



GUIDE TO SUBMISSIONS

**INTEREST IN THE
PROVISION OF
NEW ANALOGUE COMMERCIAL
SOUND BROADCASTING SERVICES**

FM BAND



The Broadcasting Authority of Ireland (“the BAI”) reserves the right to correct or clarify any part of the *Guide to Submissions: Interest in the Provision for New Analogue Commercial Sound Broadcasting Services* (“*Guide*”) at any stage before the closing date for submissions.

Any such corrections, clarifications or supplementary information will be posted on the BAI’s website, www.bai.ie

All queries regarding this *Guide* should be emailed by Thursday, 3rd August 2017:

To Jean Crampton at e-mail bss@bai.ie

Broadcasting Authority of Ireland



Contents

1. INTRODUCTION.....	3
2. LICENSING OF COMMERCIAL ANALOGUE RADIO SERVICES.....	4
3. PROCEDURES FOR MAKING A SUBMISSION OF INTEREST	6
Appendix 1.....	10



1. INTRODUCTION

- 1.1 In accordance with Section 26(1)(a) of the Broadcasting Act 2009 (“2009 Act”), the Authority is currently undertaking the preparatory work for the revision of its Broadcasting Services Strategy (“the current BSS”). One of the key elements of this work will be the undertaking of a significant piece of research which will provide a comprehensive environmental and economic analysis of the marketplace in Ireland today.
- 1.2 In order to assist with the research project, the Authority is now inviting submissions from parties interested in the provision of new sound broadcasting services. The Authority is open to suggestions as to the nature of the service/services to be provided and the areas to be served by such additional services.
- 1.3 The submissions will be considered in the course of the research project which will have regard to the quality, range and type of programmes to be provided and in particular, the extent to which any new service will add to the diversity of services in any particular area.
- 1.4 Interested parties should make their submission in electronic format (PDF) no larger than 8MB in size, to the BAI or use the online consultation facility on the BAI’s website, www.bai.ie/consultations.
- 1.5 Information in respect of the proposed service should be presented in the format prescribed in Section 3 of this document under *Submissions of Interest in the Provision of New Commercial Analogue Radio Services*.
- 1.6 A separate submission is required for each proposed new service.
- 1.7 The closing date for making a submission is **12 noon on Thursday, 3rd August 2017**.
- 1.8 All submissions will be made available to the researcher contracted by the BAI to conduct a review of the broadcasting sector, which is due to commence in August 2017.
- 1.9 All submissions will also be made publicly available once they have been considered by the Authority.
- 1.10 Please note that a submission of interest in the provision of a new service **will not be** regarded as an application for a sound broadcasting contract. The submissions are being sought for research and information purposes only at this time.



2. LICENSING OF COMMERCIAL ANALOGUE RADIO SERVICES

2.1 The Broadcasting Act 2009 (“the 2009 Act”) sets out the statutory framework for the licensing and regulation of additional television and radio broadcasting services on a variety of platforms. In this regard, the 2009 Act sets certain broad objectives for the licensing of Sound Broadcasting Contracts and these have informed the development of the BAI’s policy for licensing sound broadcasting services, as set out in the current BSS, which was introduced in 2012 and the associated licensing plans. The 2009 Act and the BAI documentation are available on the BAI website at www.bai.ie/en/news-and-information/publications.

2.2 The current BSS sets out the parameters for the Authority’s licensing activities and its vision for such licensing activities. One of the key aims identified is *to facilitate the development of a responsible, vibrant and responsive Irish broadcasting sector which serves the needs of the people of the island of Ireland, taking into account the increasing cultural diversity of audiences. Diversity in content, programming, information and entertainment to viewers and listeners and the provision of high quality, innovative and relevant content to Irish audiences are central to this public purpose objective.*

The BSS also includes a series of specific objectives in relation to diversity of content to ensure that services licensed by the BAI serve the needs of Irish audiences; ensure that such services offer a variety of content to audiences reflecting their diverse interests; promote the provision of high quality programming on services licensed in Ireland; foster creativity and innovation in the Irish broadcasting sector; and, achieve plurality in viewpoint, outlet and source within the Irish broadcasting sector.

Potential respondents should familiarize themselves with this current BSS prior to completing a submission.

2.3 The BAI launched its third Strategy Statement (2017-2019) (“the Strategy”) in February 2017, setting out the Authority’s vision for ‘*an Irish media landscape that reflects and shapes who we are*’. The strategic objectives are set out under five strategic themes that include; *promoting diversity and plurality*; and, *enhancing innovation and sectoral sustainability*. The development and implementation of a revised BSS that continues to facilitate dynamic licensing policies and plans, including the promotion of quality programming in the Irish language, is a key deliverable within the new Strategy.

Further information on the Strategy and associated strategic objectives is available on the BAI’s website at www.bai.i/aboutus.

2.4 The submissions of interest received will form part of the research for the revision of the current BSS and any assessment of the submissions will have regard to the Authority’s policy objectives of diversity, sustainability, plurality and the efficient use of spectrum. The proposed service/s should complement the existing radio landscape in the particular area chosen by the respondent in the context of these objectives: -

- *Diversity*: to promote diversity of services with a view to providing the public with access to a wide range of quality services from a variety of sources;



- *Sustainability*: to facilitate the achievement and maintenance of greater sustainability within the broadcasting sector;
- *Plurality*: to facilitate a mix of voices, opinions and sources of news and current affairs in audio-visual media which enhances democratic debate and active citizenship in Ireland. The Authority's *Ownership and Control Policy (2012)* sets out the Authority's current policy in this regard and is available on the BAI website at www.bai.ie/en/news-and-information/publications.
- *Efficient use of spectrum*: to ensure effective use and management of available frequencies.

2.5 The key provisions in the 2009 Act with regard to the licensing of new commercial radio services are as follows:

- *Section 65*: this sets out the application process that the BAI must follow. It involves the Authority deciding on what services should be licensed, following consultation with ComReg on spectrum matters and then issuing instructions to the Contract Awards Committee (“the Committee”) of the BAI to implement the licensing process or processes.
- *Section 66*: this sets out the criteria that the Committee must have regard to when considering applications received.
- *Section 69*: sets out the powers of the Authority in relation to the terms and conditions of sound broadcasting contracts.
- *Section 33*: sets out the statutory levy obligations of sound broadcasting contractors.
- *Part 3*: sets out the duties imposed on sound broadcasting contractors in relation to programming and advertising.
- *Parts 4 & 5*: set out the complaints process and the manners of redress for non-compliance by sound broadcasting contractors.

2.6 With regard to the duties set out under Part 3 of the 2009 Act, the current BSS includes the regulatory measures that the Authority applies to the statutory requirements for news and current affairs content under section 39(1)(c). In accordance with section 39(3), the Authority can consider derogation from these requirements on a case-by-case basis and the Authority's approach to such derogation is set out in the current BSS.

2.7 **The existing radio landscape**: The current Irish radio landscape is a mix of national, regional and local services which can be public, commercial or community in nature, offering differing and varied content¹.

When considering its approach to the licensing of new services, the Authority will seek to build on the existing landscape in the context of the strategic policy objectives that will be achieved through its licensing activities.

¹ Refer table a at Appendix I.



- 2.8** The comprehensive environmental and economic analysis research commissioned by the BAI, coupled with the submissions of interest in the provision of new commercial analogue radio services received, will provide critical information to the Authority which will support the development of a revised BSS. It will include specific data on the current marketplace, industry development and future directions that will inform the Authority's approach to future licensing and any associated licensing plans and activities.

3. PROCEDURES FOR MAKING A SUBMISSION OF INTEREST

Please read the following guidance before completing the Submission of Interest:

- 3.1** *Format:* The submission of interest should be submitted in English or Irish either in the format outlined in this Guide so as to include all of the information requested therein.

- 3.2** *Submission:* The submission of interest must be completed in typescript or in block capitals in black ink. One electronic copy in PDF format, no larger than 8MB in size, should be submitted so as to reach the BAI's offices by **12 noon Thursday, 3rd August 2017**. The BAI's online consultation facility can also be used to make your submission, www.bai.ie/en/consultations

Public Access: Please note that the information provided in the submissions of interest received will be used to inform the development of the BAI's revised BSS and will be publicly available after they have been considered by the BAI.

- 3.3** *Confidential Information:* The BAI may deny members of the public access to material forming part of a submission of interest where the BAI deems it appropriate that such material should be treated as confidential. Information that may be deemed to be of a confidential nature includes, *inter alia*, information that is commercially sensitive and information, the disclosure of which, would involve a breach of a confidentiality obligation which the interested party owes to a third party.

Note: Information considered by an interested party to be confidential must be presented in an annex to the submission of interest. The annex should be marked "confidential". The reasons for believing that the information is confidential must be set out. Where the BAI believes material placed in a confidential annex should be made available for inspection, it will seek to reach an agreement with the interested party regarding the extent of disclosure of the information. If an agreement cannot be reached within such a period as determined by the BAI, at its sole discretion as reasonable, the BAI will treat such information as having been withdrawn and it will not be considered as part of the submission of interest.

- 3.4** *Freedom of Information:* Information may be made available to the public further to requests under the Freedom of Information Act, 2014. The BAI will consult with the interested party about the publication of any information treated as confidential at the time of submission, before making a decision on any Freedom of Information request received.



- 3.5** Any agreements between the BAI and interested parties regarding confidential and/or commercially sensitive information are without prejudice to the BAI's obligations under law, under the Broadcasting Act 2009 and the Freedom of Information Act referred to in the preceding section 3.4. The BAI therefore cannot warrant that information claimed as confidential by an interested party or treated as such might not be disclosed pursuant to law.

3.6 FORMAT FOR SUBMISSIONS OF INTEREST

Please ensure that your submission adheres to the format outlined hereunder and that you provide all the information requested.

By making a Submission of Interest you are confirming the following to the BAI: -

- that you have read and understood the *Guide for Submissions of Interest for New Commercial Analogue Sound Broadcasting Services*;
- that your submission will be made public; and,
- that you have the capacity and experience to provide the proposed service.

The format for a Submission of Interest is as follows: -

1. Respondent:

- 1.1 Please provide a general description of the person/entity making the submission.
- 1.2 Please provide your contact details (name of contact person, address, telephone and email).
- 1.3 Please provide details of the background and/or relevant experience of the respondent in the context of providing the proposed service.

2. Franchise area and Target Audience:

- 2.1 Please define the proposed franchise area in geographic terms with an ordinance survey map which should be enclosed. Respondents are not limited to any existing franchise area boundaries. The franchise area proposal should mirror the transmission plan set out in Part 3 of this section.
- 2.2 Please provide a profile of the total population (aged 15+) in the proposed franchise area.
- 2.3 Please define and provide a profile with reference to the age brackets of the target audience in the franchise area.



2.4 Please provide the projected listenership (reach) in this target group for the proposed service.

3. Technical:

3.1 Please provide a proposed transmission plan that includes the Site Name, National Grid Reference (Exxxxxx Nyyyyyy), Site Height, Antenna Height, Proposed ERP, Antenna Pattern and a description of the coverage that may be achieved from each of the proposed transmitter stations.

3.2 Please provide a rationale for the proposed transmission plan. This should include a description of the total coverage provided, highlight areas that may receive marginal or poor coverage and explain why each proposal represents an efficient use of spectrum.

3.3 Please give a general indication of the number, type and location of the studios required to deliver the proposed service.

4. Programme Service:

4.1 Please provide a general description of the format and content of the proposed programme service.

4.2 Please set out your rationale for the proposed service in the context of contributing to the diversity of programming/broadcasting services by reference to:

- the target audience; and
- the services available in the franchise area.

4.3 Please provide indicative details of: -

- total hours of broadcasting (per day/week);
- number of live hours (per day/week); and
- number of automated hours (per day/week).

4.4 Please indicate your approach, including the percentage of daily broadcasting hours to be dedicated to, the following areas for the proposed service:

- news and current affairs programming;
- speech programming; and
- music programming.



4.5 Please provide details of any networking arrangements envisaged.

5. Operational details:

5.1 Please describe the general operational and economic model envisaged in respect of the proposed service (please include details of any syndicated networks envisaged).

5.2 Please provide indicative annual income and expenditure projections for the first three years of operation.

5.3 Please provide indicative details of:

- the proposed organisational structure (management and staffing); and
- key income sources envisaged.

5.4 Please set out why you believe the proposed service will be sustainable from an economic perspective with reference to the overall operational arrangements and any other relevant issues.

5.5 Please set out why you believe the proposed service for the particular area you have chosen meets with the BAI's obligation to facilitate the achievement, and maintenance of, a sustainable indigenous broadcasting sector.





Appendix 1

Franchise Area	Type of Service	No.	Current Station	Typical Content
National	Public Service	1	RTÉ Radio 1	Speech-driven, news & information, music and arts programming (significant sports content on weekends)
National	Public Service	1	RTÉ 2FM	Music & entertainment service for 25 - 44 year olds
National	Public Service	1	RTÉ Lyric FM	Music-driven with classical bias
National	Public Service	1	RTÉ Raidió Na Gaeltachta	Irish language service for the Gaeltacht regions and Irish speakers in Ireland
National	Commercial – Broad-format	1	Today FM	Entertainment, music, speech and news service aimed at 15+
National - Quasi	Commercial – Speech/News	1	Newstalk	Speech driven service aimed at 25+
National - Quasi	National - Quasi - Commercial – Christian	1	Spirit Radio	Christian driven service aimed at 15+
Multi-city	Commercial - Music-driven	1	4FM (music driven service aimed at 45+)	Music-driven service aimed at 45+
South West Region (Counties Kerry, Limerick, Clare, Nth Tipperary & SthWest Laois)	Commercial – Music-driven (youth)	4	Spin South West	Music-driven services aimed at 15 - 34 year olds in a particular region
South East Region (Waterford City & County, South Tipperary, Counties Carlow, Kilkenny & Wexford)			Beat FM	
North West Region (Counties Galway, Mayo, Longford, Roscommon, Sligo, Leitrim & Donegal)			iRadio NW	
Midlands & North East Region (Counties of Louth, Meath, Cavan, Monaghan, Kildare, North-East Laois, Offaly and Westmeath)			iRadio NEM	
Dublin City & County	Commercial – Music-driven; 15 – 34 year olds	8	FM104	Music-driven services aimed at varied age groups in the particular county
Dublin City & County	Commercial – Music-driven; 25 – 44 year olds		98FM	
Dublin City & County	Commercial – Music-driven; 35 – 54 year olds		Q102	
Dublin City & County	Commercial – Music-driven; Classic Rock 25+ year olds		Radio Nova	
Dublin City & County	Commercial – Music-driven; Country Cross Over, Classic Soul, Irish & Complementary music		Sunshine 106.8	
Dublin City & County	Commercial – Music-driven; 15 – 34 year olds		Spin 103.8	
Cork City & County	Commercial – Music-driven; 15 – 34 year olds		RED FM	



Franchise Area	Type of Service	No.	Current Station	Typical Content
Cork City & County	Commercial – Music-driven; 24 – 44 year olds		Cork's 96FM	
Cork City & County	Commercial - Broad-format	18	Cork's C103	Wide-breadth of content including local news and information aimed at the local adult audience, including minority groups and interests, in the relevant franchise area
County Clare			Clare FM	
County Wicklow			East Coast FM	
Galway City & County			Galway Bay FM	
North Donegal			Highland Radio	
Counties Kilkenny & Carlow			KCLR 96FM	
County Kildare			KFM	
Limerick City & County			Limerick's Live 95FM	
County Louth			LMFM	
County Mayo			Mid West Radio	
Counties Laois, Offaly & Westmeath			Midlands 103	
Counties Longford, Roscommon & South Leitrim			Shannonside FM	
Counties Cavan & Monaghan			Northern Sound Radio	
County Sligo, North Leitrim & South Donegal			Ocean FM	
County Kerry			Radio Kerry	
County Wexford			South East Radio	
County Tipperary			Tipp FM	
County Waterford			WLR FM	

In addition, there are a range of non-commercial, community, community of interest, institutional and section 71 radio services licensed by the BAI. Further details are available on the BAIs website: www.bai.ie



The Broadcasting Authority of Ireland

2-5 Warrington Place

Dublin D02 XP29.

Telephone: 01 644 1200

Fax: 01 644 1299

Email: info@bai.ie

Website: www.bai.ie