



**Coimisiún
na Meán**

GUIDE FOR EXPRESSIONS OF INTEREST

**FOR A BROAD-FORMAT LOCAL SOUND BROADCASTING SERVICE
ON THE FM BAND FOR COUNTY KERRY**

ALL ADULT AUDIENCE



Coimisiún
na Meán

Coimisiún na Meán (“the Commission”) reserves the right to correct or clarify any part of the *Guide for Expressions of Interest for a Broad-Format Local Sound Broadcasting Service for the All Adult Audience on the FM band for County Kerry* (“*Guide*”) at any stage before the closing date for submissions. The closing date for submissions is **12 noon on Monday 20 May 2024**.

Any such corrections, clarifications or supplementary information will be posted on the Commission’s website: www.cnam.ie

All queries regarding this *Guide* should be emailed by **5 p.m. on Friday, 5 April 2024** to:

Oisín Kelly, Contract Awards,
Coimisiún na Meán, 1 Shelbourne Buildings, Shelbourne Road, Dublin 4, D04 NP20
+353 1 6441200 / licensing@cnam.ie



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1. INTRODUCTION

In accordance with Section 65(6) of the Broadcasting Act as amended (“the 2009 Act”), the Commission invites Expressions of Interest from parties interested in securing a Sound Broadcasting Contract (“the Contract”) on the FM band for the provision of a ***Broad-Format Local Sound Broadcasting Service on the FM Band for County Kerry***.

The Contract, currently held by Raidió Chiarraí Teoranta and broadcasting as *Radio Kerry*, is due to expire on 9 April 2025.

Expressions of Interest will be considered in terms of the quality, range and type of programmes proposed and, in particular, the extent to which the services will be of relevance to listeners in County Kerry and in the context of the diversity of services available in the franchise area. The Commission will also have regard to the viability of the service proposed and the extent to which the proposition represents an efficient use of spectrum.

Interested parties should complete the Commission’s *Expression of Interest Form* included in this Guide (word version available at www.cnam.ie) and submit in electronic format (PDF), no larger than 8MB in size, to the Commission.

Note: For those considering submitting an Expression of Interest form and potentially applying for a sound broadcasting contract under the competitive process at section 65(8) of the 2009 Act, an indicative guide for applicants for a commercial sound broadcasting contract is available on the Commission’s website or on request by emailing licensing@cnam.ie

If an interested party is the holder of a Contract which is the subject of a notice issued under Section 65(6) of the 2009 Act, that interested party is deemed to be the “incumbent”.

In accordance with Section 67(2) of the 2009 Act, where in the opinion of the Commission, the only Expression of Interest received in good faith is from the incumbent, then the Commission may, at its discretion, propose to invoke the procedures provided for under Section 67(6) of the 2009 Act (“Fast-Track licensing process”).

Please note that an Expression of Interest in response to this notice **shall not be** regarded as an application for a Contract. Parties interested in submitting Expressions of Interest to the Commission must do so by **12 noon on Monday, 20 May 2024**. Please note that all valid Expressions of Interest will be made available publicly following consideration by the Commission.

2. LICENSING OF COMMERCIAL RADIO SERVICES

2.1 Statutory and Policy Framework

The 2009 Act sets the statutory framework for the licensing and regulation of additional television and radio broadcasting services on a variety of platforms, including FM and AM radio bands, Digital Terrestrial Television and Sound Multiplexes and for the development of codes and rules.

In this regard, the 2009 Act sets certain broad objectives for the licensing of sound broadcasting services and these have informed the development of the Commission's policy for licensing sound broadcasting services, as set out in the Commission's [Broadcasting Services Strategy](#) and Licensing Plans. Parties wishing to submit an Expression of Interest for the proposed broad-format local sound broadcasting service should be cognisant of the Commission's approach to licensing and regulation.

