Submission to ACMA regarding DRCP

ACMA 2007 /1740
24 November, 2008

Background
8SAT – Flow FM thanks ACMA for the opportunity to comment on Digital Radio Channel Plans for the five major capital cities. 8SAT – Flow FM is a member of Commercial Radio Australia (CRA) and broadly accept the CRA submission.

However, as an adjacent broadcaster to the Melbourne and Adelaide License Area Plans (LAP), we would offer the following qualification to ACMA in its determination of the Digital Audio Broadcast (DAB) specifications in the above two LAP’s.

Discussion
CRA in previous submissions to the Australian Communications and Media Authority (ACMA) regarding the 8SAT LAP has taken the view that there be no overspill into adjacent LAP’s.

During consultation with CRA about the projected overspill of DAB planning into the 8SAT LAP, 8SAT noted the preferred position of the Adelaide licensees was for overspill to geographical areas at almost the same square kilometres to that which the licensee was attempting to serve. In the case of Melbourne 8SAT notes significant overspill to 8SAT, Warragul and Geelong licenses.

8SAT notes the importance to the industry of a successful implementation of DAB, however this should not be an implementation at the expense of adjacent license viability and traditional planning measures unless the same measures used apply to existing and future planning for the 8SAT LAP.

Broadly, 8SAT has held the view of minimal overspill. The Adelaide and Melbourne DAB plans do not represent a minimal overspill in terms of the 8SAT licensed population, delay in digital licensing being available for remote areas and related viability issues if the current proposal were to be accepted without modification.

- The Adelaide and overspills equate to 10% of the 8SAT total population and the Melbourne overspill 3% of the total 8SAT population. The overspill affects the home town of Kapunda where 8SAT studios are located and from where programming content is originated.
- Remote planning for Digital Radio is at least 5 years away and therefore this time period allows the overspilling part of the Adelaide and Melbourne markets a strong market advantage both technically and in time terms to erode the 8SAT license of listeners in the adjacent areas to Adelaide and Melbourne.
- The Yorke Peninsula and the Northern Barossa / Mid North markets equate to a significant portion of 8SAT revenue and with the subsequent availability of 6 Adelaide commercial radio services plus the multiplicity of content on each license which could see a further 18 ‘narrowcast’ commercial services available in the 8SAT license. This would have an affect on the viability of the 8SAT license as a whole and could see more remote or outback services that are subsidised by the broadcaster not being able to be continued.
There are two options that 8SAT believes could result in a “win win” for all licenses.

**Reciprocity**
8SAT in discussions with CRA have come to an in principle agreement that the overspill by the Melbourne and Adelaide licenses be supported if ACMA planning accords the same support for 8SAT overspill into the Adelaide and Melbourne LAP’s. This would be based on the number of people in the over spilt adjacent license as a percentage of total licensed population of the license that is over spilling. 8SAT notes the support by SBS in its submission to ACMA about CMS for planned overspill as a solution for LAP boundary issues rather than blocking or jamming transmissions.

**Lower Powered Model with Upgrade after Analogue Television is Terminated**
A second view is offered if ACMA is unable to obtain a reciprocal and legitimate overspill agreement as sought above. ACMA could reduce the field strengths for the Adelaide and Melbourne DAB specifications until analogue TV spectrum becomes available in 2013. Once spectrum is available, lower powered DAB’s could be positioned in the peripheral LAP areas. This model has been use in analogue planning for regional and remote licensees where multiple FM sites have been licensed in order to reduce adjacent licensed overspill.

**CMS**
8SAT has previously submitted to ACMA its opposition to jamming adjacent signals via CMS technology in that it is expensive to the industry and it sends the wrong message to the listening audience. A better model is for ACMA and the licensees to agree on legitimated reciprocal overspill. Should CMS be considered by ACMA we would propose that the use of CMS is an action of last resort and should only be applied when the overspill exceeds a critical level. In particular, that a licensee should be precluded from seeking CMS protection against an adjacent licensee where there has been historical overspill from the applicant licensee into the adjacent area and where the reverse overspill is commensurate with the original overspill.

**Licensing**
8SAT would seek a license area extension to legitimate agreed overspill with the Melbourne and Adelaide markets and is happy to provide LAP specifications upon request.

The writer is available for further comment on 08 8566 3151 or at the address below

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