

## **EXHIBIT 24**

FCC Form 301-FM

KPRI(FM), Encinitas, CA

KLQV(FM), San Diego, CA

September 2004

### **JOINT REQUEST FOR WAIVER AND PUBLIC INTEREST SHOWINGS**

This Exhibit supports two “minor change” modification applications which are to be filed concurrently by Compass Radio of San Diego, Inc. (“Compass”), the licensee of FM broadcast station KPRI (Channel 271B), Encinitas, California (FIN 51503), and by Univision Radio License Corporation (“Univision”), an indirect wholly owned subsidiary of Univision Communications Inc., the licensee of FM broadcast station KLQV (Channel 275B), San Diego, California (FIN 51164). Specifically, Compass is proposing to relocate KPRI’s transmitter site (with related technical upgrades) to an existing antenna structure (the “UCSD Tower Site”) which Univision also uses as the transmitter site for KLQV, and Univision is proposing to install an omni-directional antenna in place of the existing directional antenna at the UCSD Tower Site.

#### **Introduction**

These applications are being filed pursuant to a Cooperation Agreement, dated as of September 1, 2004, entered into among Compass, Univision, and Instituto Mexican de la Radio (“IMER”), an agency of the Mexican government. A copy of that agreement is attached hereto as Attachment A. IMER is the licensee of Mexican broadcast station XHUAN-FM (Channel 273B), Tijuana, Mexico. The Cooperation Agreement contemplates: (i) that Compass will file a “minor change” application with the FCC to relocate and upgrade its transmission facilities

either to the UCSD Tower Site or in the general area; (ii) that Univision will file with the FCC a “minor change” application to replace its directional antenna at the UCSD Tower Site with an antenna having an omni-directional radiation pattern; and (iii) that IMER will file with Mexico’s Secretaria de Comunicaciones y Transportes (“SCT”) an application/request to transmit using a directional antenna at a height of 238 meters HAAT with a peak ERP of 4 kW in an arc towards the U.S. and to conform the applicable international agreement with these operations. All parties have agreed to mutually accept any interference resulting from these applications.

XHUAN-FM is operating directionally with a peak ERP of 32.792 kW, 265.2 meters Above Mean Sea Level (“AMSL”). The U.S. database shows that XHUAN-FM is authorized at 400 watts and to use a nondirectional antenna mounted at a height of 238 meters HAAT.

The Cooperation Agreement is the result of extended, good faith negotiations among the parties to allow Compass and Univision to implement upgrades to their respective facilities. In the case of Compass, these upgrades are reasonable efforts to counter unusual terrain factors. In the case of both stations, these upgrades will permit the licensees to operate their respective stations and frequencies more efficiently by serving many more persons.

Since the applications of Compass and Univision, as well as IMER’s application/request, involve short-spacing separations, their respective applications/request should be given due and timely consideration by the Mexican and U.S. governments under the 1992 Mexico-United States FM Broadcasting Agreement (the “Mexico Agreement”) which became effective in 1995. The Mexico Agreement expressly allows for nonconforming separations of FM transmitter sites where “specifically agreed to by each Administration.”<sup>1</sup>

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<sup>1</sup> See Mexico Agreement, Annex 1, Section 1.5.

All relevant parties, including IMER, which is an agency of the Mexican government, have agreed to the proposed relocation of KPRI's transmitter site as well as the related upgrade changes for KPRI and KLQV. KLQV's transmitter site is currently short-spaced to the transmitter site of XHUAN-FM. KLQV's 54 dBu contour already overlaps XHUAN-FM's current 94 dBu contour. KPRI is simply proposing to move to KLQV's existing tower site, and KLQV is simply proposing an omni-directional antenna at its existing site. Accordingly, the Mexico Agreement should not be an impediment to a grant of the applications of Compass and Univision.

Nor should Section 73.207(b)(3) of the Commission's rules and regulations be an impediment to the grant of these two applications. Focusing on the Compass application, importantly the relocation of KPRI's transmitter site will serve to eliminate an existing pre-December 1964 grandfathered, short-spacing separation between KPRI and KSCA, Glendale, California, which operates on first adjacent FM channel 270B. KPRI's relocation will, on the other hand, increase the short-spaced third-adjacent channel separation with KGB-FM (Channel 268B), San Diego, California. However, that occurrence is not an impediment to a grant of KPRI's application since KPRI and KGB-FM have been continuously short-spaced to each other since before December 1964, and thus the short-spacing is grandfathered under Section 73.213(a)(4) of the Commission's rules. No other domestic or international spacing issues are believed to be raised by the applications of KPRI or KLQV. The KPRI transmitter site relocation and technical upgrade will, for the first time, make the station competitive in its own radio market.

### **Background**

KPRI currently transmits non-directionally on Channel 271B at 14.5 kW effective radiated power (“ERP”) from a transmitter site located at 33°6’40” N and 117°12’5” W (NAD 27). KPRI is proposing to relocate its transmitter site to the UCSD Tower Site which is located at the coordinates: 32°50’24” N and 117°14’52” W (NAD 27), as well as to increase its ERP to 32 kW using an omnidirectional antenna with a center of radiation of 240 meters AMSL and 40 meters above ground level (“AGL”). *See* Engineering Report, attached hereto as Attachment B. In the past, Compass used numerous FM booster stations to try to overcome the difficult terrain conditions which exist throughout its service area. However, even those facilities, which are no longer in use, were not able to overcome the signal coverage problems caused by the terrain.

KLQV currently transmits from the UCSD Tower Site, on channel 275B at 32 kW ERP with a directional antenna whose center of radiation is 188 meters HAAT and 40 meters AGL. KLQV is proposing no changes other than replacing its directional antenna with an omnidirectional antenna. *See* Engineering Statement, attached hereto as Attachment C.

XHUAN-FM is operating with directional facilities with a peak ERP of 32.792 kW at 265.2 meters AMSL. *See* Attachment B, at 8.

If their applications are granted, KPRI and KLQV will be able to transmit from the same antenna structure at the UCSD Tower Site, share the same omni-directional antenna, and radiate at the same height of antenna center of radiation with the same ERP. Neither KPRI’s proposal nor KLQV’s proposal will cause harmful interference to any U.S. domestic broadcast station, and except as discussed below, each proposal complies fully with the Commission’s regulations.

### **Legal Analysis**

As mentioned above, a grant of the KPRI and KLQV applications will require the FCC to waive Section 73.207(b)(3) of its regulations. Section 73.207 summarizes the positions of the governments under the Mexico Agreement. Under that regulation, as between a domestic U.S. Class B FM station and a Mexican Class B FM station, which are second-adjacent channels to each other, the transmitter sites of such stations presumptively are to be separated from each other by at least 65 km. *See* 47 C.F.R. § 73.207(b)(3). The UCSD Tower Site, which is the existing transmitter site for KLQV and the proposed transmitter site for KPRI, is located 46 km from XHUAN-FM, representing a short-spacing of 19 km. KLQV's short-spacing in relation to XHUAN-FM has long been authorized since KLQV has reduced any interference effect of such short-spacing on XHUAN-FM by directionalizing its antenna toward that station.

Neither the Mexico Agreement nor Section 73.207(b)(3) of the Commission's regulations are impediments to the grant of the Compass and Univision applications. The drafters of the Mexico Agreement understood and expressly recognized that not all circumstances could be anticipated and therefore provided for a mechanism for the due consideration of any application or proposal which did not fit squarely within the criteria expressed in the Mexico Agreement. Article 7 of the Mexico Agreement expressly permits modifications to the Plan, including new short-spacings between stations, subject to coordination. Pursuant to Article 8 of the Mexico Agreement, an Administration proposing a modification must notify the other Administration.<sup>2</sup> The notified Administration has 60 days to respond, and if it responds favorably, the modification is considered approved and is entered into the Plan.<sup>3</sup> If the notified Administration

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<sup>2</sup> *See* Mexico Agreement, Section 8.1.1.

<sup>3</sup> *See* Mexico Agreement, Section 8.1.2.

fails to respond, the notifying Administration may request in writing that the notified Administration respond within an additional 45 days.<sup>4</sup> If the notified Administration does not answer within this new period, then the proposal is considered to have been accepted and is included in the Plan.<sup>5</sup>

Because the licensee of XHUAN-FM is an agency of Mexico, its agreement with Compass and Univision is strong evidence that these proposals will be acceptable to the Government of Mexico, thereby eliminating any potential international bar to a grant of these applications.<sup>6</sup> The agreement among all relevant parties, coupled with IMER support for the applications, are only two of several reasons why there is no treaty impediment to a grant of the applications and why the public interest will be well served by the grant of the applications, pursuant to any necessary waivers of Section 73.207(b)(3) of the Commission's rules and regulations.

#### **Public Interest Showing For KPRI's Minor Change Application**

Specifically, a grant of KPRI's application will also serve the public interest because it will:

1. Eliminate Short-Spacing to KSCA. As mentioned above, importantly the relocation of KPRI's transmitter site to the UCSD Tower Site will eliminate an existing pre-December 1964 grandfathered short-spacing separation between KPRI and KSCA, Glendale, California which

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<sup>4</sup> See Mexico Agreement, Section 8.1.3.

<sup>5</sup> See Mexico Agreement, Section 8.1.4.

<sup>6</sup> In any event, Compass and Univision will accept grant of their applications conditioned on approval by the SCT. See, e.g., *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Nogales, Vail and Patagonia, Arizona)*, 16 FCC Rcd 20515, at ¶ 11 (2001) (allotting channels prior to formal approval by Mexican government).

operates on FM channel 270B. *See Attachment B*, at 7. The Commission has previously cited this circumstance as a favorable factor in granting requests for short-spacing waivers.<sup>7</sup>

2. Allow KPRI to Cover Its Market as Well as Provide New Service to Hundreds of Thousands of Persons. KPRI is assigned to the San Diego radio market. As a result, just to survive, the station must be able to compete effectively in that market where there has been substantial consolidation. San Diego County encompasses 4,200 square miles, an area approximately the size of the State of Connecticut.<sup>8</sup> The center of density of the population is Mira Mesa, a community approximately equidistant between the northern border of the county and the U.S./Mexico border to the south. The northern portion of San Diego county (“North San Diego”) contains numerous small mountains, canyons, ridges, and valleys. The terrain makes FM radio reception difficult generally and particularly for automobile reception.