The 2009 Act and the Commission's policy documentation are available on the Commission's website at www.cnam.ie. In reviewing the Expressions of Interest received, the Commission will consider the policy objectives of plurality, diversity, viability and the efficient use of spectrum. The proposed service should complement the existing radio landscape in the franchise area, as set out below, in the context of these objectives.

2.2 The Existing Radio Landscape in County Kerry

Radio Kerry is one of thirty-three (33) local/regional/multi-city commercial radio services licensed throughout the country. It is a broad-format local commercial radio service primarily targeting all adults aged 15+ with a particular focus on the 25+ audience in County Kerry.

The franchise area is also served by three national/quasi-national commercial services *Today FM*, *Newstalk* and *Spirit FM*, the regional youth music service *Spin South West* and four RTÉ national public radio services, *RTÉ Radio One*, *RTÉ 2FM*, *RTÉ Lyric FM* and *Raidió na Gaeltachta* on the FM band.

All of these stations provide different services in terms of content, format and relevance to audiences in the franchise area.

2.3 The Expression of Interest Phase

The Expression of Interest phase is **not** part of the application process for a commercial radio service. The application process is initiated when the Commission issues a notice inviting applications for the relevant radio service pursuant to section 65(8) of the 2009 Act. Prior to the commencement of the application process, the Commission is inviting Expressions of Interest in the securing of the contract for this broad-format local commercial radio service, pursuant to section 65(6) of the Act. Potential respondents to a call for Expressions of Interest should have regard to the type of service which is being proposed.

In this regard, potential respondents' attention is drawn to the following minimal standards which will need to be satisfied at the application stage for the proposed service:

1. An applicant must be a legal entity or must identify the legal entity that would enter into the proposed sound broadcasting contract.
2. An applicant must have adequate financial capacity, and adequate technical capability, to establish and/or fund and maintain the development and day-to-day operations of the proposed service.
3. The quality, range and type of programming proposed by an applicant must accord with that expected of the type of service proposed.

In making a submission, using the Commission's form as set out in section 4 below, a respondent is required to verify in writing, on behalf of the entity proposed in the submission, that it reasonably believes that it has the capacity, technical capability and experience to provide the proposed service and will be able to satisfy the minimal standards specified above.

3. SUBMISSIONS OF EXPRESSIONS OF INTEREST

Please read the following guidance notes before completing the Expression of Interest form.

1. *Form:* The Expression of Interest form should be submitted in English or Irish and completed in full so as to include all of the information requested.
2. *Submission:* The Expression of Interest form 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 to licensing@cnam.ie by **12 noon on Monday, 20 May 2024**. Late submissions will not be accepted.
3. *Public Access:* Please note that all valid Expression of Interest forms received will be published on the Commission's website (www.cnam.ie) after they have been considered by the Commission. Expressions of Interest will also be made available for public inspection at the Commission's offices at that time.
4. *Confidential Information:* The Commission may deny members of the public access to material forming part of an Expression of Interest where the Commission deems it appropriate that such material should be treated as confidential. Information that may be deemed to be of a confidential nature includes, amongst other things, 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 Expression of Interest. The annex should be marked "confidential". The reasons for believing that the information is confidential must be set out. Where the Commission 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 Commission, at its sole discretion as reasonable, the Commission will treat such information as having been withdrawn and it will not be considered as part of the Expression of Interest.

5. *Freedom of Information:* Information may be made available to the public further to requests under the Freedom of Information Act, 2014. The Commission 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.

Any agreements between the Commission and interested parties regarding confidential and/or commercially sensitive information are without prejudice to the Commission's obligations under law, under the 2009 Act and the Freedom of Information Act referred to in this section. The



Commission, therefore, cannot warrant that information claimed as confidential by an interested party or treated as such might not be disclosed pursuant to law.

6. *Data Protection:* In order to operate this Expression of Interest process effectively, the Commission will require some personal data/contact information.

The Commission shall comply with its obligations under the GDPR Directive, Data Protection Act 2018 and any other applicable data privacy laws and regulations.

