

SUBMISSION FOR REMAKING OF TECHNICAL PLANNING GUIDELINES

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Question 1 Do you consider the identified scope of consideration for changes to the Framework appropriate? If not, should it be expanded, and in what ways?

No. It must be significantly expanded.

The scope of consideration needs to be expanded to include all broadcasting services and the BSA itself, which was largely created back in the 1990s before internet streaming became commonplace. The firm establishment of online broadcasting options (which operate outside of the BSA) means that the BSA is suffering from a reduced effectiveness and relevance in the wider community.

Virtually all broadcasters now provide alternative online outlets for their content. These are increasingly becoming the preferred content distribution method. This is because exact data can be observed as to listeners i.e. when and where they are listening. This data is vital to broadcasters who rely on sponsorship or advertising revenue.

It is envisaged that this “churn effect” away from analogue delivery channels will continue and accelerate. The BSA needs to reflect this and ensure effective use of the spectrum during this process.

In particular, it is likely in the near future that digital terrestrial TV broadcasting and DAB will end, as a result of the very high costs involved with maintaining these services and the diminished revenue available to operators in this spectrum. Much of the digital television broadcasting infrastructure currently in use was installed in the early ‘00s and is reaching the end of its effective service life.

This is happening as an ever increasing number of viewers churn to internet streaming forms of content delivery from these same providers. Most new dwellings built from the mid ‘teens onwards, no longer even include a TV antenna on the premises, as streaming of FTA content has become standard.

As FTA infrastructure comes to “end of life,” the owners are unlikely to see the high cost of replacement justified. This will ultimately result in large, commercial television broadcasters “handing back” their broadcast licenses and shutting down major broadcast sites to reduce costs.

Apart from freeing up spectrum, this will also result in the displacement of many FM radio broadcast services off these sites as they will be unable to meet the ongoing cost of maintenance without the co located television services in place.

The entire BSA needs to be re worked to reflect the increased likelihood of major shifts in the broadcast environment within the next 10 years.

The future of Television and Radio Broadcasting in Australia,
Its a cruel world : the next 10 years:

Television:

There is no future for terrestrial television broadcasting in Australia. This won't be a technical revolution, but a business driven one. Within 10 years for all broadcasters, the business model of maintaining FTA high power digital broadcast against advertising revenue will no longer make sense, when that same market can be easily reached through effective internet streaming at a fraction of the cost and delivering far more effective viewer data back to the broadcaster than FTA (with its imprecise surveys) could ever hope to deliver.

As old digital transmitting equipment falls due for replacement, owners will instead decide on a shut down date for their service and then just hand the license back. High value metropolitan broadcast sites will then be closed and sold for their land value. This is already happening in some metropolitan markets such as Sydney where one such site is now gone.

This natural migration will leave a 100% on line digital distribution model for both existing and any future television "broadcast" services in Australia. Spectrum freed up by closure of digital television broadcasts will then be sold by the Government and reassigned for use by mobile service providers with cell towers.

FM Radio & DAB:

As high power television sites are progressively shut down and sold by their television owners, high power FM broadcasts originating from the same sites will be fragmented and forced on to alternative broadcast sites with much lower power and coverage than the previous service. This will substantially reduce the value of these licenses. DAB will be forced to choose a closure date, as a result of losing the high power sites they are currently hosted from. Listeners will be encouraged by broadcasters to churn to online alternatives.

FM radio will also continue to experience significant churn to online distribution. However unlike with television, the mobile (in car) market is likely to "prop up" analogue FM radio as a distribution method for many years into the future.

Unlike television (which will experience a 100% churn to online distribution), FM radio will only ever get to about 70% penetration through online streaming. The remaining 30% will always remain with analogue FM, albeit at significantly reduced power than those currently operated by high power FM commercial broadcasters. This is because there will always be a certain number of FM receivers in use out there in older vehicles and in use in situations where network streaming is inappropriate, impractical or unaffordable.

Any new BSA and LAP review needs to reflect this migration process.

Ultimately, the FM broadcast band (87.6 to 108 MHz) only occupies 10MHz of VHF space. This is unlikely to ever be reassigned to other uses, so the band will remain in operation for analogue FM broadcast indefinitely.

Existing community broadcasters will largely remain. These will be largely unaffected by the carve up of television sites, and will also be the easiest to relocate for those that are affected. Existing high power commercial broadcasters (particularly in the metropolitan areas) will be forced to hand back their high power service licenses and instead seek a number of low power alternatives that cover the same area. Some will go 100% online, giving up on FM altogether.

