10 October 2005

Draft LAP Variation
Remote Central and Eastern Australia
ACMA
PO Box 34
BELCONNEN ACT 2616

Dear Sir/Madam

DRAFT LAP VARIATION REMOTE CENTRAL AND EASTERN AUSTRALIA

I refer to ACMA’s proposals to vary the technical specifications of commercial radio services in areas of remote New South Wales, Queensland, South Australia and Victoria as notified on 5 September 2005. Commercial Radio Australia opposes some of those proposed changes because of the impact they will have on existing commercial radio services in adjoining licence areas.

1. The specific proposals which Commercial Radio Australia opposes

Commercial Radio Australia engaged an independent engineering consultant to review the draft LAP variation and to provide a report on the likely impact that such changes would have on commercial radio stations in adjoining licence areas.

On the basis of that report, Commercial Radio Australia opposes those proposals that will affect the existing commercial radio services as identified below:

- **5MU (Murray Bridge)**: affected by increase in the power of 8SAT FM transmitters located at Meningie, Perponda (Lameroo) and Kingscote (Kangaroo Island).
- **5SE (Mount Gambier)**: affected by proposals to increase the power of 8SAT FM transmitters located at Coombargana (Kingston SE) and Padthaway.
- **5CS (Port Pirie)**: affected by proposals to increase the power of 8SAT FM transmitters located at Kapunda and Maitland (Yorke Peninsula).
- **5CC (Port Lincoln)**: affected by proposals to increase the power of 8SAT FM transmitter located at Minlaton (Yorke Peninsula).
- **Adelaide metropolitan radio**: affected by proposals to increase the power of 8SAT FM transmitters located at Kingscote (Kangaroo Island), and Maitland and Minlaton (both on the Yorke Peninsula) providing overspill into Adelaide’s beachside suburbs and the elevated areas of the Adelaide Hills.
- **Melbourne metropolitan radio**: affected by proposals to increase the power of 8SAT FM transmitter located at Lake Mountain providing overspill into the northeastern area of the Melbourne licence area.
We understand that the proposals identified above will:

- create significant overspills into adjoining licence areas which are already well serviced by the existing commercial radio services; and

- will deliver 8SAT a significant windfall in terms of additional listeners numbering around 55,000 people in regional commercial areas plus significant numbers in the Adelaide metropolitan area (possible as many as 100,000 people) and possibly 10,000 people in the Melbourne licence area.

2. The basis of our submission

Commercial Radio Australia opposes the proposals identified above on the basis that:

- they are unfair to incumbent commercial radio licensees who have made investment decisions in reliance on the current regulatory structure (including the relevant LAPs) and their understandings about the number of services that would be available in each licence area — the proposed changes will undermine the valuation of the incumbent services in the adjoining licence areas identified above;

- they are inconsistent which the ABA’s 2003 announcement of a moratorium on new analog commercial radio services in markets that are already served by the existing commercial radio services — the proposed changes will introduce additional commercial radio services to compete over the limited advertising revenue available in the adjoining licence areas identified above;

- they are contrary to the existing regulatory scheme in the Broadcasting Services Act which is designed to ensure that all commercial radio services adequately serve audiences in their respective licence areas — the proposed changes go beyond what is necessary to ensure that 8SAT adequately serves audiences in its licence area;

- they are contrary to the existing regulatory scheme in the Broadcasting Services Act which limits fortuitous coverage to situations where it is unavoidable for technical reasons or where it is justified because of inadequate reception provided by broadcasting services in adjoining licence areas to listeners in those licence areas — listeners are already well served by existing services in the adjoining licence areas identified above (i.e. there is no justification for allowing 8SAT to extend its service coverage into those licence areas) and it is possible to technically limit the level of 8SAT’s of overspill into those adjoining licence areas (as identified below); and

- the proposed changes will create a dangerous precedent which could undermine the integrity of the LAP process.

3. Our proposals to limit the amount of potential overspill

Our engineering consultant has also prepared some mitigation strategies that ACMA can adopt to reduce the potential overspill that would result from the proposed changes identified in this letter. These strategies are contained in the attached appendix to this letter. I look forward to receiving ACMA’s response to this letter. If you require any additional information of clarification of any of the points made in this letter, please feel free to contact me on (02) 9281 6577.

Yours sincerely

Joan Warner
Chief Executive Officer
Attach 1
Proposals for 8SAT that should not be accepted without modification

All of the following 8SAT proposals should be challenged on the basis that they would provide excessive overspill as described. Note that in some cases the name of the site can be misleading. I have made appropriate comments where necessary

97.7 MHz from Coorong Council Tower Binnie Lookout, Coonalpyn Road, Meningie, with a maximum ERP of 3 kW directional, vertical polarisation. This site is known by the ACMA as Coonalpyn, as shown in the specifications in the draft variation to the LAP, although the stated transmission site is close to Meningie, about 45 kilometres from Coonalpyn.

- Affects Grant Broadcasting’s 5MU, notably in Meningie, Tailem Bend and to some extent also in Murray Bridge.
- Likely to reach up to 10,000 people within the 5MU licence area.
- I suggest the ERP in the sector 350° through 0° to 020° be reduced to a maximum of 500 watts in order to restrict radiation towards these major centres within the 5MU licence area.

99.5 MHz from Power Communications site 6km NNW of Dutton, Mt Rufus (Kapunda), with a maximum ERP of 1 kW directional, vertical polarisation;

- Affects parts of 5CS licence area, notably Balaklava, Burra and Clare which are the major rural population centres in the east of 5CS’s licence area.
- Likely to reach up to 5,000 people within the 5CS licence area.
- Suggest reducing the ERP in the sector 230° to 360° to 250 watts, to restrict overspill into the 5CS licence area.
- It is unlikely the proposed power increase for 8SAT would impact on the Adelaide licence area.

95.3 MHz from Perponda Hill 2.2 km W of Fiveways Rd, Perponda (Lameroo), with a maximum ERP of 2 kW directional, vertical polarisation. This site is shown in the ACMA specifications as Karoonda (it is also listed as Lameroo).

- The site is at Perponda, which is on the eastern boundary of the 5MU licence area, approximately 40 kilometres from Murray Bridge (more than 80 kilometres from Lameroo!).
- The proposed specifications would lead to strong signal overspill into Murray Bridge and Tailem Bend, and possibly into Mannum, plus other small towns on the eastern fringe of the 5MU licence area.
- Likely to reach more than 10,000 people within the 5MU licence area.
- Suggest the ERP in the sector 200° to 350° be reduced to 200 watts maximum

95.5 MHz from CFS Site Old Bullock Track, Kingscote, with a maximum ERP of 3 kW directional, vertical polarisation;

- Likelihood of serious overspill into the Adelaide and 5MU licence areas using the proposed specifications, notably into Victor Harbor, Goolwa and Strathalbyn, and parts of the Fleurieu Peninsula.
- Likely to reach more than 15,000 people in the Adelaide and 5MU licence areas.
- Suggest reducing the ERP in the sector 0° to 135° to 250 watts maximum (note the current proposal in most of this sector is for an ERP of 3000 watts).
107.3 MHz from Broadcasting Site Ling Murraup Tank Pump Hill **Coombargana**, (Kingston SE) with a maximum ERP of 2 kW directional, vertical polarisation; at this stage, I have not been able to locate this site but from its specifications it must be located close to Kingston, or possibly on the Kingston to Naracoorte Road.

- This site is likely to impact on the western parts of the 5SE licence area, notably in Millicent and Naracoorte.
- Likely to reach approximately 5,000 people within the 5SE licence area.
- Suggest the specifications for the ERP in the sector 75° to 210° be reduced to 500 watts, maximum.

89.3 MHz Lake Mountain Road **Lake Mountain**, with a maximum ERP of 500 W, directional, vertical polarisation;

- The Lake Mountain site has always been problematic because of its proximity to the northeastern edge of the Melbourne licence area.
- Likely to reach several thousand people in the NE part of the Melbourne licence area, and small scattered communities within the 3SR/3SUN licence area.
- Suggest the ERP in the sector 170° to 250° be reduced to 100 watts maximum.
- The ACMA indicates that this service must restrict its power in the direction of Geelong, to protect a high power open narrowcasting services; this might indicate that the 8SAT transmitter at Lake Mountain could also provide a service into Geelong, but this seems dubious given the distance from lake Mountain to Geelong (about 150 kilometres).

90.9 MHz from Tank Site 5.5 km east **Maitland** (Yorke Peninsula), with a maximum ERP of 4 kW, directional, vertical polarisation;

- this site and Minlaton both have good over-water access into the Adelaide metropolitan licence area and would be expected to provide excessive overspill into Adelaide’s beachside suburbs and elevated areas in the Adelaide Hills.
- The proximity of the transmitting site to the southern edge of the 5CS licence area is likely to cause excessive overspill into the regional centres of Moonta, Wallaroo and Balaklava (all within the 5CS licence area).
- Likely to reach more than 5,000 people within the adjacent 5CS licence area. Also potential to reach the northern beachside suburbs of Adelaide.
- Suggest the ERP for Maitland in the sector 300° to 0° and 0° to 160° be reduced to 100 watts maximum (currently the proposed ERP in this sector ranges from 500 watts towards the north up to 4,000 watts towards the east). The specification for this proposed site may be problematic because it is so close the boundary of the 5CS licence area.
- The licensee for this service has been trying for many years to get a relatively high power FM transmitter into Maitland on the pretext that it is essential to serving the Yorke Peninsula. 8SAT has two transmitters proposed on the Yorke Peninsula, the other at Minlaton, which together will adequately serve the Peninsula with power restricted towards the east where there are few people in the 8SAT licence area.

98.9 MHz from Broadcast Site South Australia Water Tank, Stansbury Road, **Minlaton** (Yorke Peninsula), with a maximum ERP of 10 kW omni-directional, vertical polarisation; comments as for Maitland (above); also may impact on 5CC Port Lincoln with existing high power specification for 10,000 watt transmitter.

- One must question the need for a 10 kW transmitter at this location given that adequate coverage is provided of Kangaroo Island from its transmitter at Kingscote (3 kW)about 70 km south, and another on the Yorke Peninsular at Maitland (4 kW) 45 kilometres north of Minlaton.
- Likely to reach a significant proportion of the Adelaide licence area, possibly as many as 100,000 people in Adelaide’s beachside suburbs and in the Adelaide Hills.
- Suggest reducing the ERP in the sector 0° to 180° to 500 watts maximum, to protect the Adelaide commercial services.
100.3 MHz from Collins Hill, Bordertown Road, Padthaway, with a maximum ERP of 5 kW directional, vertical polarisation;

- this site is about 48 kilometres from Naracoorte and 20 kilometres from the eastern boundary of the 5SE licence area.
- Likely to produce significant overspill into Naracoorte; and to reach approximately 8,000 people within the 5SE licence area;
- Suggest reducing the ERP in the sector 100° to 180° to 500 watts maximum.

96.5 MHz from Thomas Tank Hill, Pinnaroo, with a maximum ERP of 4 kW directional, mixed polarisation;

- This site is about 40 kilometres south of the boundary of the 5RM licence area;
- A 4 kW transmission to the north from the proposed site is likely to create overspill into Peebinga and outlying homesteads within the southern edge of the 5RM licence area;
- Likely to reach scattered rural farms and small communities within the 5RM licence area (unknown population data);
- Suggest reducing the ERP in the sector 315° to 0° to 15° to 2,000 watts maximum.

The total population likely to receive fortuitous reception from all of the 8SAT proposals is around 55,000 people in regional commercial licence areas PLUS significant numbers in the Adelaide metropolitan licence area (possibly as many as 100,000 people) and perhaps 10,000 people in part of the Melbourne licence area, due potential overspill from a proposed remote commercial radio service transmitter into an adjacent regional or metropolitan commercial radio licence area.