The Commission is obligated and committed to protecting all personal data submitted in response to a call for Expression of Interest to this licensing plan. The Commission has an appointed Data Protection Liaison Officer who is registered with the Data Protection Commission.

You can find out more on how the Commission's processes personal information and the Commission's related policies at: [Coimisiún na Meán | Data Protection \(cnam.ie\)](https://www.cnam.ie)

4. EXPRESSION OF INTEREST FORM

Information is requested under five headings as follows: 1) Respondent; 2) Target Audience; 3) Technical; 4) Programming; and 5) Funding and Operational Details. Respondents must also complete the Declaration at part 6 of the form.

Please complete the form in its entirety. **Incomplete forms/submissions will not be considered as valid Expressions of Interest.**

When completed, save as one PDF document and submit to the Commission as instructed in this Guide.

By submitting an Expression of Interest you are confirming the following to the Commission:

1. that you have read and understood the *Guide for Expressions of Interest for a Broad Format Local Sound Broadcasting Service for the All Adult Audience on the FM band for County Kerry*;
2. that your submission will be made public; and,
3. that you reasonably believe that the entity proposed in the submission has the capacity, capability and experience to provide the proposed service and will be able to satisfy minimal standards set out in section 2.3 of this Guide.

1. Respondent

| Respondent | |
|---|--|
| 1.1 Please provide details of the person/entity making the submission: | |
| 1.2 Contact Details: | |
| Contact Person's Full Name: | |
| Contact Person's Email Address: | |
| Contact Person's Phone Number: | |
| Contact Person's Postal Address: | |
| 1.3 Please provide details of the background and/or relevant experience of the respondent in the context of providing the proposed service: | |

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2. Target Audience

2.1 Please define and provide a profile with reference to the 25+ age bracket of individuals and groups who will be the main focus for the proposed programming service:

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2.2 Please provide your estimate of the projected listenership (reach) in this target audience for the proposed service for the first three years of operation:

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3. Technical

3.1 Please provide the Site Name, National Grid Reference (Exxxxxx Nyyyyyy), Site Height, Antenna Height, Proposed ERP and Antenna Pattern for each of the proposed VHF Band II transmission sites that are required to provide coverage to the franchise area, while minimising overspill coverage to neighbouring areas:

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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 this 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. Programming 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;
- diversity of programme content and the services available in the franchise area including Gaeltacht areas.

4.3 Please provide indicative details of:

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



4.4 Please indicate your approach (including a description of the type of programming and the percentage of daily broadcasting hours to be dedicated to) the following areas:

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

4.5 Please provide details of any networking arrangements envisaged:

5. Funding and Operational details

5.1 Please describe the pre-operational funding and investment proposals and the general operational and economic model envisaged in respect of the proposed service (please include details of any syndicated networks envisaged):

5.2 Please identify external funders and key income sources envisaged:

5.3 Please provide indicative annual income and expenditure projections for the first three years of operation and the assumptions underpinning these projections:

| | | | |
|---------------------|--|--|--|
| Year | | | |
| Income | | | |
| Expenditure | | | |
| Net Profit / (Loss) | | | |

Assumptions:

5.4 Please provide indicative details of and rationale for:

- the proposed organisational structure (management and staffing).

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

6. Declaration

6.1 In making this Expression of Interest submission to the Commission, you are requested to include in the submission the following declaration:

I, _____, on behalf of (entity proposed in this submission) (“the Respondent”) hereby verify that I reasonably believe the Respondent has the capacity, capability and experience to provide the proposed service and will be able to satisfy the minimal standards set out in section 2.3 of the *“Guide for Expressions of Interest for a Broad-Format Local Sound Broadcasting Service for the All Adult Audience on the FM band for County Kerry*, and that I am duly authorised to make this declaration on behalf of the Respondent.

6.2 Name & Title, Signature and Date: