10th February, 2006

Dear Sir

Mudgee Radio 2GEE Proposed Licence Area Extension

ACMA is proposing to extend the Real FM (2GEE) Mudgee licence area to include part of the Rebel Media (4RBL/4BRZ) licence area in order to allow 2GEE to serve an extended coverage area and to allow 2GEE to site at a more favourable translator site (Mt Bocoble) within the Rebel Media Licence Area.

To impartially assess the proposal in isolation may lead to the conclusion that there is merit in the proposal, as 2GEE is commercially well placed to serve the extended area and it's sensible to choose a site that affords the best coverage to both the existing licence area and an extended licence area that is underserved.

Our difficulty in supporting this proposal does not lie in the proposal itself, but in an inconsistent planning approach from ACMA. Rebel Media have submitted proposals to ACMA that are almost identical in nature, unsuccessfully.

For example, in 2003, Rebel Media requested translators for its services in Stanthorpe Shire, sited ~3km outside the current licence area boundary. It was the site of choice to primarily allow a far better service to be provided to the existing Rebel Media licence area in southern & central Stanthorpe Shire, with a secondary aim to provide a service to an extended licence area in rural Northern Stanthorpe Shire, which is a sparsely populated area that receives inadequate reception from its licensed Toowoomba commercial radio services.

There were no urban centres in the proposed extended area and no predicted overspill into any urban centre beyond the current licence area boundary. The application was rejected by ACMA (ABA).
Consequently large parts of southern Stanthorpe Shire in the Rebel Media licence area today can’t receive our services and in rural Northern Stanthorpe Shire (where we had proposed to site & extend the service) they still don’t receive adequate reception of the Toowoomba commercial radio stations licensed to serve that region.

So we’re a little confused as to why a similarly structured 2GEE proposal is moving forward through the planning process.

To add to our concern, Rebel Media wrote to ACMA (ABA) twice in 2004 enquiring about planning permission to establish a 4RBL 1kw translator at Cumber Melon within our licence area to serve much of the same region proposed to be served by 2GEE. We haven’t received a reply to either of those enquiries.

If ACMA proceed with the 2GEE proposal, we would expect that a request for 4RBL/4BRZ spectrum at Cumber Melon (or at Mt Bocoble with similar specifications to 2GEE) would be accommodated by ACMA. There would however be some doubt as to whether Rebel Media would ever be able to viably proceed with translators that operate in competition to 2GEE, given that 2GEE/2MG are also licensed to serve the larger immediately adjacent Mudgee region.

We have always been open and supporting of practical changes in licence area and coverage boundaries where the benefits to both the broadcaster and community to be served are clear and where those changes have due regard to the ability of the incumbent and incoming broadcasters to provide their services. A less rigorous approach to investigating those issues can tend to produce an outcome that favours licensees in compact densely populated licence areas that adjoin a geographically larger, more sparsely populated licence area.

If ACMA proceed with the 2GEE proposal we would have to assume that this signals a new more flexible planning approach from ACMA and that Rebel Media could expect ACMA to be receptive to similar proposals that benefits part of our licence area coverage.

If however this is not the case, then we must strongly object to the 2GEE extension and request ACMA pursue the earlier requested 4RBL translator and reject a license extension for 2GEE.

Regards

Aaron Jowitt
DIRECTOR