Mt. Soledad, where the UCSD Tower Site is located, is considered by San Diego market broadcasters to be one of the best available sites for FM transmitters because omnidirectional stations transmitting from that location have the ability to cover the north and south portions of San Diego equally well. KPRI’s current transmitter site is in the northern portion of San Diego. According to Arbitron, North San Diego is home to 881,800 individuals, ages 12+, whereas South San Diego is home to 1,603,800 individuals, ages 12+, or almost twice as many persons in that age demographic. This means that FM broadcasters operating from Mt. Soledad, not only have better building penetration and automobile reception, they can compete for KPRI’s audience while KPRI, from the Mt. San Marco site, cannot compete for the largest share of the weekly audience of a typical San Diego station. In short, KPRI is in the San Diego market and,

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<sup>7</sup> *See, e.g., Stoner Broadcasting System, Inc.*, 49 FCC 2d 1011, at ¶ 5 (1974).

<sup>8</sup> *See* <http://quickfacts.census.gov/qfd/states/06/06073.html>.

thus, needs to have a strong, reliable signal in that market. KPRI's transmitter site relocation and associated upgrades are, therefore, critical.

The ownership composition of the San Diego radio market increases KPRI's need to relocate. Among the other U.S. domestic radio stations which are assigned to the market, seven (7) are owned by Clear Channel (this does not include the five (5) Mexican stations which Clear Channel operates); five (5) by Jefferson Pilot; two (2) each by Infinity, Midwest TV, Univision, Astor Broadcast Group, Hi-Favor Broadcast LLC and Salem; and one (1) each by Entravision, Educational Media, Family Stations, and Compass (KPRI is its only radio station anywhere).<sup>9</sup> The relocation of KPRI's transmitter site and upgrade will serve to make the market more competitive.

As a one radio station owner operating in a concentrated radio market, Compass's ownership handicap is further exacerbated by the effect which terrain has on KPRI's signal. An analysis of the KPRI's 70 dBu contour (principal community contour) and 60 dBu signal contour, under the Commission's standard F(50,50) prediction methodology and also the Longley-Rice methodology, illustrates the substantial terrain problems that KPRI must overcome to be competitively viable in the market. To avoid an apples to oranges comparison, the chart that follows (Chart A) deliberately compares populations using the same number of square kilometers, based on the F(50,50) contours under both methodologies.

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<sup>9</sup> See BIA Radio Market Report 3rd Edition (Spring 2003).



### CHART A

#### Existing 70 dBu Contour

	<u>Standard Methodology</u>	<u>Longley-Rice Methodology</u>
<u>Area</u> (sq. km)	3,189	3,189
<u>Population</u>	1,244,103	822,570

#### Existing 60 dBu Contour

	<u>Standard Methodology</u>	<u>Longley-Rice Methodology</u>
<u>Area</u> (sq. km)	8,036	8,036
<u>Population</u>	2,552,406	1,392,172

See Attachment B, at 11-12. In short, the data show that there are 421,533 fewer persons, or a 33.9% smaller population, within KPRI's existing 70 dBu contour when terrain conditions are taken into account. The data also demonstrate that within KPRI's existing 60 dBu contour, with terrain factored in, the station's signal covers 45.4% fewer persons or a loss of 1,160,234 persons. Therein lies the fundamental reason why KPRI is struggling to compete and must relocate.

The following chart (Chart B) shows KPRI's area/population coverage under both methodologies based on operations from the proposed transmitter site.

## CHART B

### Proposed 70 dBu Contour

	<u>Standard Methodology</u>	<u>Longley-Rice Methodology</u>
<u>Area</u> (sq. km)	3,867	3,867
<u>Population</u>	2,041,349	1,464,790

### Proposed 60 dBu Contour

	<u>Standard Methodology</u>	<u>Longley-Rice Methodology</u>
<u>Area</u> (sq. km)	9,418	9,418
<u>Population</u>	2,724,574	2,095,029

*See* Attachment B, at 11.

A comparison between Chart A and Chart B vividly demonstrates the superiority of the proposed transmitter site for KPRI as compared with KPRI's existing transmitter site in terms of increased area and population coverage and service. Specifically, the proposed relocation of the KPRI transmission facilities will result in improved service to a substantial number of people, including a net increase of 797,246 persons within the 70 dBu contour under the F(50,50) methodology (642,220 persons under the Longley-Rice methodology), an increase of 64.1% (78%), and a net increase of 172,168 (702,857) persons within the 60 dBu contour, an increase of 6.7% (50.5%). Additionally, under the instant proposal the number of square kilometers served will increase by 678 within the 70 dBu contour and 1,382 within the 60 dBu contour. *See* Attachment B, at 4.

3. Continue to Provide 70 dBu Service to Encinitas. From the proposed transmitter site, KPRI will still be able to provide 70 dBu contour coverage over all of the corporate limits of Encinitas, the station's community of license. *See Attachment B*, at 4-5.

4. Create No Underserved Areas. No white area will be created by the relocation. The area comprising the so-called "loss area" (2,193 sq. km and 125,789 persons) will continue to be served full-time by three, rather than four, full service radio stations, as well as by numerous other AM and FM stations which individually serve portions of the area. *See Attachment B*, at 13.

#### **Public Interest Showing For KLQV's Minor Change Application**

Approval of the KLQV application would serve the public interest in two ways. It would allow the station to include more of San Diego, the station's community of license, within its 70 dBu coverage area, and it would allow the station to significantly increase the number of people who would receive service. Specific information in support of these claims is set forth below.

Station KLQV currently provides 70 dBu service to 87.3% of the city of San Diego. Approval of the Station KLQV modification application (with no change in tower site or antenna height) would allow the station to include 91.8% of San Diego within its 70 dBu contour. *See Attachment C*, at 1.

Approval of the KLQV application would also allow the station to provide additional service to the public. The following chart demonstrates the increase in service which would result from the effectuation of the proposal contained in KLQV's application. *See Attachment C*, at 2.

70 dBu Coverage Area

	<u>Present</u>	<u>Proposed</u>
<u>Area</u> (sq. km)	1,297	1,592
<u>Population</u>	1,595,594	2,032,102

60 dBu Coverage Area

	<u>Present</u>	<u>Proposed</u>
<u>Area</u> (sq. km)	3,419	3,793
<u>Population</u>	2,704,173	2,722,093

In sum, the grant of the KLQV application would enlarge the station's 70 dBu service area to include an additional 295 square kilometers (an increase of 22.7%) and 436,508 people (an increase of 27.4%). It would also enlarge the station's 60 dBu service area to include an additional 374 square kilometers (an increase of 10.9%) and 17,920 people (an increase of 6.6%). Accordingly, the requested waiver of Section 73.207(b)(3) of the Commission's rules is justified, and grant of the KLQV application would serve the public interest.

**Conclusion**

For these reasons, the Commission should (i) promptly confer with the Mexican Government, urging its concurrence with all of these proposals, (ii) grant any necessary waivers of the Commission's own rules and regulations, and (iii) approve the concurrently-filed "minor change" applications of both Compass and Univision.<sup>10</sup>

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<sup>10</sup> The parties have agreed and request that the Commission process and act on the applications in tandem.

**Attachment A**

### COOPERATION AGREEMENT

This Cooperation Agreement, (this "Agreement") is entered into this 1<sup>st</sup> day of September of 2004, by and among **COMPASS RADIO OF SAN DIEGO, INC.**, a Delaware corporation ("Compass"), **UNIVISION RADIO LICENSE CORPORATION**, a Delaware corporation ("Univision") and **INSTITUTO MEXICANO DE LA RADIO**, a decentralized agency of the Mexican federal administration created under the laws of Mexico by decree of the President of Mexico dated March 23, 1983 ("IMER") (Compass, Univision and IMER may be referred to herein individually as "the Party" and collectively as "the Parties").

#### WITNESSETH:

WHEREAS, Compass is the holder of licenses from the United States Federal Communications Commission ("FCC") which allows it to own and operate US radio station KPRI-FM, on channel 271B at 102.1 Mhz licensed to Encinitas, California;

WHEREAS, Univision is the holder of licenses from the FCC which allows it to own and operate US radio station KLQV(FM) on channel 275B at 102.9 Mhz licensed to San Diego, California;

WHEREAS, IMER is the holder of licenses from Mexico's Secretaría de Comunicaciones y Transportes ("SCT") which allows it to own and operate Mexican radio station XHUAN (FM) on channel 273B at 102.5 MHz licensed to Tijuana, Baja California, Mexico;

WHEREAS, the Parties wish to execute this Agreement to coordinate the filing and prosecution of applications with their respective governmental agencies to modify and improve the signal coverage of the Parties' respective Stations (each a "Modification Application" and collectively the "Modification Applications" as defined below); and

WHEREAS, the Parties have agreed to cooperate with each other and assist each other in obtaining the respective authorizations of the Modification Applications as soon as possible.

NOW, THEREFORE, in consideration of the above, the Parties agree as follows.

1. Definitions: In addition to other terms defined herein, the following definitions shall apply to this Agreement:

Compass Application: An application to be filed with the FCC seeking to modify the license of the Compass Station to relocate the Compass Station's antenna to the Soledad Tower and to increase its power to a non-directional signal at 32,000 watts, as more fully described in Exhibit A.

Compass Station: US radio station KPRI-FM transmitting non-directionally on channel 271B at 102.1 Mhz licensed to Encinitas, California (FIN: 51503) at 14,500 watts

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effective radiated power from a tower at coordinates North Latitude 33° 6' 40"; West Longitude 117° 12' 5" (NAD 27) in accordance with the license issued in FCC File No. BLH-19991101AFS.

Univision Application: An application to be filed by Univision with the FCC seeking to modify the license of the Univision Station to change to a non-directional signal at 32,000 watts of effective radiated power from its current site at the Soledad Tower, as more fully described in Exhibit B.

Univision Station: US radio station KLQV(FM) transmitting non-directionally on channel 275B at 102.9 Mhz in San Diego, California (FIN: 51164) at 32,000 watts effective radiated power from the Soledad Tower in accordance with the license issued in FCC File No. BLH -19880729KA .

IMER Application: An application to be filed by IMER with the SCT seeking to modify the license of the IMER Station to increase its licensed power from 400 watts effective radiated power at 238 meters height above average terrain to a directional signal at 4,000 watts of effective radiated power from its current tower location in Tijuana, Mexico.

IMER Station: Mexican radio station XHUAN (FM) transmitting directionally on channel 273B at 102.5 MHz in Tijuana, Mexico at 400 watts effective radiated power from a tower at coordinates North Latitude 31° 42' 22.00"; West Longitude 106° 29' 54.00" (NAD 27) in accordance with the license issued by the SCT.

Modification Applications: Collectively, the Compass Application, the Univision Application and the IMER Application. Individually, each of the Modification Applications may also be referred to herein as "the Modification Application".

Soledad Tower: The broadcast tower in Soledad, California located at coordinates: North Latitude 32° 50' 24.00"; West Longitude 117° 14' 52.00" (NAD27).

Stations: Collectively, the Compass Station, the Univision Station and the IMER Station.

2. Filing and Prosecution of the Modification Applications: The Parties agree to cooperate and consult with each other in the preparation and filing of their respective Modification Applications. The Parties shall make their best efforts to file their respective Modification Applications with the FCC and the SCT, respectively no later than September 30, 2004. The Parties understand that a copy of this Agreement as signed may be submitted to the FCC and/or the SCT with one or more of the Modification Applications. Upon the filing of said Modification Applications, the Parties will make themselves available to assist one another in the prosecution of said applications and will make available to each other such information as may be reasonably needed by each Party in the prosecution of said applications, this includes but is not limited to the preparation and filing of supportive materials and supplementary documentation as may be reasonably needed by each Party or as may requested by the FCC or the SCT. No Party may amend its Modification Application without the prior written approval of the

other Parties, provided, that such approval is not unreasonably denied, delayed or conditioned.

3. Maintenance of Currently Authorized Facilities: The Parties acknowledge and agree that during the Term (as defined herein), each is pursuing its Modification Application contingent upon the grant of the Modification Applications of the other Parties. During the Term (as defined herein), each Party shall (a) ensure that its Station shall continue to operate at its currently authorized effective radiated power and (b) not modify its facilities to implement any authorized change(s) in its facilities, unless every other Party shall have received the requisite governmental authorization as contemplated hereunder or unless the authorized change(s) is (are) required by governmental authority.

4. Term of Agreement: This Agreement shall become effective as of the date hereof and shall remain in full force and effect unless and until the occurrence of the earlier to occur of: (a) each of the Parties shall have received all requisite governmental authorizations pursuant to and consistent with its Modification Application as a final matter; (b) August 1, 2006; or (c) this Agreement has been terminated by the mutual written consent of the Parties (the "Term").

5. Termination: This Agreement may be terminated pursuant to clause 4 above.

6. Binding Agreement: This Agreement shall be binding upon the heirs and assigns of the Parties. If any of the Stations should be sold during the term of this Agreement, the Parties agree that the purchase agreement covering the sale shall contain a specific provision by which the purchaser shall assume the seller's obligations under this Agreement.

7. Notices: All notices, elections and other communications permitted or required under this Agreement shall be in writing and shall be deemed effectively given or delivered upon personal delivery, or twenty-four (24) hours after delivery to a courier service which guarantees overnight delivery, or ten (10) days after deposit with the respective Post Office, by prepaid registered or certified mail, return receipt requested, and, in the case of courier or mail delivery, addressed to the Parties at their addresses shown in this Section, or at such other addresses as a Party may give notice of change to the other Parties::

For Compass:

Jonathan Schwartz  
Compass Radio of San Diego, Inc.  
5015 Shoreham Place  
Suite 102  
San Diego, CA 92112

With a copy to:

Richard R. Zaragoza  
Shaw Pittman LLP



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2300 N Street, NW  
Washington, DC 20037

For Univision:

McHenry T. Tichenor, Jr.  
President  
Univision Radio License Corporation  
3102 Oak Lawn Avenue  
Suite 215  
Dallas, TX 75219-6991

With a copy to:

Lawrence N. Cohn, Esq.  
Cohn and Marks LLP  
1920 N Street, NW  
Suite 300  
Washington, DC 20036

For IMER:

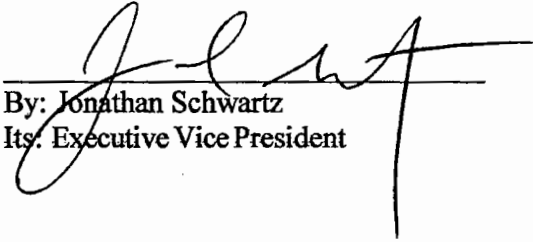
Alfredo Jaime Calderón  
Instituto Mexicano de la Radio  
Mayorazgo No. 83  
Col. Xoco  
03330 Mexico City, Mexico

8. Fees and Expenses: Each Party shall be responsible for their respective engineering, legal and other fees and expenses incurred in connection with the negotiation and performance of this Agreement, including but not limited to the preparation, filing (including filing fees) and prosecution of the respective Modification Applications, except as otherwise agreed by the Parties.

9. Governing Law and Arbitration: This Agreement shall be governed by the laws of Mexico. All disputes between or among the Parties arising out of or related to this Agreement, shall be resolved through arbitration under the Rules of Arbitration of the International Chamber of Commerce ("ICC"). The place of arbitration shall be Mexico City, Mexico and the arbitration proceedings will be conducted in the Spanish language.

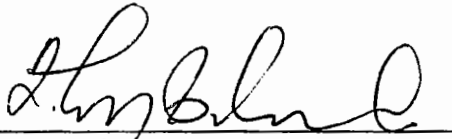
IN WITNESS WHEREOF, the Parties have executed this Agreement on the day first above written.

COMPASS RADIO OF SAN DIEGO, INC.



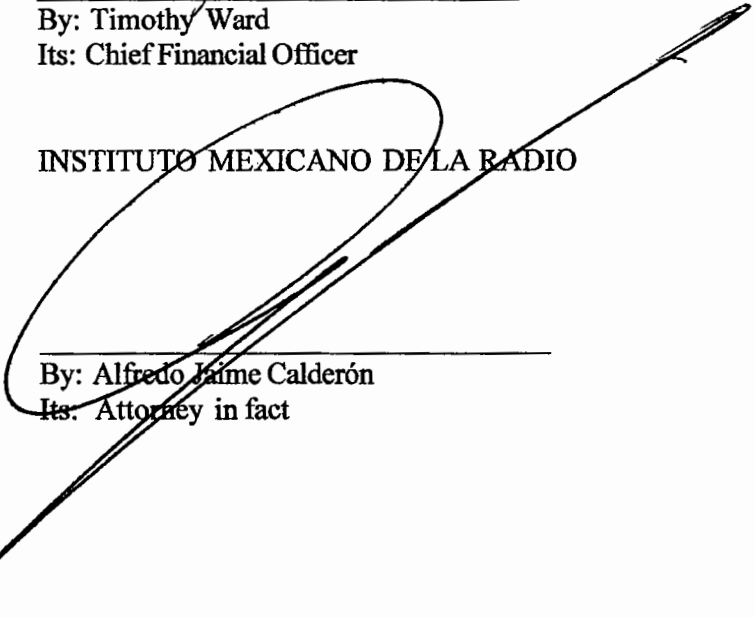
By: Jonathan Schwartz  
Its: Executive Vice President

UNIVISION RADIO LICENSE CORPORATION



By: Timothy Ward  
Its: Chief Financial Officer

INSTITUTO MEXICANO DE LA RADIO



By: Alfredo Jaime Calderón  
Its: Attorney in fact

#38795



INSTITUTO MEXICANO DE LA RADIO  
UNIDAD JURÍDICA



CONTRATO REGISTRADO EN LA UNIDAD JURIDICA DEL INSTITUTO  
MEXICANO DE LA RADIO CON EL NUMERO 296/09

LIC ALFREDO JAIME CALDERON  
DIRECTOR JURIDICO

**Attachment B**



CMBE

# ENGINEERING STATEMENT

Prepared For

Compass Radio of San Diego, Inc.

KPRI Channel 271B (102.1 MHz)  
Encinitas, California  
Facility ID 51503  
32.0 kW ERP  
188 M HAAT

June 2004

560 Lake Street Bridport, VT 05734  
Voice: 802 758 5000  
Fax 802 758 7000  
[www.cmbe.com](http://www.cmbe.com)

**Compass Radio of San Diego, Inc.  
Radio Station KPRI  
Facility ID 51503  
Encinitas, California  
Channel 271B, 102.1 MHz, 32.0 kW, 188 M HAAT**

The following engineering statement and associated exhibits have been prepared on behalf of Compass Radio of San Diego, Inc., licensee of KPRI (FM) Encinitas, California in support of a minor application to relocate its existing facilities.

Station KPRI operates on channel 271B with an effective radiated power (ERP) of 14.5 kilowatts and antenna height above average terrain (HAAT) of 249 meters.

**PROPOSED FACILITIES**

Compass Radio of San Diego, Inc. proposes to relocate the station to an existing tower site located at geographic coordinates of

North Latitude 32° 50' 24.00"

and

West Longitude 117° 14' 52.00"

Effective radiated power at the proposed new site is 32 kilowatts utilizing an omnidirectional antenna consisting of four bays, with one-half wavelength spacing between bays. The antenna center of radiation will be 260 meters above sea level and 40 meters above ground level. The KPRI antenna will be shared with station KLQV (FM).<sup>1</sup>

Figure 1 (below) is a map of the proposed operation, showing the predicted 70 dBu and 60 dBu contours for the licensed facility and the proposed facility.

