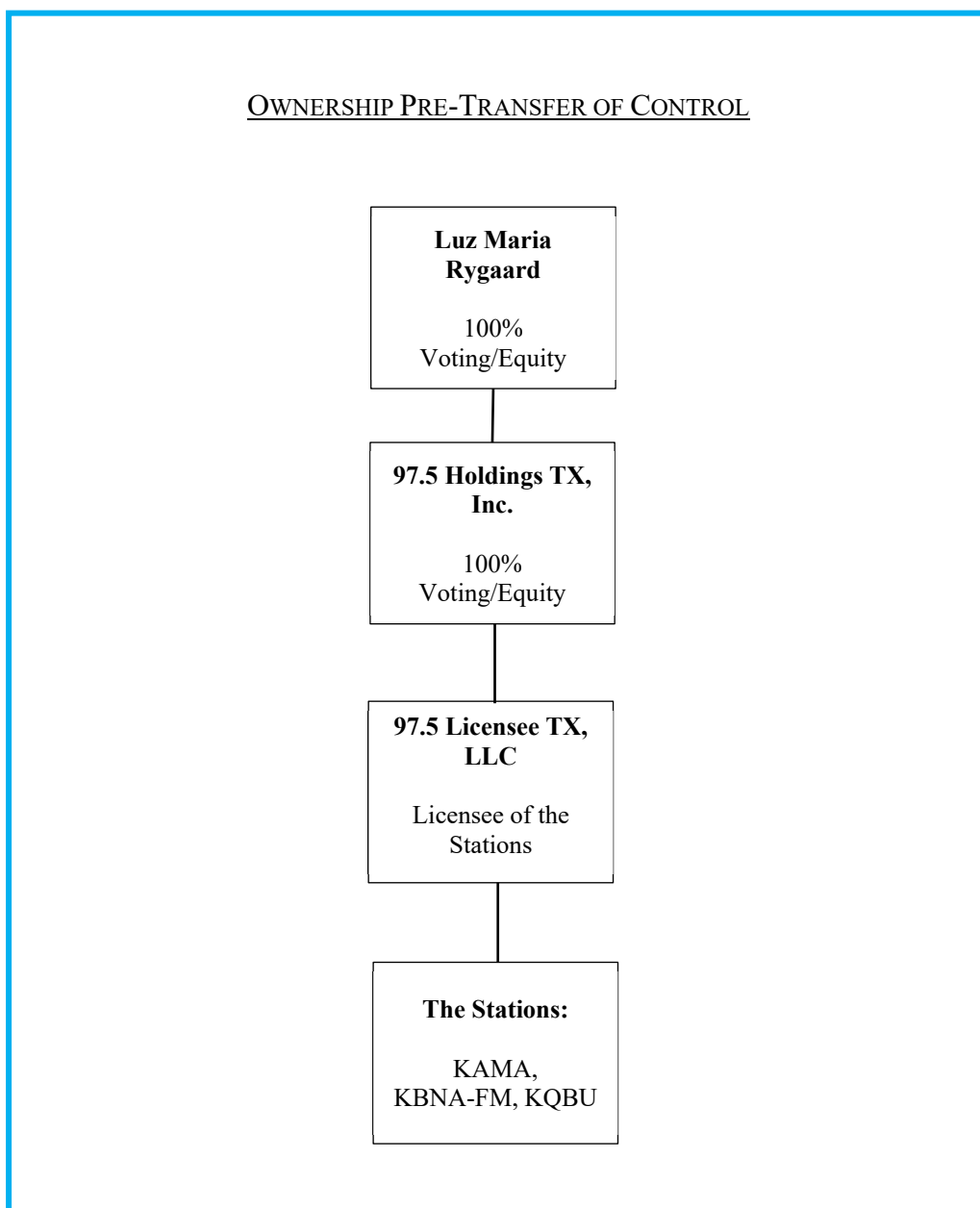
EXHIBIT A

PRE- AND POST-TRANSFER OWNERSHIP CHARTS

TRANSFER OF CONTROL CHARTS

97.5 Licensee TX, LLC (“Licensee”) is the licensee of KBNA-FM, KAMA, and KQBU (the “Stations”). Licensee is wholly owned by 97.5 Holdings TX, Inc. (“97.5 Holdings”). Luz Maria Rygaard (“Transferor”) is the sole owner of 97.5 Holdings.

The instant Application proposes to transfer Transferor’s interest in 97.5 Holdings to Lorena Margarita Perez Toscano (“Transferee”). Transferee, a Mexican citizen, would become the 100% owner of 97.5 Holdings, and 97.5 Holdings would continue to wholly own Licensee. Below are pre- and post-transfer charts illustrating the proposed changes in ownership.



OWNERSHIP POST-TRANSFER OF CONTROL

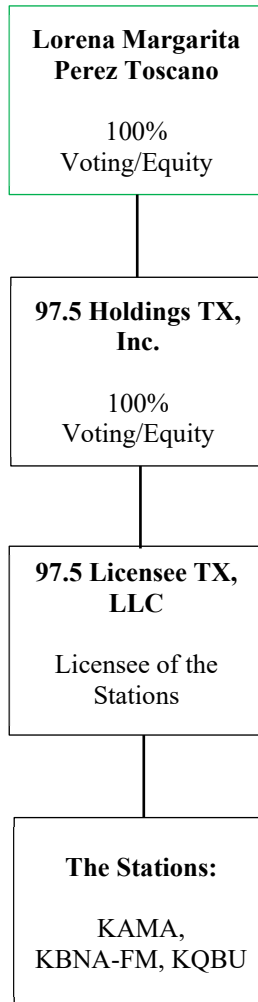


EXHIBIT B
CERTIFICATIONS

LICENSEE CERTIFICATION

I, Luz Maria Rygaard, hereby attest to the following:

1. I am the manager of 97.5 Licensee TX, LLC ("97.5 Licensee").
2. I have personal knowledge of the facts set forth in the foregoing Petition.
3. I have read the Petition, and the statements therein are truthful and correct to the best of my knowledge, information, and belief.
4. 97.5 Licensee has calculated the ownership interests disclosed in the Petition based upon a review of the rules of the Federal Communications Commission ("FCC").
5. The ownership interests disclosed in the Petition satisfy each of the pertinent standards and criteria set forth in the FCC's rules.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 8, 2023



TRANSFeree CERTIFICATION

I, Lorena Margarita Perez Toscano, hereby attest to the following:

1. I have personal knowledge of the facts set forth in the foregoing Petition.
2. I have read the Petition, and the statements therein are truthful and correct to the best of my knowledge, information, and belief.
3. I have calculated the ownership interests disclosed in the Petition based upon a review of the rules of the Federal Communications Commission ("FCC").
4. The ownership interests disclosed in the Petition satisfy each of the pertinent standards and criteria set forth in the FCC's rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: June 8, 2023


A handwritten signature in black ink, appearing to be 'Lorena', written over a horizontal line.

EXHIBIT C

**PRE- AND POST-TRANSACTION
DIRECT OWNERSHIP INTERESTS**

PRE-TRANSACTION DIRECT OWNERSHIP INTERESTS

Name	Equity	Voting	Place of Organization	Entity Type	Principal Business	Nature of Interest in Licensee
97.5 Holdings TX Inc.	100%	100%	U.S. (Texas)	Corporation	Broadcasting	Parent Entity

POST-TRANSACTION DIRECT OWNERSHIP INTERESTS ¹¹

Name	Equity	Voting	Place of Organization	Entity Type	Principal Business	Nature of Interest in Licensee
97.5 Holdings TX Inc.	100%	100%	U.S. (Texas)	Corporation	Broadcasting	Parent Entity

¹¹ Direct ownership interests are unaffected by the proposed transaction.

EXHIBIT D

PRE- AND POST-TRANSACTION
INDIRECT OWNERSHIP INTERESTS

PRE-TRANSACTION INDIRECT OWNERSHIP INTERESTS

Name	Equity	Voting	Citizenship	Principal Business	Nature of Interest in Licensee
Luz Maria Rygaard	100%	100%	U.S.	Broadcasting	Ultimate, Indirect Owner through Licensee's U.S. Parent 97.5 Holdings

POST-TRANSACTION INDIRECT OWNERSHIP INTERESTS

Name	Equity	Voting	Citizenship	Principal Business	Nature of Interest in Licensee
Lorena Margarita Perez Toscano	100%	100%	Mexico	Broadcasting	Ultimate, Indirect Owner through Licensee's U.S. Parent 97.5 Holdings

CERTIFICATE OF SERVICE

I, Travis J. Andring, of Fletcher, Heald & Hildreth, PLC, hereby certify that I caused a true copy of the foregoing Petition to be sent this 9th day of June 2023, via email, to the following individuals.

Andrew K. Kennedy
Federal Communications Commission
45 L Street, NE
Washington, DC 20554
andrew.kennedy@fcc.gov

David Roberts
Federal Communications Commission
45 L Street, NE
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david.roberts@fcc.gov

/s/ Travis J. Andring
Travis J. Andring