



ENGINEERING STATEMENT OF CYNTHIA M. JACOBSON  
IN SUPPORT OF A FURTHER AMENDMENT TO AN  
APPLICATION FOR CONSTRUCTION PERMIT  
FCC FILE NO. BNP-20070926AMO  
NEW - LEMON GROVE, CALIFORNIA  
1400 kHz - 0.5 kW - ND-U  
Facility ID: 160820

Applicant: Christyahna Broadcasting, Inc.

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia.

My education and experience are a matter of record with the Federal Communications Commission. I am a Registered Professional Engineer in the Commonwealth of Virginia, Registration No. 027914.

GENERAL

This office has been authorized by Christyahna Broadcasting, Inc. ("CBI") to prepare this statement, FCC Form 301, and the attached exhibits in support of a further Amendment to an Application for Construction Permit (FCC File No. BNP-20070926AMO)<sup>1</sup> for a NEW AM facility on 1400 kHz at Lemon Grove, California.

This amendment proposes no technical changes, but instead formally requests a waiver of Section 73.24(i) of the Rules if deemed necessary. The technical changes as proposed in the September 29, 2009 amendment remain valid. It is believed that a request

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<sup>1</sup>Long form application submitted under the processing procedures for a "singleton" application in AM Auction No.84 per FCC's Public Notice, released July 27, 2007.

for waiver of Section 73.24(i) is not necessary in accordance with the John R. Hughes decision.<sup>2</sup>

#### DAYTIME COVERAGE CONTOUR

As presented in the September 29, 2009 amended Figure 5, the proposed 5.0 mV/m daytime contour will provide service to 81.31% area of the community of license, Lemon Grove, California. The proposal will serve 84.76% of the total population of Lemon Grove.

#### JUSTIFICATION FOR GRANT OR WAIVER OF 73.24(i) FOR GRANT

The day site was carefully selected so as to meet the city coverage requirements and the daytime protection requirements to co-channel and adjacent channel stations.

The Commission has recognized a 90 percent figure as substantial compliance and an 80 percent figure as the minimum level for adequate community coverage.<sup>3</sup> This Commission decision was further confirmed in the matter of KCBQ(AM), San Diego,

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<sup>2</sup>See *John R. Hughes*, 50 Fed. Reg. 5679 (1985)(Coverage of 80 percent of the "residential area" of a community constitutes "substantial compliance" with the city coverage rule.).

<sup>3</sup>See *AM Assignment Standards*, Report and Order, 39 FCC 2d 645, 670 (1973), cited in *John Hughes*, 50 Fed. Reg. at 5680. The staff, pursuant to a policy of substantial compliance, routinely waived Section 73.24(j) for applicants showing at least 80 percent coverage. In 1991, Section 73.24(j) was replaced with the current Section 73.24(i), which explicitly established the 80 percent coverage requirement. See *AM Assignment Criteria*, Report and Order, 6 FCC Rcd 6273 (1991).

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California, File No. BP-20040827ACI.<sup>4</sup> In this case, Radio, license of station KCBQ(AM) requested a waiver of Section 73.24(i) because the proposed 5.0 mV/m daytime contour covered 96% of the area of San Diego, California. The Commission in its letter states:

*Radio needs no waiver with respect to KCBQ(AM)'s daytime coverage of San Diego, as its proposed coverage of 96 percent of the city amounts to "substantial compliance" with Section 73.24.*

Thus, it was believed on this premise that a waiver of Section 73.24(i) of the Rules was not necessary and therefore not requested in the application of Lemon Grove.

SUMMARY

It is believed that the Application for Construction Permit, as amended September 29, 2009, is in "substantial compliance" with the city coverage rule and should be granted. Should the Commission deem it necessary, CBI requests a waiver of Section 73.24(i) of the Rules.

CONCLUSION

This statement and Section III of FCC Form 301 and the attached exhibits were prepared by me or under my direct supervision and are believed to be true and correct.

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<sup>4</sup>Letter to James P. Riley, Esq., dated April 6, 2006 in reference to: KCBQ(AM), San Diego, California, Facility ID No. 13509, File No. BP-20040827ACI and KHCM(AM), Honolulu, Hawaii, Facility ID No. 13985. File No. BP-20040827ACH.

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It is submitted that the proposed operation described herein complies with the technical standards of the Rules and Regulations of the Commission.

DATED: November 4, 2009