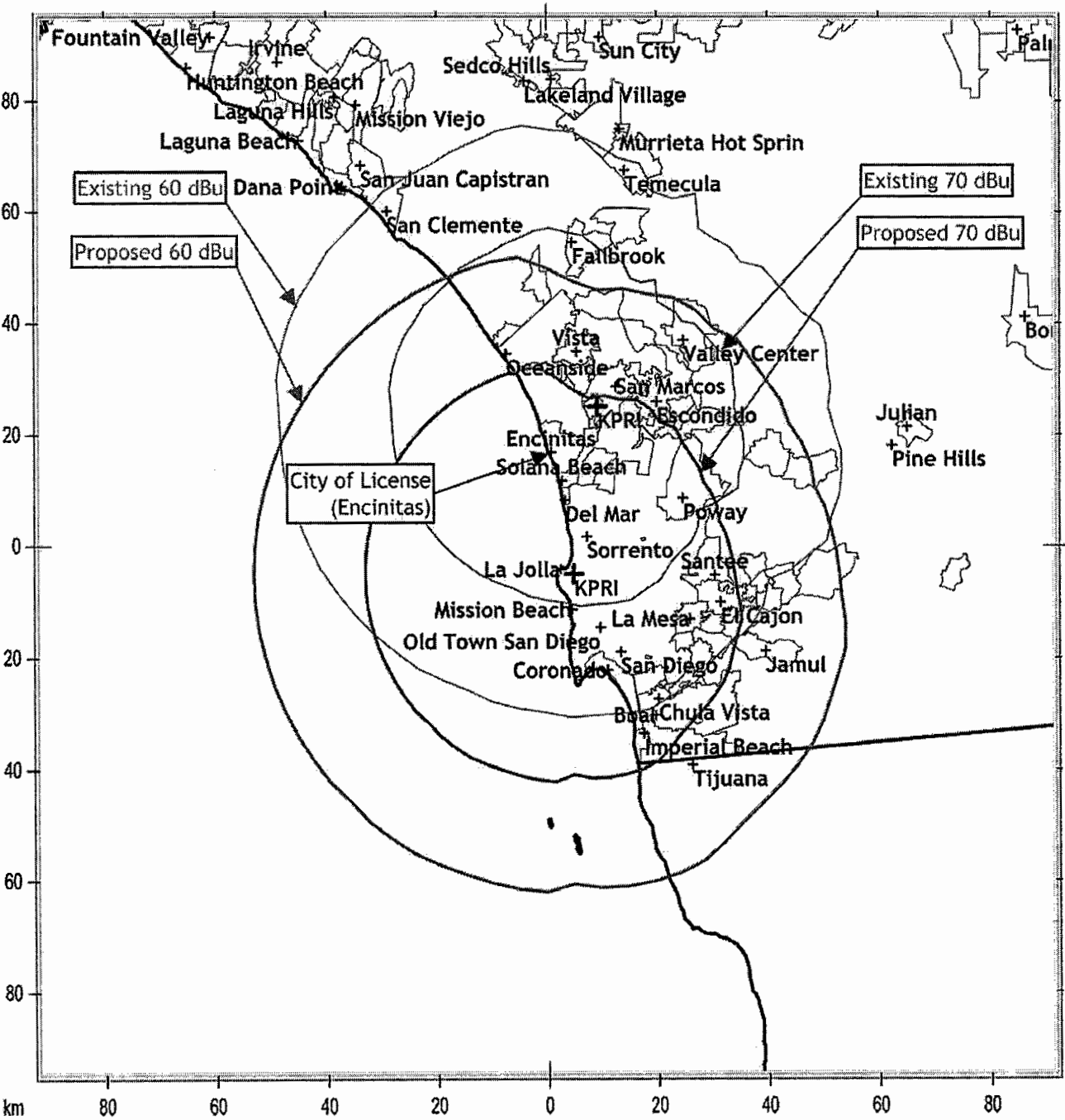
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<sup>1</sup> Station KLQV will be filing a 301 to replace its existing antenna simultaneously with this application.

Figure 1

# PREDICTED COVERAGE CONTOURS

FM STATION KPRI  
ENCINITAS, CALIFORNIA  
CH 271B 32KW 188 M



### BENEFITS OF PROPOSED CHANGE ON POPULATION SERVED

The proposed relocation of the KPRI facilities results in improved service to a substantial number of people, including a net increase of 797,246 persons within the 70 dBu contour and 172,168 persons within the 60 dBu contour. Additionally, the number of square kilometers served increases by 678 within the 70 dBu contour and 1,382 within the 60 dBu contour under the instant proposal.

The Community of license, Encinitas, California is entirely encompassed by the 70 dBu contour of both the present and the proposed KPRI sites. See figure# 2 below.

The KPRI proposal results in a gain of area covered and population served as outlined below.

<b>Contour</b>	<b>Population (2000 Census)</b>	<b>Area (square kilometers)</b>
Existing 70 dBu	1,244,103	3,189
Proposed 70 dBu	2,041,349	3,867
Existing 60 dBu	2,552,406	8,036
Proposed 60 dBu	2,724,574	9,418



Figure 2

# SERVICE OF COMMUNITY OF LICENSE

FM STATION KPRI  
ENCINITAS, CALIFORNIA

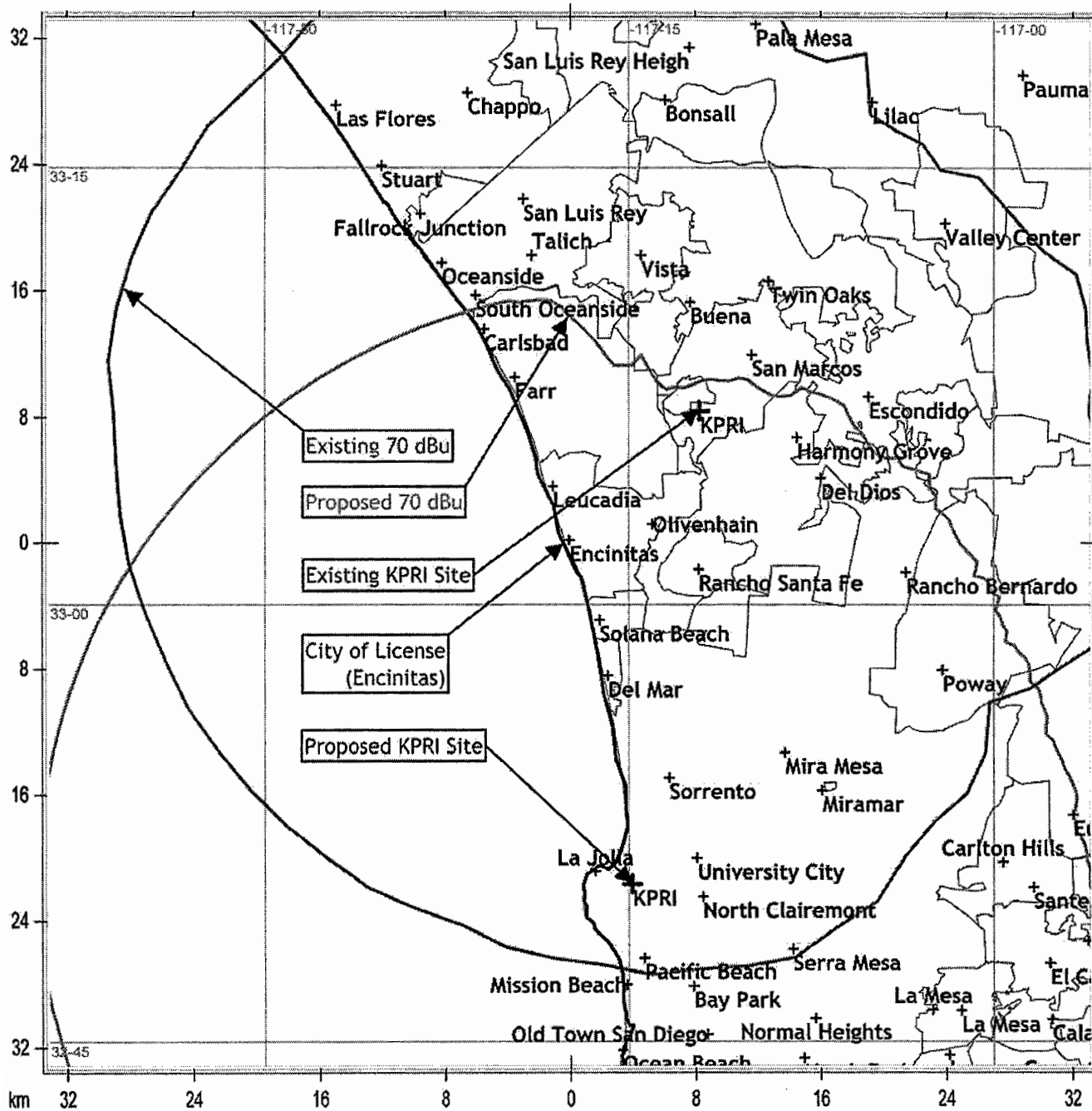


Figure 3

# FM SEPARATION STUDY

FM STATION KPRI  
ENCINITAS, CALIFORNIA  
CH 271B 32KW 188 M

Callsign	ID	City	CH	Class	Status	ST	Freq	ERP_w	HAAT_m	DIST-KM	Clr
KGB-FM	34454	SAN DIEGO	268	B	LIC	CA	101.5	50000	153.09	19.61	-54.4
KGB-FM	34454	SAN DIEGO	268	B	USE	CA	101.5	0	-26.91	19.61	-54.4
XHUANFM	95012	TIJUANA	273	B	BN		102.5	0	0.51	38.41	-26.6
XHUANFM	95012	TIJUANA	273	B	BN		102.5	400	238	46.05	-19.0
KSCA	24548	GLENDALE	270	B	LIC	CA	101.9	1300	968.51	171.53	2.5
KSCA	24548	GLENDALE	270	B	LIC	CA	101.9	1750	952.51	171.53	2.5
KSCA	24548	GLENDALE	270	B	CP	CA	101.9	3000	870.32	171.16	2.2
KSCA	24548	GLENDALE	270	B	LIC	CA	101.9	4800	894.99	171.13	2.1
KSCA	24548	GLENDALE	270	B	USE	CA	101.9	0	841.99	171.13	2.1
KPRI-FM3	51510	PACIFIC BEACH	271	D	CP	CA	102.1	52	17.43	3.75	3.7
KPRI-FM3	51510	PACIFIC BEACH	271	D	LIC	CA	102.1	49	22.44	5.16	5.2
XHPFFM	94709	MEXICALI	270	B	BN		101.9	0	2.77	169.67	5.6
XHPFFM	94709	MEXICALI	270	B	BN		101.9	14800	35	169.67	5.6
					CP						
KPRI-FM7	51505	SAN DIEGO	271	D	MOD	CA	102.1	75	-13.75	12.39	12.4
KPRI-FM7	51505	SAN DIEGO	271	D	LIC	CA	102.1	49	-1.87	12.11	12.1
KPRI-FM1	51512	SAN DIEGO	271	D	LIC	CA	102.1	49	33.34	16.02	16.0
KPRI-FM1	51512	SAN DIEGO	271	D	CP	CA	102.1	130	33.34	16.02	16.0
		RANCHO			CP						
KPRI-FM5	51508	PENASQUITOS	271	D	MOD	CA	102.1	62	-46.56	17.83	17.8
		RANCHO									
KPRI-FM5	51508	PENASQUITOS	271	D	LIC	CA	102.1	49	27.54	18.4	18.4
	95330	ENSENADA	270	A	BN		101.9	3000	-121.84	123.7	18.7
NEW	151599	SAN DIEGO	273	D	APP	CA	102.5	10	157.99	19.6	19.6
KPRI-FM2	51511	LA MESA	271	D	LIC	CA	102.1	65	-8.72	20.11	20.1
					CP						
KPRI-FM6	51507	SAN DIEGO	271	D	MOD	CA	102.1	50	22.75	21.22	21.2
KPRI-FM6	51507	SAN DIEGO	271	D	LIC	CA	102.1	50	11.24	21.24	21.2
KJJZ	43132	INDIO	272	A	USE	CA	102.3	0	-131.26	137.05	24.0
KPRI-FM4	51509	LEMON GROVE	271	D	LIC	CA	102.1	25	70.01	26.58	26.6
		RANCHO									
NEW	124411	SANTA MARGARI	268	LP100	APP	CA	101.5	100	-85.59	94.55	27.5
NEW	124502	FOOTHILL RANCH	268	LP100	APP	CA	101.5	100	-95.97	99.19	32.2
	0	HEMET	273	A	APP	CA	102.5	0	-102.28	103.24	34.2
KJJZ	43132	INDIO	272	A	LIC	CA	102.3	2600	104.19	148.6	35.6
NEW	124191	SANTA ANA	268	LP100	APP	CA	101.5	100	7.57	104.1	37.1
NEW	123960	IRVINE	268	LP100	APP	CA	101.5	100	125.06	104.32	37.3

## ALLOCATION CONDITIONS

As can be seen in Figure 3 (above), the proposed KPRI site is fully spaced except for two conditions.

