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Federal Communications Commission
Office of the Secretary

Holland & Knight

Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, DC 20006
www.hklaw.com

Charles R. Naftalin
(202) 457-7040
charles.naftalin@hklaw.com

April 22, 2021

Via UPS Overnight Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9050 Junction Drive
Annapolis Junction, MD 20701

Re: KJUX(AM), Lemon Grove, California (Facility ID 160820) and
FM Translator K229DP, Lemon Grove, California (Facility ID 201336)

Dear Ms. Dortch:

Transmitted herewith, on behalf of Christyahna Broadcasting, Inc., the permittee of the above-referenced construction permits, are five copies of its Request to Toll or Extend Construction Permits. Please stamp and return, in the enclosed mailer, a copy of this Request, as indicated in the enclosed packet.

In the event that there are questions concerning this matter, please communicate with this office.

Very truly yours,



Charles R. Naftalin

REQUEST TO TOLL OR EXTEND CONSTRUCTION PERMITS

Christyahna Broadcasting, Inc., the permittee (the "Permittee"), of the construction permits for KJUX(AM), Lemon Grove, California (Facility ID 160820) and its associated FM translator K229DP, Lemon Grove, California (Facility ID 201336) (together, the "Construction Permits"), pursuant to Section 73.3598(b) of the Commission's rules (the "Tolling Rule"), hereby requests tolling (or other extension) of the Construction Permits, including, as necessary and pursuant to Section 1.3 of the Commission's Rules, a waiver of the Tolling Rule's requirements for cause. The Permittee hereby request a tolling (or extension) for approximately 180 days (through, March 1, 2022 for KJUX and through April 1, 2022 for K229DP), due to circumstances beyond the Permittee's control and because such tolling, or other extension, is consistent with the public interest, including provision of broadcast radio services by a new entrant into broadcasting services.

The Tolling Rule allows the Commission to toll the expiration date of a construction permit under specific circumstances, including acts of God, delays due to administrative or judicial review, and court, environmental or zoning matters. In addition, as the Media Bureau has noted in similar contexts, a station that may not qualify for tolling under these specific criteria may yet present good cause to waive these tolling criteria when "rare and exceptional circumstances" prevented construction by the expiration date of the relevant construction permit. *See, e.g.,* Letter to Paradise (KCVU-TV) Licensee, Inc., LMS File No. 0000124987 (dated Nov. 6, 2020).

With respect to the Construction Permits, the Permittee diligently has been attempting to muster the resources to build the stations authorized under the Construction Permits, or in the alternative, to sell the Construction Permits, so that the residents of Lemon Grove, California, and surrounding areas, could have the benefits of new broadcast radio services. The Permittee used the services of a broker to assist it but with no success. The Permittee was unable to schedule meetings with persons local to the areas that would be served by the stations, if the Construction Permits were built, because of fear of infection. The failures to be able to meet, due to fear of infection, included an inability to meet with local officials. Such local people would be important to construction under the Construction Permits.

To date, those diligent efforts have not been successful. Most importantly, for more than a year, the Permittee has been stymied in all efforts to build the authorized stations or sell the Construction Permits. The Permittee believes that the unprecedented harms, fear and disruptions caused by the COVID-19 pandemic have been the primary cause for the difficulties that the Permittee has encountered.¹

The Permittee has been blocked from completing construction authorized under the Construction Permits, either by itself or through sale to a qualified assignee, in large part because of the COVID-19 pandemic. The vast harms to the US economy caused by the pandemic are

¹ Please see the attached Declaration.

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well known and documented. The Permittee is convinced that COVID-19 has made access to the capital markets virtually impossible for it (a tiny entity).

Accordingly, the Permittee respectfully requests that its Construction Permits be tolled, or otherwise extended, due to the catastrophic effects of the pandemic, which should be considered an “act of God” or other grounds under the Tolling Rule. In the alternative, the dire economic effects of the COVID-19 crisis should be considered “rare and exceptional circumstances” sufficient to be considered good cause to waive the tolling criteria under the Tolling Rule.

Granting this request would be consistent with the Commission’s many actions extending deadlines, and offering other relief, due to the COVID-19 crisis² and otherwise would serve the public interest.

² See, e.g., *The Wireline Competition Bureau grants a petition for extension of a waiver of section 52.15(f)(1)(vi) of the Commission's Rules*, DA 21-152 (WCB, February 11, 2021); *Procedures for Filing Requests for Waiver, Reduction, Deferral and Installment Payment of FY 2020 Regulatory Fees Due to the Coronavirus Pandemic*, DA-20-1033 (September 4, 2020); *Extends through November 30, 2020 the Temporary COVID-19 Waivers of Certain Rules Governing the Telecommunications Relay Services (TRS)*, DA 20-946 (CGB, August 26, 2020); *Lifeline and Link Up Reform and Modernization*, WC Docket No.11-42, Order, DA 20-577, paras. 3, 12-15 (WCB rel. Jun. 1, 2020) (extending prior waivers of the Lifeline program’s recertification, reverification, general de-enrollment, usage requirements, and income documentation requirements through August 31, 2020). *In the Matter of Sponsorship Identification Requirements*, DA 20-679 (MB, June 26, 2020) (Extension of temporary waiver previously granted by the Bureau regarding certain sponsorship identification requirements).

DECLARATION

I, Gerard A. Turro, and subject to the penalty of perjury, declare as follows.

I am more than 18 years of age and I am the president of Christyahna Broadcasting, Inc., the permittee of construction permits for KJUX(AM), Lemon Grove, California (Facility ID 160820) and its associated FM translator K229DP, Lemon Grove, California (Facility ID 201336) (the "Construction Permits"). Starting shortly after the grant of the Construction Permits, I began diligent efforts to either raise capital sufficient to construct the stations authorized by the Construction Permits, or in the alternative, sell the Construction Permits to a qualified third party, which would construct the stations as authorized under the Construction Permits.

During the first year and a few months following grant of the Construction Permits, I had some promising contacts about construction under, or sale of, the Construction Permits. Unfortunately, starting in a month or two into 2020, for more than a year all prospects for construction under, or sale of, the Construction Permits disappeared. I made diligent efforts for construction or sale but I could not generate any interest. I used the services of a professional broadcast broker but, again, there was no interest. Also during the course of the COVID crisis, I could not obtain meetings with persons local to the areas that would be served by the stations if the Construction Permits were built, due to fear of risk of infection. Those failures to meet included local officials. Such local people would be important to construction under the Construction Permits. I believe that the COVID-19 pandemic closed the capital markets to me. I am convinced that the dire economic circumstances caused by the COVID-19 crisis were the primary causes which stymied my efforts to build the stations or sell the Construction Permits.

This declaration is offered in support of the Christyahna Request to Toll or Extend Construction Permits, which I participated in preparing, including review of a materially final draft of it.

Date: April 16, 2021

By: 
Gerard A. Turro