

In Breach

Total Star (Bridgwater)

October - December 2010

Introduction

The transmission arrangements for every local analogue commercial radio station in the UK are governed by a set of specific technical parameters, set out in the station's licence, for each transmitter and transmission site it uses to broadcast its service.

The technical parameters are designed to ensure that local radio stations do not broadcast to geographical areas that they are not licensed to serve, and which may form part of the coverage areas of other licensed services. The parameters are also designed to prevent local stations causing interference problems for other users of the spectrum, as part of Ofcom's wider statutory duty to secure the optimal use for wireless telegraphy of the electromagnetic spectrum.

It is also a condition in local analogue commercial radio stations' licences that they comply with applicable provisions of Ofcom's Site Engineering Code for Analogue Radio Broadcast Transmission Systems ("the Technical Code").

One Gold Radio Ltd is the licensee for Bridgwater (AL260), broadcasting as Total Star. Between the start of October and 2 December 2010, Ofcom received a number of complaints that the 102.4 MHz Minehead transmitter of the Bridgwater licence, based at North Hill, was radiating an excessively high-powered signal, and – as a result – delivering a powerful signal into geographical areas for which the radio station is not licensed. As part of the investigation of those complaints an Ofcom engineer visited the licence's transmitter sites on 2 December.

During his visit, Ofcom's engineer noted a number of issues with regard to the North Hill transmitter site:

1. The transmitter was transmitting Effective Radiated Power ('ERP')¹ of over 30kW, vertically polarised. The technical parameters set out in the Bridgwater licence for this particular transmitting site are for a total ERP of 4kW (a maximum of 2kW vertical polarisation and 2kW horizontal polarisation).
2. The transmitter was found to be deviating (that is, bleeding the signal into adjacent channels on the FM band) in excess of 110 kHz. The maximum level of deviation permitted by Ofcom's Technical Code is 75kHz.
3. The transmitter and antenna had been replaced without consultation with Ofcom. The new transmitter could be adjusted from the front panel, despite section 4.1 of the Technical Code requiring physical protection of adjustments.

These findings, 1 and 2 in particular, were consistent with the complaints we had received in the period before the engineer's visit. The figures in 1 are significantly in excess of the limits in transmitter power to which One Gold Radio Ltd is subject under the licence. The replacement of the transmitter and antenna in 3 appeared to Ofcom to be in contravention of section 1.3 (paragraph 5) of Ofcom's Technical Code, which requires Ofcom's consent for

¹ Radio waves in which the electrical energy from the antenna is radiated vertically in relation to the Earth's surface.

the replacement of transmitters and antennas. The insecurity of the transmitter that enabled it to be adjusted from the front panel appeared to be in contravention of section 4.1 of the Technical Code.

It therefore appeared to Ofcom that One Gold Radio Ltd was in breach of its licence. So, following our inspection, Ofcom formally invited representations from the licensee on the matters referred to above. In particular, about how, if at all, One Gold Radio Ltd considered that it had been complying with Part 2 of the Annex to its broadcast licence, which outlines the specific technical parameters for the relevant transmitting site.

In addition, we also sought views from One Gold Radio Ltd on how it had been complying with the Technical Code (licence condition 2 (3) in Part 2 of the Schedule to the licence requires that: *"The Licensee shall ensure that the provisions of the Technical Code are observed in the provision of the Licensed Service to the extent such provisions apply to him."*)

Response

In its representations, One Gold Radio Ltd did not challenge the premise of the alleged breaches, accepting that its engineer "... was clearly not fully aware of the requirements to Ofcom when he installed the new transmitter". However, it also noted that on 2 December, "... when Ofcom attended the site our engineer was still there and in the process of installing the equipment, so it seems rather unfair to consider the equipment had settings at the correct levels immediately."

Decision

In light of the findings of the transmitter site inspection on 2 December, which are consistent with the complaints made to Ofcom between October 2010 and that date, and the fact that One Gold Radio Ltd did not challenge the contention that it was in breach of its licence in the ways put to it, Ofcom has determined that One Gold Radio Ltd was in breach of its licence between the start of October 2010 and 2 December 2010.

In particular, the very significant, unauthorised increase in transmitter power and the other associated issues described above which took place in that period, mean that One Gold Radio Ltd was in very serious breach of Part 2 of the Annex to its licence, which outlines the specific technical parameters for the relevant transmitting site. In addition, One Gold Radio Ltd was in breach of licence condition 2 (3) contained in Part 2 of the Schedule to the licence, which requires adherence to Ofcom's Technical Code.

This case is the most serious example of an unauthorised increase in transmitter power ever recorded by Ofcom. The extent to which the unauthorised replacement transmitter exceeded the technical parameters is greater than in any other case Ofcom has dealt with.

As a result of the seriousness of the above matters, and the unauthorised increase in transmitter power in particular, the Licensee is put on notice that the breaches of its licence as set out in this finding are being considered by Ofcom for the imposition of a statutory sanction.

Breach of the Part 2 of the Annex to the Bridgwater local commercial radio licence, held by One Gold Radio Ltd.

Breach of licence condition 2 (3) contained in Part 2 of the Schedule to the Bridgwater local commercial radio licence, held by One Gold Radio Ltd.