Condition one -- a short-space with station KGB-FM channel 268B (101.5 MHz). The existing and the proposed new KPRI sites are pre-November 1964 short-spaced and have remained grandfathered short-spaced since that time to KGB-FM. Section 73.213 of the Rules applies to all stations that were short-spaced pre-November 1964 and permits a change in facilities including transmitting site, regardless of the impact on a second or third adjacent channel station. This short-space is therefore not considered.

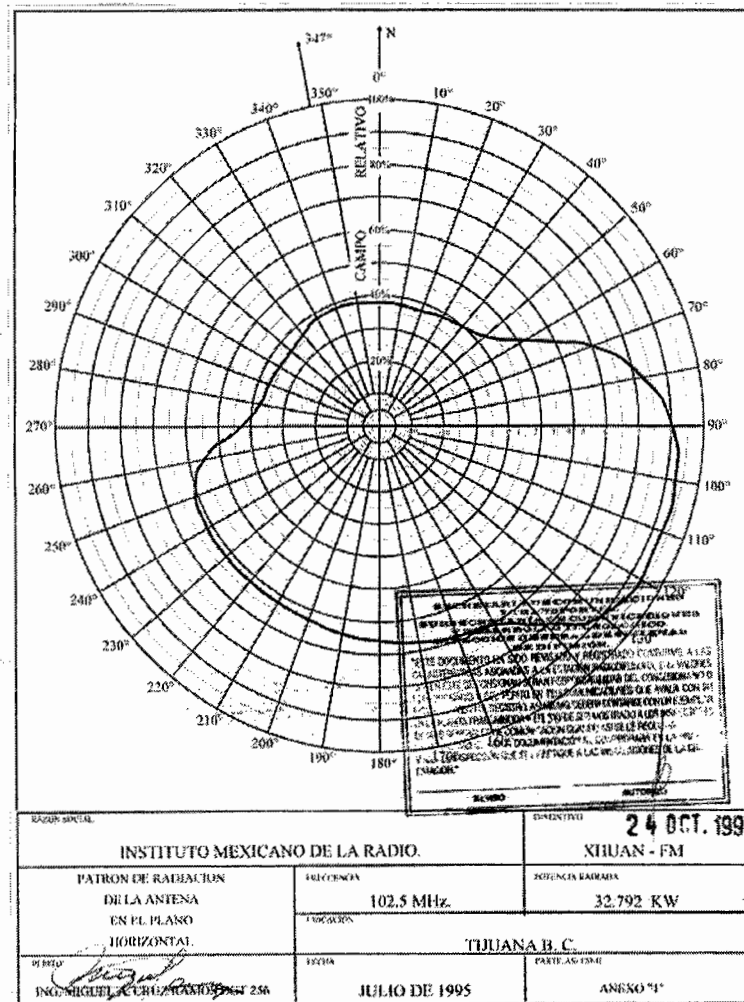
It is also noted that the proposed KPRI site will eliminate an existing pre-November 1964 grandfathered short-spaced condition with FM station KSCA channel 270B (101.9 MHz) Glendale, California.

Condition two -- the proposed KPRI site is 46.0 kilometers from station XHUAN-FM channel 273B, Tijuana, BN Mexico and does not comply with 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, which entered into force on June 2, 1995. The Agreement specifies a minimum distance of 65.0 kilometers for Class B FM stations removed in frequency by 400 kHz (annex 1, Section 1.2.1, Table 2). Table 4 in section 3.1.5 of Annex 1 specifies that no overlap should exist between the 54 dBu contour of the desired station and the 94 dBu contour of the undesired station.

XHUAN-FM OPERATION

Based on information supplied by XHUAN-FM, it is operating with directional facilities with a peak ERP of 32.792 kW at 265.2 M Above Mean Sea Level (AMSL). The XHUAN-FM pattern licensed with Mexican Authorities (see Figure 4 below) indicates 5.4 kW (7.3 dBk) on a bearing of 328° True.<sup>1</sup>

Figure 4



<sup>1</sup> The XHUAN-FM pattern has been adjusted for all calculations and maps in this report so that the measured peak pattern is referenced to 100 percent relative field.

In the FCC database, XHUAN-FM is licensed at 0.4 kilowatt at 238 meters HAAT (which would require an antenna at 409 meters AMSL). As noted above, XHUAN-FM has an antenna height of 265.2 meters AMSL, which calculates to HAAT of 93.5 meters.

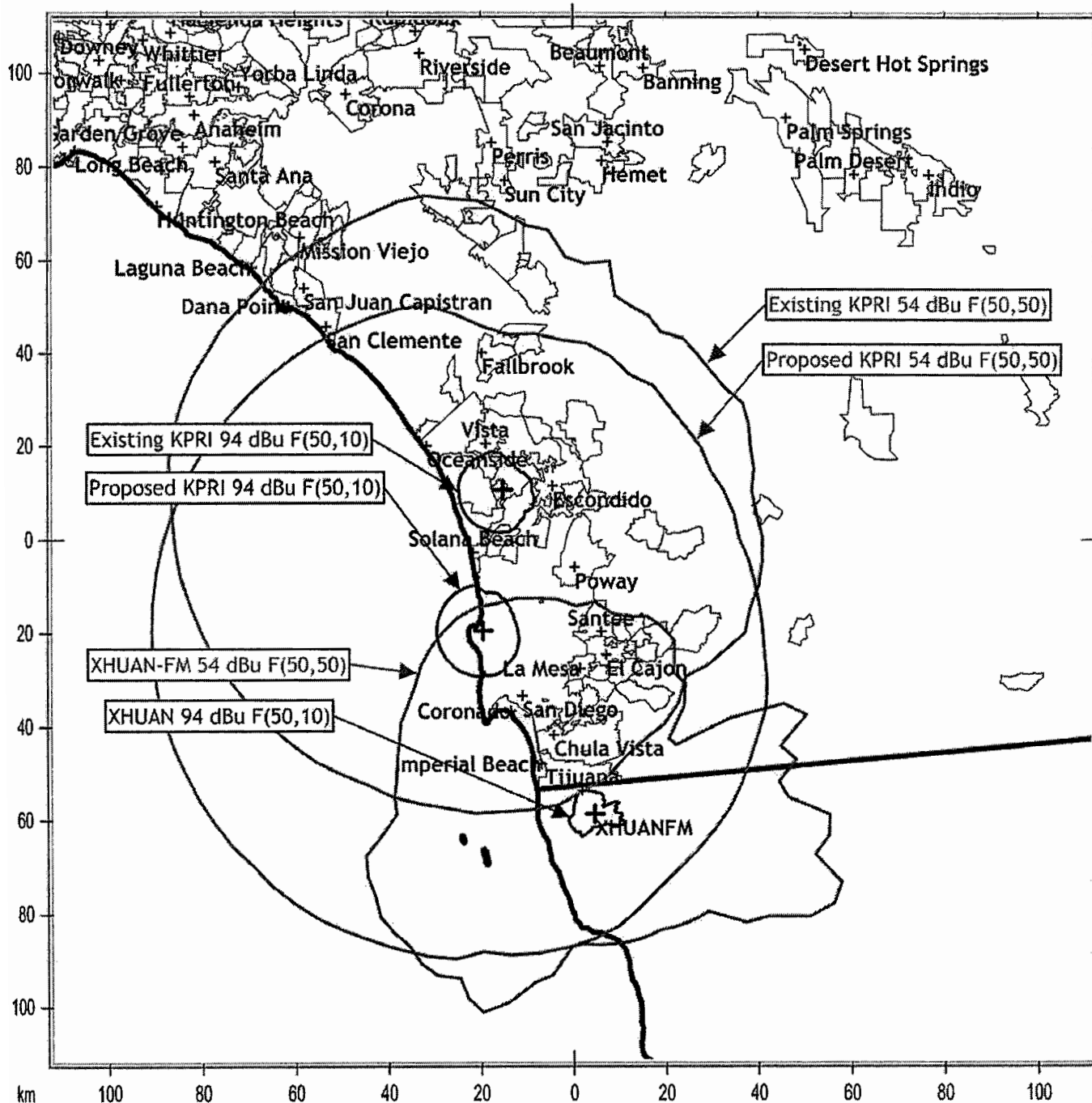
Figure 5 (below) shows the licensed and proposed operation of KPRI and the *operating* facility of XHUAN-FM.

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Figure 5

# KPRI ALLOCATION WITH XHUAN

FM STATION KPRI CH 271B 32 KW 188 M



EFFECT OF SEVERE TERRAIN ON EXISTING KPRI FACILITY

As can be seen in figure #6 below, the actual coverage from the existing KPRI site is severely affected by terrain within the KPRI service area. The predicted Longley-Rice 60 dBu SERVICE AREA point-to-point coverage<sup>1</sup> (shown in light blue on figure #6) generally falls substantially short of the predicted CITY GRADE<sup>2</sup> contour in many heavily populated areas. The U.S. population within the predicted 60 dBu contour using FCC F(50,50) curves is 2,552,406 in an area of 8,036 square kilometers, while the U.S. population within the predicted 60 dBu F(50,50) contour actually receiving 60 dBu or greater service as calculated using Longley-Rice methodology is 1,392,172. Only fifty-five percent (55%) of the population within the KPRI Predicted Service Contour actually receives signal predicted by the F(50,50) curves.

A similar condition exists for CITY GRADE coverage, where the U.S. population within the predicted 70 dBu contour using the FCC F(50,50) curves is 1,244,103 in an area of 3,189 square kilometers and the U.S. population within the predicted 70 dBu coverage area actually receiving 70 dBu or greater signal using Longley-Rice methodology is 822,570. In this case, only sixty-six percent (66%) of the population within the KPRI City Grade Contour actually receives the signal predicted by the F(50,50) curves.

Further evidence of this terrain problem can be seen in the FCC database where KPRI held licenses or construction permits for some twelve booster facilities<sup>3</sup> that were built or tested in the past in an attempt to improve signal to the population within the KPRI service contour. The unusual terrain characteristics in the San Diego market prevent KPRI from achieving adequate coverage of its intended audience from its present site.

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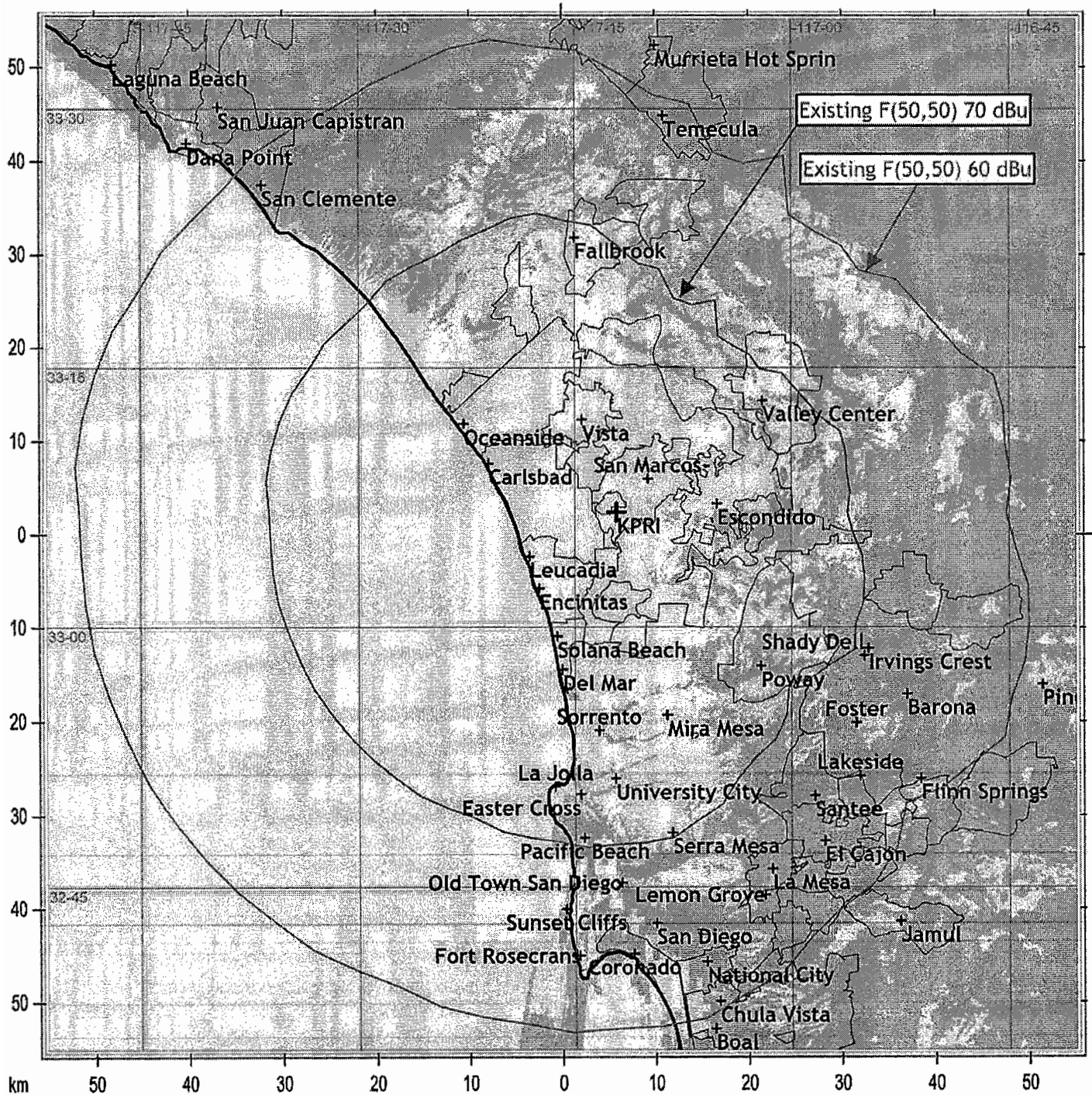
<sup>1</sup> Predicted at 10 meters AGL using 3 second terrain data

<sup>2</sup> FCC F(50,50) 70 dBu

<sup>3</sup> Facility IDs: 51510, 51508, 51505, 51509, 51512, 51507, 51511 with various proposed facilities

# COVERAGE OF EXISTING SITE

FM STATION KPRI  
ENCINITAS, CALIFORNIA





## LOSS AREA

The loss area, shown in figure #7 below, is an area of 2,193 square kilometers and includes a population of 125,789 persons. The loss area is currently served full time by four stations<sup>1</sup> (including KPRI) as also shown in figure #7. The loss of service from KPRI's proposed relocation does not result in the creation of any new "white area." A large portion of the KPRI loss area resulting from the proposed facility relocation is very rural and remote. Although there are several other AM and FM stations providing coverage within the loss area, no single station, and no combination of stations, covers the entire loss area, except the aforementioned three AM services.

A total of 3,037 persons in an area of 240.3 square kilometers lose 5<sup>th</sup> service.

A total of 43 persons in an area of 4.5 square kilometers lose 4<sup>th</sup> service.

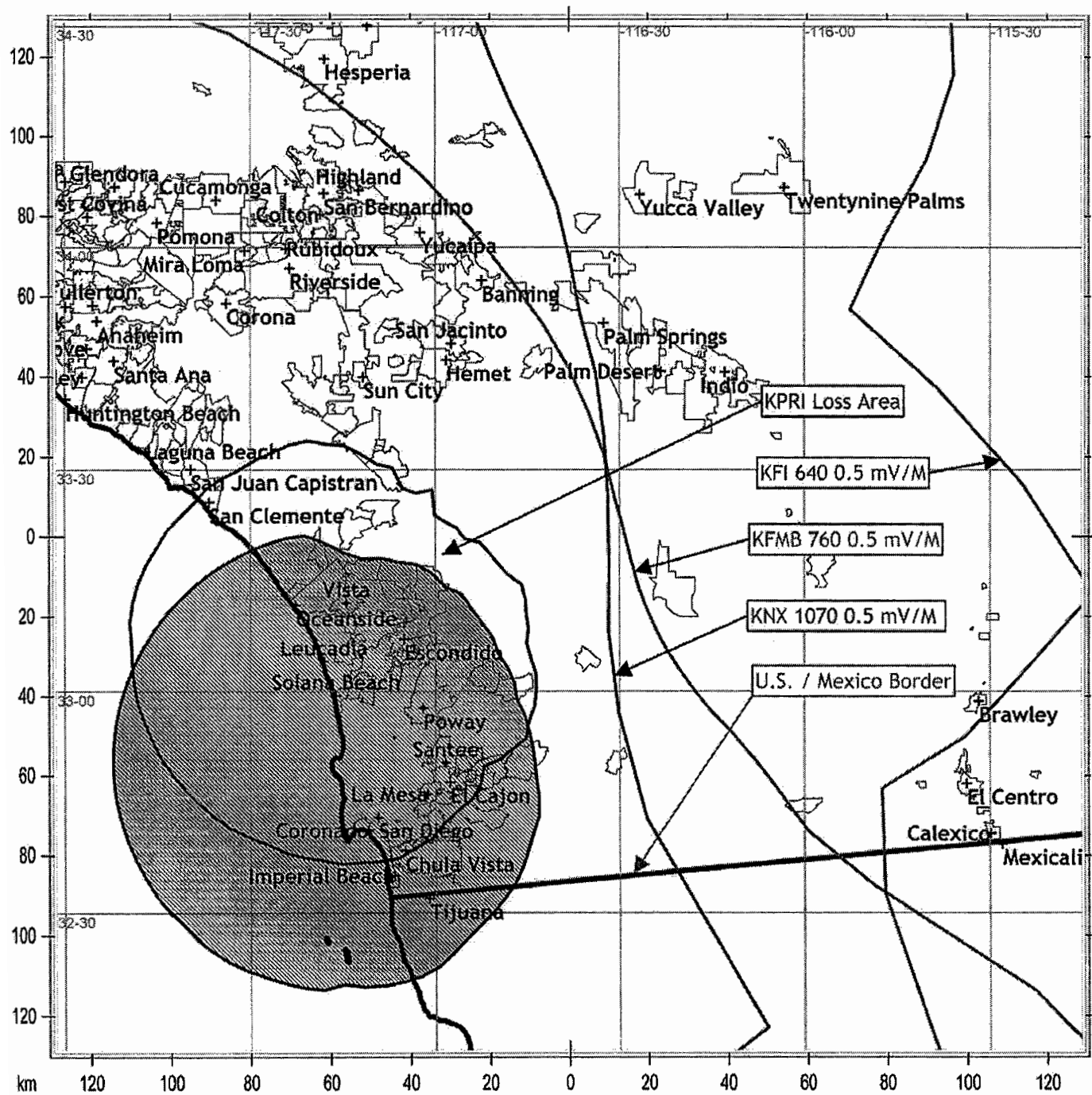
The net result is that the loss area, previously served by FOUR fulltime signals would be served by THREE fulltime services after the proposed KPRI relocation, not counting the numerous other AM and FM stations which individually serve portions of the area.

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<sup>1</sup> The loss area is wholly served by KFI 640 AM, Los Angeles, CA; KFMB 760, San Diego, CA; and KNX 1070, Los Angeles, CA.

# LOSS AREA & SERVICE

FM STATION KPRI  
ENCINITAS, CALIFORNIA



### CONSOLIDATION OF FACILITIES PROVIDES SIGNAL PARITY

The proposed site for KPRI hosts ten of the fifteen class B FM radio stations in the San Diego area. This site is proposed for the instant application due to its superior service of the entire market, including the KPRI city of license, Encinitas, California. Use of this site will provide KPRI with signal parity in the San Diego market.

