

Applications for VHF-FM Broadcasting licences: Views sought on process for allocation

The Ministry of Economic Development announced the availability of several VHF-FM broadcasting licences via Newsflash on 26 September 2008. The licences were:

Coverage area	Frequency (MHz)
Bay of Plenty	93.7
Bay of Plenty	104.9
Dunedin	106.2
Gisborne	100.5
Gisborne	105.3
Hawkes Bay	105.5
Invercargill	104.4
Nelson	100.2
Queenstown	100.8
Queenstown	105.6
Rotorua	105.5
Timaru	105.9
Wairarapa	100.7
Wairarapa	105.5
Wanganui	100.8

Timing problems with the transmission of the newsflash have come to the attention of the Ministry. Specifically, individual subscribers to the newsflash service were sent the message at different times spread over at least a 90 minute period, which resulted in some applications being made (electronically in SMART) before all subscribers had received the newsflash. We are aware of at least four licences attracting competing applications from parties who were sent the newsflash at different times. Other parties may also have wished to apply for these and/or other licences but did not do so believing that they had been legitimately beaten by the first applicant recorded on SMART.

Whilst applications have been entered onto SMART for the licences, in view of this issue, the Ministry has not yet granted the licences.

The Ministry is considering the following options and seeks your views on whether it should:

1. Grant the applications to the party that was entered first onto SMART;
2. Decline all applications and re-run the announcement and application process;
3. Retain existing applications but seek any further applications. Uncontested applications would then be granted, and a separate random process used to grant the contested applications.

Under option b. the Ministry would require new applications to be entered into SMART directly by the applicants from a specified time. Applications lodged before the specified time (including all existing applications) would be disregarded.

Under option c. the Ministry would allow any further applications to be made until a nominated time, and then allocate any contested licences in a random manner. The applicants for each contested licence would be drawn in a random manner and licences allocated accordingly.

Views from present applicants and other interested parties are sought on these options. Following consideration of any views received, the Ministry will determine the process to be used and advise all respondents accordingly. Responses should be provided to radiospectrum@med.govt.nz by 7 November 2008.