

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

DEC 18 2008

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

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JBN, Inc.
311 Linda Vista Drive
Hendersonville, NC 28792

Re: WFHC-LP, Hendersonville, NC
JBN, Inc.
Facility ID No. 135228
BMPL-20080822AAX

Dear Applicant:

This letter refers to the above-captioned application for a minor modification to a construction permit as amended on December 15, 2008.

An engineering study has revealed that the proposed transmitter site specified in the application fails to meet the minimum spacing requirements of Section 73.807 of the Commission's Rules¹ in relation to co-channel translator application, BPFT-19970915TG, Brevard, NC. The required separation is 32 kilometers, whereas the separation proposed is 25.8 kilometers.

The instant application creates a new co-channel short-spacing where none previously existed. Therefore, the instant application specifying a channel change that becomes short spaced is in violation of Section 73.807 of the Commission's Rules.² Channel changes are only authorized for rule compliant, fully spaced channels.

In light of the above, application BMPL-20080822AAX IS HEREBY DISMISSED. This action is taken pursuant to Section 0.283 of the Commission's Rules.³

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Donald E. Martin, P.C.
Timothy L. Warner Inc.

¹ 47 C.F.R. § 73.807.

² 47 C.F.R. § 73.807.

³ 47 C.F.R. § 0.283.