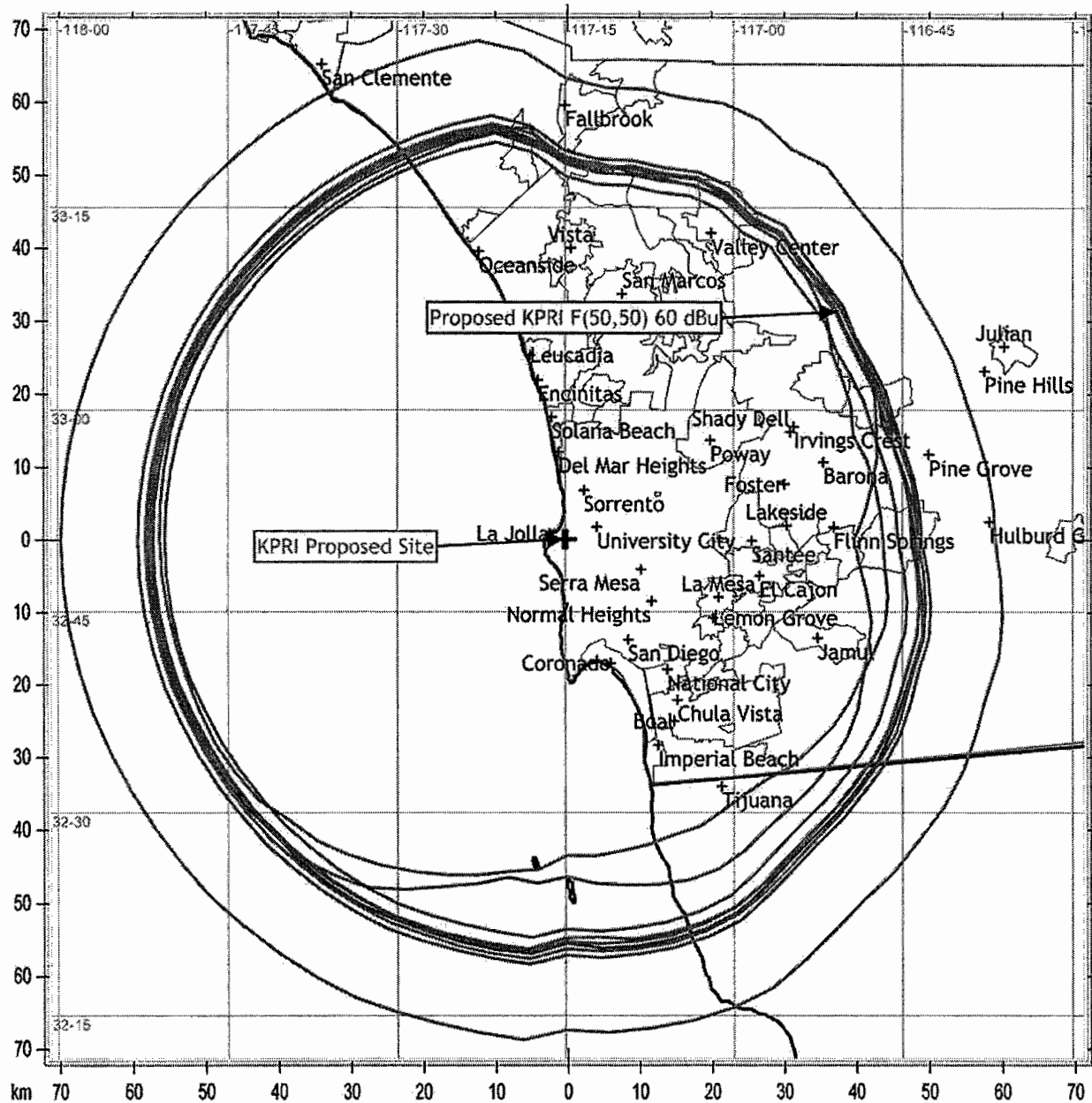
Figure 8 (below) shows the proposed KPRI 60 dBu service contour and the 60 dBu service contours of the other class B stations located at or near the proposed tower location.

---

# SIGNAL PARITY

FM STATION KPRI  
ENCINITAS, CALIFORNIA

Showing contours of 10 existing class B stations at or near proposed KPRI site



RADIOFREQUENCY RADIATION STUDY AND STATEMENT

The proposed facilities were evaluated for potential radio frequency Radiation exposure at ground level in accordance with OET bulletin No. 65, Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation.

The proposed KPRI antenna is an EPA type 3 style antenna, with center of radiation at 40 meters above ground level. This antenna is a half-wave spaced 4 bay circularly polarized omnidirectional antenna operating with 32 kilowatts ERP in the horizontal plane and 32 kilowatts in the vertical plane. KPRI and KLQV intend to use the same antenna upon grant of this application and the related application for minor change by KLQV.

The proposed antenna is located on the same tower as two other FM facilities and three low power television facilities. Other transmitters in the general area are located greater than 100 meters away and are not considered in this study.

Figure 9 (below) documents the contributions of the co-located stations as regards compliance with FCC-specified guidelines for human exposure to radiofrequency radiation at the proposed KPRI site.

## Contributors to Radiofrequency Radiation at Proposed Site

<b>CALLS</b>	<b>CH</b>	<b>ANT TYPE</b>	<b>ERP HPOL/VIS</b>	<b>ERP VPOL/AUR</b>	<b>ANT AGL</b>	<b># EL</b>	<b>SPACE (elements)</b>	<b><math>\mu\text{W}/\text{cm}^2</math> (maximum)</b>
KPRI <sup>1</sup>	271	# 3 Rototiller	32 kW	32 kW	40 m	4	0.5	37.09
KLQV	275	#3 Rototiller	32 kW	32 kW	40 m	4	0.5	37.09
KUSS	239	#7 DCR-M3	29 kW	29 kW	47 m	3	0.66	27.24
KNSD-LP	62	UHF	.001 kW	.0001 kW	31.0	-	-	+/- 0
K35DG	35	Bogner	26.7 kW <sup>2</sup>		31.7 m	-	-	0.63
K61GH	9	Scala	2.95 kW <sup>3</sup>		41.4 m	-	-	0.15

The §1.1310 Controlled Environment Density Limit is 1,000  $\mu\text{W}/\text{cm}^2$

The §1.1310 Uncontrolled Environmental Density Limit is 200  $\mu\text{W}/\text{cm}^2$

This site contributes a total of 102.2  $\mu\text{W}/\text{cm}^2$  - which is 10.2% of the Controlled Environmental Density Limit and 51.1% of the Uncontrolled Environmental Density Limit. Applicant will cooperate with other users of the tower site to reduce power or cease operation as necessary to limit human exposure to levels less than specified by the FCC.

<sup>1</sup> KPRI and KLQV propose to use the same antenna.

<sup>2</sup> We have assumed worst-case 22% aural injection and used 0.1 relative field based on the typical downward radiation of UHF TV antennas.

<sup>3</sup> We have assumed worst-case 22% aural injection and used 0.2 relative field based on the typical downward radiation of VHF antennas.

This study has been prepared for the Applicant using FCC and other data sources that are considered to be current as of the date of this writing.

The preceding statement and attached exhibits have been prepared by me, or under my direction, and are true and accurate to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "ER Morgan", with a large, stylized loop at the bottom.

Elliott R. Morgan  
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[Chip@cmbe.com](mailto:Chip@cmbe.com) (email)

June 7, 2004

**Attachment C**



ENGINEERING EXHIBIT  
APPLICATION FOR CONSTRUCTION PERMIT  
FM BROADCAST STATION KLQV  
SAN DIEGO, CALIFORNIA  
FACILITY ID 51164  
CH 275B 32 KW 188 M

Engineering Statement

The Engineering Exhibit consisting of this statement and the attached Figures 1, 2 and 3, was prepared on behalf of Univision Radio License Corporation (herein "Univision"), licensee of FM broadcast station KLQV. Station KLQV operates on channel 275B employing effective radiated power (ERP) of 32 kilowatts with antenna height above average terrain (HAAT) of 188 meters. KLQV uses a directional antenna. Univision proposes to replace the directional antenna with one having a non-directional radiation pattern. No other changes are proposed.

The existing KLQV directional antenna will be replaced within a non-directional antenna consisting of four bays, with one-half wavelength spacing between bays. The antenna center of radiation will be maintained at the existing level, 40 meters above ground level. In an application to be filed simultaneously with the instant application, Compass Radio of San Diego, Inc., licensee of station KPRI Encinitas, CA (Channel 271B), proposes to also employ the KLQV antenna.

The attached Figure 1 is a map showing the KLQV predicted 70 dBu and 60 dBu contours for the licensed directional operation and proposed omni directional operation. The existing 70 dBu contour covers 87.3 percent of San Diego. The proposed operation will increase San Diego coverage to 91.8 percent.

The proposal of KLQV results in a gain in population and area as shown below.

Contour	Population (2000 Census)	Area (sq. km.)
Existing 70 dBu	1,595,594	1,297
Proposed 70 dBu	2,032,102	1,592
Existing 60 dBu	2,704,173	3,419
Proposed 60 dBu	2,722,093	3,793

Figure 2 is a separation study showing pertinent stations and allotments. The proposal meets the separation requirements of the FCC rules except with respect to Mexican station XHUAN-FM Tijuana, BN and KDLE Newport Beach, CA.

With regard to station KDLE, there is an outstanding construction permit, File Number BP-20030617AAA, implementation of which results in further short-spacing between KDLE and KLQV; however, KDLE proposes to operate under the provisions of 47 CFR 73.215 with respect to KLQV. As there is no contour overlap between proposed KDLE and the assumed maximum facility contours of KLQV (50 KW ERP, 150 M HAAT), the KLQV application for use of a non-directional antenna, meets the allocation requirements of the rules.

With respect to Mexican station XHAUN Tijuana, BN, the station appears in the Commission's CDBS and in the U.S./Mexican FM Agreement as operating on Channel 273B (102.5 MHz) with effective radiated power (ERP) of 0.4 kilowatts and antenna height above average terrain of 238 meters. Information obtained from the Mexican government indicates that the station employs a directional antenna and operates with an ERP of 32.792 kilowatts with antenna radiation center located 265.2 meters above mean sea level. (See Figure 4 in the engineering portion of the Compass application.) The end result of the XHAUN operation is to

receive interference within the predicted 54 dBu contour in the United States, where none is currently predicted. With respect to KLQV, the U.S./Mexican Agreement contemplates interference to KLQV's 54 dBu contour within Mexico. The increased signal strength of KLQV toward the Mexican station will tend to reduce the area of interference lying in Mexico, because of the increased ratio of desired to undesired signal levels. The pertinent contours of station KLQV and XHUAN are shown on Figure 3.

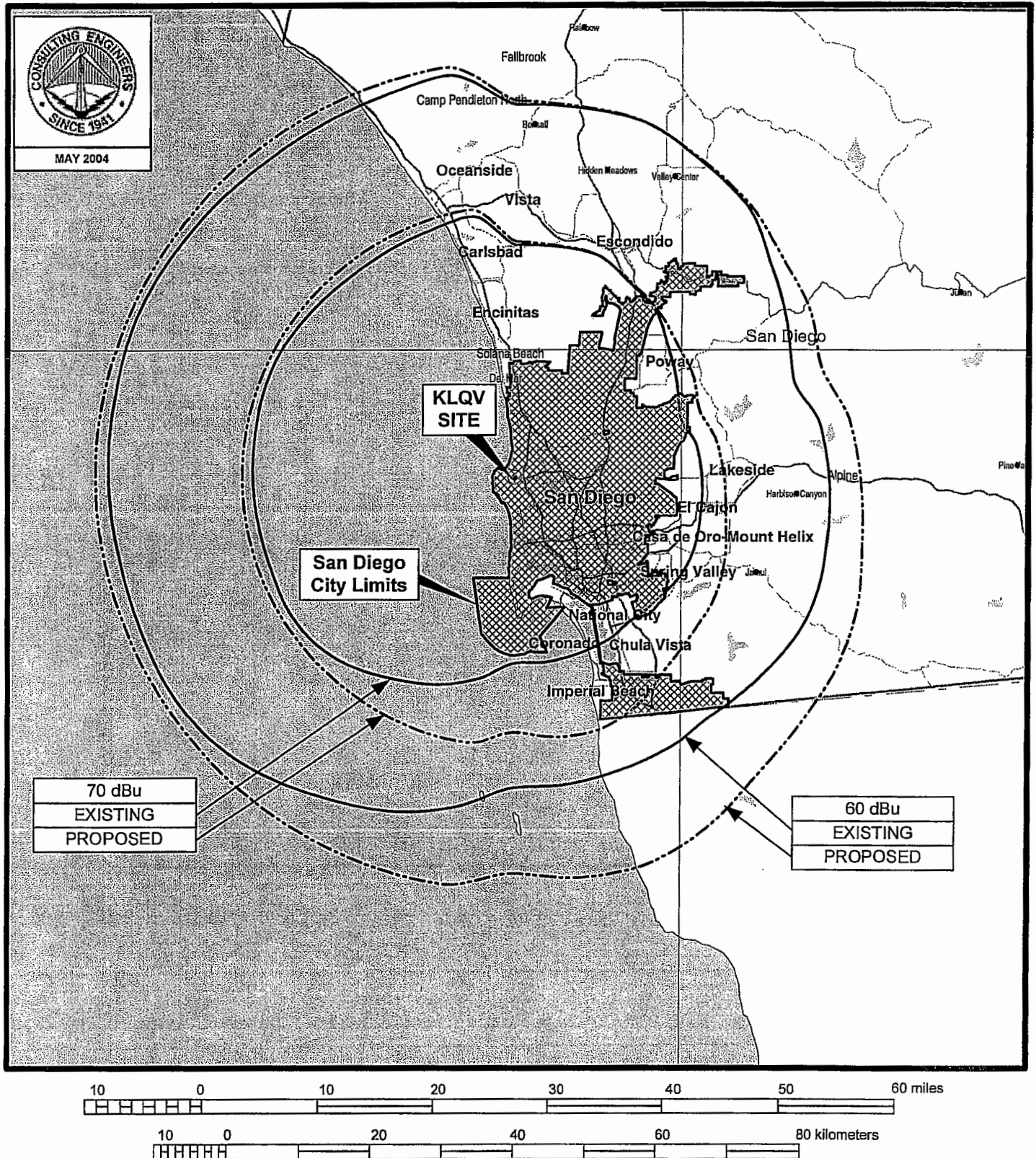
In the Compass application, evaluation of radiofrequency exposure to humans at the KLQV site with the addition of the KPRI antenna has been thoroughly addressed. See Figure 9 of the Compass application. It demonstrates that the proposal of KLQV and KPRI meet the FCC requirements for exposure of humans to radiofrequency radiation. If it becomes necessary to workers to climb the tower employed by these stations, Univision will, in conjunction with other users, reduce the power of station KLQV or turn it off, so as to protect workers from exposure in excess of the guideline value.



Louis R. du Treil, Sr.  
du Treil, Lundin & Rackley, Inc.  
201 Fletcher Avenue  
Sarasota, Florida 34237-6019  
941 329 6000

May 17, 2003

Figure 1



## PREDICTED COVERAGE CONTOURS

FM STATION KLQV  
 SAN DIEGO, CALIFORNIA  
 CH 275B 32 KW 188 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

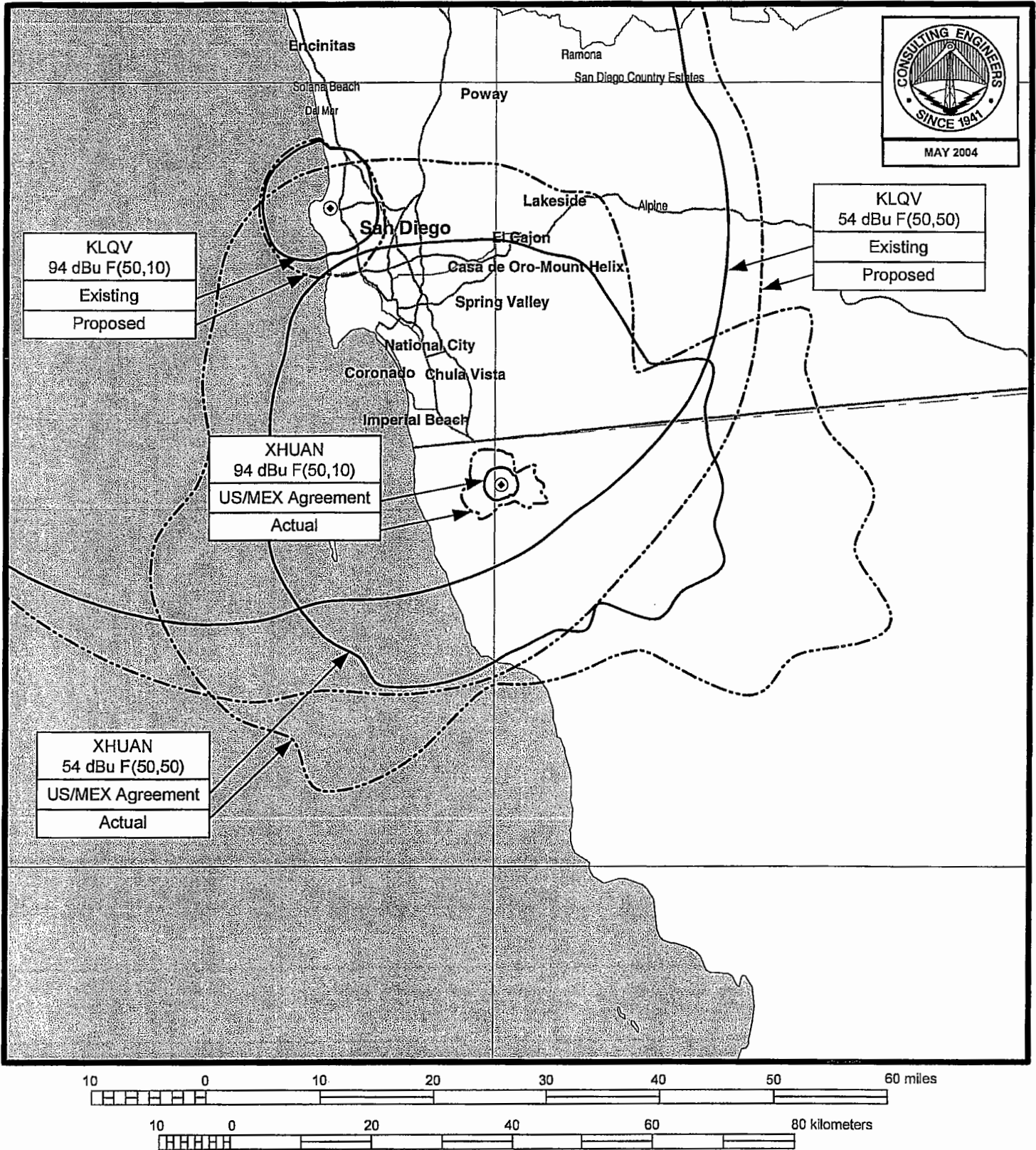
Figure 2

FM BROADCAST STATION KLQV  
SAN DIEGO, CALIFORNIA  
FACILITY ID 51164  
CH 275B 32 KW 188 M

FM Separation Study

Call Id	City St	Status	File Num	Channel Freq	ERP HAAT	DA ID	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
KFSD-F	ESCONDIDO	BLH	221 A	0.580	N	33-06-39	N	16.2	31.30	15.0	
49206	CA LIC C	19970814KB	92.1	312		117-09-13			16.30	Clear	
XHUANF	TIJUANA		273 B	0.000	N	32-31-26	N	155.9	38.48	65.0	
95012	BN C		102.5			117-04-49			-26.52	Short	
XHUANF	TIJUANA		273 B	0.400	N	32-29-14	N	148.2	46.10	65.0	
95012	BN C		102.5	238		116-59-20			-18.90	Short	
MECCA	RM		274 A	0.000		33-34-18		52.9	136.06	113.0	
0	CA ADD C	spml38	102.7			116-04-35			23.06	Clear	
KHIS-F	LOS ANGELES	BLH	274 B	8.000	Y	34-13-36	N	334.0	171.54	169.0	
19218	CA LIC C	5361	102.7	902	13439	118-03-57			2.54	Close	
KLQV	SAN DIEGO	BLH	275 B	32.000	Y	32-50-24	N	115.9	0.00	241.0	
51164	CA LIC C	19880729KA	102.9	188	13888	117-14-52			-241.00	Short	
KDLE	NEWPORT BEA	BPH	276 A	0.300	Y	33-36-19	Y	328.6	99.78	113.0	
33904	CA CP C	20030617AAA	103.1	294	59861	117-48-38			-13.22	Short	
KDLE	NEWPORT BEA	BLH	276 A	2.000	N	33-37-55	N	324.1	108.84	113.0	
33904	CA LIC C	4773	103.1	91		117-56-15			-4.16	Short	
KEZN	PALM DESERT	BMLH	276 A	1.900	N	33-51-58	N	33.4	136.80	113.0	
11747	CA LIC C	19960426KB	103.1	180		116-25-56			23.80	Clear	
KGBB	TEMECULA	BLH	277 A	1.250	N	33-28-51	N	4.8	71.33	69.0	
85012	CA LIC C	20010109AAA	103.3	218		117-10-58			2.33	Close	

Figure 3



## KLQV ALLOCATION WITH XHUA

FM STATION KLQV  
SAN DIEGO, CALIFORNIA  
CH 257B 32 KW 188 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida