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**From:** Wayne Phillips <[wayne@flowfm.com.au](mailto:wayne@flowfm.com.au)>  
**Sent:** Friday, 18 March 2022 1:19 PM  
**To:** Alex Kostic <[Alex.Kostic@acma.gov.au](mailto:Alex.Kostic@acma.gov.au)>  
**Subject:** Public Consultation - Deniliquin RA1 & Section 39 Variation

Dear Alex,

I am writing regarding the announcement of changes to the License Area Plan for Deniliquin announced on 18 March 2022.

8SAT Flow FM has an interest in this consultation as a significant proportion of the area is in overlap with the Deniliquin Commercial License Area plan at 8SAT's Bunnaloo and Mayrung planning. 8SAT has planning at Bunnaloo and a request for planning at Mayrung that is subject to a Freedom of Information request.

We are seeking clarification from the ACMA regarding planning for the Deniliquin License to provide a serviced to Cobram on 93.3 Mhz, as this frequency was requested for the 8SAT nearby Mayrung application. We are not opposed to the Deniliquin licensee applying for there planning, but question the use of 93.3 Mhz given 8SAT's outstanding request. We await ACMA's confirmation of the date of the allocation of 93.3 Mhz at Cobram. When our engineering assessment located 93.3 Mhz, it was not listed on ACMA's frequency chart as being allocated.

8SAT had made application to ACMA in 2017 at Mayrung and following ACMA advising to vary its design to a directional pattern and frequency, 8SAT re sent a B92 in July 2020 which included the available frequency 93.3 Mhz. Significant cost in time and engineering was completed to find this spectrum.

ACMA wrote to 8SAT in December of 2021 advising 8SAT to re apply for the multiple local coverage Mayrung area, citing AM to FM conversion priority and 8SAT needing to further review its directional pattern for the Mayrung planning. ACMA's letter suggests that this planning is still in negotiation and 8SAT should be given the opportunity in its variation of 2021 to obtain planning and the available spectrum given the request is originally from 2017 and not finalised.

8SAT planning for the 2021 variation included Mayrung on 93.3 Mhz. This appears to be a very efficient use of spectrum as 6 locals would receive either their first or second FM commercial radio service. ACMA now claims that AM to FM conversion would take precedence over 8SAT's already in the queue planning at Mayrung. ACMA then announces that 8SAT's preferred frequency is being used by an adjacent licensee variation but not for AM to FM planning. ACMA is effectively rendering 8SAT's plan to serve its own license area and people getting their first FM commercial radio service via 8SAT to the scrap heap.

We are seeking ACMA to include 8SAT's frequency request in the 2021 variation which we have previously sort and have now instituted a Freedom of Information request to enable investigation of why the Mayrung planning on 93.3 Mhz was refused and then subsequently the frequency appears in another consultation.

We would also seek ACMA to provide engineering of what frequency will work for the 8SAT 2021 variation at Mayrung prior to any AM FM conversion in the area.

Kind Regards

Wayne Phillips  
**Managing Director**

**M** 0429 363 569 | **O** 08 8566 3151 | **A** Po Box 52 Roseworthy 5371 SA



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