As a result, existing community broadcasters (remaining where they are) are likely to eventually end up operating some of the highest powered broadcasts on this band into the future.

The LAP process has become increasingly irrelevant to the communities it was intended to serve, especially for commercial broadcasting. For good examples, we don't need to go any further than both 2UUS and 2ONE in the Sydney area. 2UUS, previously 2WS on AM, originally began broadcasting from Prospect on the AM band, with Western Sydney as its focus and with studios located at Blacktown. Now, it broadcasts a high power FM signal from Artarmon along with all other Sydney based commercial broadcasters and with its studios based in North Sydney, along with all the others. It has now rebranded to "Gold FM" and has no unique relevance to its original coverage license area whatsoever.

Likewise CADA (once known as One FM or originally 2KA) which broadcasts from Katoomba in the Blue Mountains, no longer has any relevance to the area it was designed to serve and instead focuses on the Sydney hip hop & R&B scene, again with studios at North Sydney and even using artificially generated spoken content on air content on weekdays from 2025 onwards.

Ultimately, the BSA and LAP process will need to be *abandoned altogether*. In its place, a "class license" regime will probably be established. This will permit experimenters to purchase low power FM broadcast licenses and use portions of the FM band to create small, local area and special event services using class licensed equipment.

The FM Broadcast band will eventually become an "experimenter's band" largely ruled over by the remaining community broadcasters. There is a possibility that responsibility for management of the entire FM band may one day be handed off by the Government to a representative third party, such as the Community Broadcasting Association of Australia.

AM Radio:

The barriers to entry as an AM broadcaster are significantly higher than for FM. This is likely to prevent this band from becoming an "experimenter's level" broadcast channel.

Existing high power AM services, being sufficiently separate from the abandoned television sites, are likely to continue on to become the only remaining "very high power, high coverage" broadcast services going forward.

With high power FM sites gone and the reliability and security of streaming services during emergency situations increasingly called into question, the AM band will become the nation's "default" emergency broadcast service. This is already happening overseas.

The high power ABC services on AM will remain Government funded and critical to providing service in emergencies across the nation. The delivery of commercial AM services however may be relaxed to include a larger number of smaller, experimental stations over time.

High power AM Commercial services will eventually disappear, as the cost of maintaining AM sites will eventually exceed advertising revenue when compared with online alternatives.

Question 2 What are your views on the observed issues with the Framework, and do you consider other issues should be addressed?

See above.

Question 3 Do you believe there is benefit in reviewing the minimum coverage criteria? If so, what are those benefits?

“Minimum coverage” will change once the high power services progressively disappear. Yes, there needs to be significantly reduced control around the ability of a licensee to temporarily relocate a transmitter site in an emergency situation.

A licensee should be able to maintain at least one alternative transmission site listed on their license. The parameters of this alternative site should be set conservatively to prevent interference with other services.

A licensee should be able to temporarily establish and use an alternative transmitter site in their existing defined area for at least 14 days before notifying ACMA of such a change.

In a world where online delivery methods have no physical boundary (i.e. a service can be received in downtown London just as easily as within a license area in Sydney) the ongoing perseverance of having a LAP becomes meaningless.

Question 4 What other relatively frequent scenarios have issues that should be addressed? Give specific examples.

The frequent scenario of a service not meeting its defined pattern needs to be addressed. In light of the comments made in (1) above and the reduced relevance of the LAP as a result of online delivery, it would be better to eliminate patterns altogether and instead adopt a unified and default “omnidirectional” pattern for all services.

In effect this should say “Here are your suggested your parameters for a directional service, however you may operate at the same ERP with an omnidirectional pattern if required.”

Question 5 Do you think the TPGs or any other part of the Framework would benefit from further clarity? Which areas would benefit from further clarity? What have you found unclear and how has this affected you?

Quite the contrary.

As a result of changing broadcasting business directions and effect, ultimately we will end up with a larger number of lower power services (on the FM band in particular). The TPG’s need to set out a minimum set of standards and frameworks for these services to exist, rather than try and deal with each one independently.

The changes coming to the sector are likely to result in significant disruption and chaotic response. Adopting restrictive frameworks will just leave Australia with wide gaps of unused spectrum.

Question 6 What are your views on use cases for exemptions to minimum coverage criteria to support emergency and standby transmissions? Should any other cases be considered? What are your views on the proposals to change the minimum coverage criteria and the potential other ways to change its application canvassed by the ACMA? Do you have any other views on the application of, and the need for, the minimum coverage criteria?

A “minimum coverage criteria” should reflect an alternative service of similar ERP established within the same LAP. Yes, there should be an exemption for minimum coverage criteria in these cases. In effect it becomes “we will do the best we can with what we have, as long as it doesn’t interfere with anyone else”.

Question 7 Do you think proposed changes to the overspill criteria, including the introduction of a possible new criterion (relating to assessing overspill at nominal sites), would be beneficial and would you agree with the introduction of such a new criterion? Under what use cases would you see the possible new criterion, aimed at increasing flexibility, being used?

Yes.

With the closure of high power commercial sites, these are likely to be replaced by multiple lower power sites with overspill. This is a common situation overseas. A standard set of parameters dependent on ERP and minimum distance between transmitters and minimum spacing on the band, is likely to be the best way forward.

For example, in the 1990s, a number of aspirant community broadcasters in Western Sydney conducted extensive testing at 200w ERP to confirm that 200kHz spacing of transmitters within 50km of each other was feasible, when at the time the accepted minimum spacing was 400kHz. Ultimately the LAP was adjusted to suit this arrangement and those broadcasters now use this spectrum accordingly.

Adopting a similar “table of acceptable overspill criteria” is likely to encourage better use of the FM band in the future once high power services cease to operate.

Question 8 Do you see benefit in the alignment of start up procedures between the TPGs and the LCD?

Not really at this stage.

As can be seen by the illustrations above, future broadcasting frameworks in Australia need to be completely rewritten to reflect what’s coming – because what is coming will be disruptive: not just evolutionary.

Question 9 Do you see benefit in the alignment of interference management procedures between the TPGs and the LCD?

Likewise as above. This needs to be done as part of a complete overhaul of the broadcast environment. Perhaps an interim alignment is due, but any such alignment needs to take into account the likelihood of future events which will disrupt these processes.

Question 10 Would you see benefit in any parts of the TPGs being moved to the LCD as proposed? What parts and what benefits would this bring? If these parts were moved, do you think these conditions should apply to a broader set of broadcasting service classes than they do now, or even be standardised across broadcasting services?

Yes. This would be seen as a move towards a broader set of standardised service classes and / or standardised across all broadcasting services. It is however (as mentioned above) likely to still be an interim change, eventually disrupted by the removal and “handing back” of high power licenses in metropolitan markets and (later) all markets.

Question 11 What are your views on introducing flexibility to maximum antenna height and maximum ERP in radio LAPs?

Positive.

This is likely to become mandatory as time progresses, in order to allow continued use of the broadcast bands as high power services disappear and are replaced by multiple lower powered ones. Introducing flexibility will encourage these services to remain operating at lower cost, rather than be placed in the “too hard basket”.

Question 12 What are your views on the risks of increasing flexibility to the TPGs and radio LAPs?

One should perhaps ask about the risk of NOT doing so.

The risk of “doing nothing” will be that large chunks of the broadcast band (800kHz) will be left empty when the various high power services start to disappear or migrate to lower elevation transmitter sites and away from the traditional television tower high power sites.

Question 13 What are your views on the risks of changes to the minimum coverage criteria?

This should be rephrased more as a question as to “what do we do with licensees who are not appropriately using their license”.

Certainly there needs to be a “use it or lose it” criteria applied to all broadcast services, and this will become increasingly important. If a licensed service is consistently not meeting its intended targets for coverage, service quality or existence, there needs to be provision in the plans for such a service to be easily terminated after one or two warnings are given, then offered on the open market to others.

Question 14 What are your views on the risks of possible differential minimum coverage criteria between TCBLs and long-term community broadcasting licences?

As stated, “This would not be an issue if the minimum coverage criterion were removed.”

Question 15 What are your views on the risks of changing the interference management requirements for broadcasting services, narrowcasting services and 're-transmission services'?

Interference management will become an increasingly important matter for a broadcast band impacted by "chaotic change" as a result of losing high power services and introducing more low power services as a result.

Interference complaints need to be investigated and acted upon quickly and decisively. Having minimum standards, particularly in regards to required filtering and performance of equipment used, set will assist this process.

The best way forward with this will probably be to examine a "class license" approach, meaning that equipment deemed to meet the requirements of a certain class license can then be used without further fear of it causing interference.


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