

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET, SW**  
**WASHINGTON, DC 20554**

AUG 22 2008

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West Virginia Educational Broadcasting Authority  
600 Capitol Street  
Charleston, WV 25301-1223

Re: NEW(FM); Bluefield, WV  
Facility ID No. 173309  
West Virginia Educational Broadcasting  
Authority  
BNPED-20071019ADN

Dear Applicant:

This letter refers to the above-captioned application for a new non-commercial educational FM facility to serve Bluefield, WV.

An engineering study of the application reveals that it is in violation of 47 C.F.R. § 73.509 with respect to the first-adjacent channel Class C1 license (BLED-19951023KA) for WMMT(FM), Whitesburg, KY. Specifically, the proposed protected contour (60 dBu) would receive prohibited overlap from the interfering contour (54 dBu) of WMMT by over 1 kilometer between the azimuths from 274°T to 277°T. This constitutes an acceptance defect.

In light of the above, Application BNPED-20071019ADN is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and is HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: Kenneth E. Satten  
Ryan Wilhour