

*Civil Engineering—*

SH 5: Tumuni and Reporoa North Sections: shape correction

Linton Military Camp: 300 mm diameter production wells

Linton Military Camp: oxidation pond

SH 94: Burwood: shape correction

SH 2: Ngaio deviation

*Building—*

Waikeria Prison: boiler conversion to natural gas

DSIR Palmerston North: Biotechnology One

T. G. SHADWELL, Commissioner of Works.  
go3341Waikato Bitumen Co. Ltd., 4 tenders 131,000.00  
(\$131,000–\$145,764)Richardsons Drilling Co. (1982) Ltd., 154,726.12  
6 tenders (\$154,726–\$384,556)J. B. Ware & Sons Ltd., 5 tenders 172,482.36  
(\$163,489–\$253,246)Contract Cultivation Ltd., 4 tenders 285,713.05  
(\$285,713–\$405,833)Pratt Contractors Ltd., 5 tenders 368,367.30  
(\$368,367–\$573,852)Hamilton Plumbing Co. 1987 Ltd., 8 123,615.00  
tenders (\$123,615–\$185,087)Fletcher Development & Construction 3,118,000.00  
Ltd., negotiated

## Authorities and Other Agencies of State

### Broadcasting Tribunal

#### Broadcasting Act 1976

Decision No. 3/88  
BRO 11/85

#### Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of an application by **Radio Bay of Plenty Ltd.** for a commercial FM broadcasting sound radio warrant for the Eastern and Central Bay of Plenty:

*Chairman:* B. H. Slane.*Member:* Robert Boyd-Bell.

#### Interim Decision

Dated the 25th day of February 1988.

The applicant is at present the holder of the warrant for station 1XX, an AM station operating from Whakatane with a relay station at Murupara.

The company sought an FM warrant for the purpose of broadcasting to its existing target audience from Mount Edgecumbe. The station intends to broadcast its existing programme through an FM transmitter. It would broadcast simultaneously through the AM transmitter for a limited period of 6 months. (This is referred to as simulcasting.) The applicant would then surrender its AM warrant and broadcast solely from the FM transmitter.

#### Previous application

The applicant had previously made an application to the Broadcasting Tribunal for a warrant to broadcast on the FM band. That application provided for simulcasting for a period of up to 2 years and proposed transmitting from a site on Mount Manawahe. The Tribunal declined that application and set out its reasons in decision No. 29/84. The Tribunal concluded its decision as follows:

The Tribunal has carefully considered the application but is not able to grant it in its present form. If the applicant decides it wants to broadcast on FM the broad conclusion we have arrived at is that it could be permitted to do so, that the transmission should be engineered to reduce (as far as is

reasonable) the propagation of signal towards Tauranga, that the site would be Mount Edgecumbe and that the need for any translator should await the commencement of transmission. Simulcasting should be limited to a short period not exceeding 6 months which could be used intensively to promote a new medium.

As the essence of the application was to transmit from Mount Manawahe it is not appropriate to grant the application with a condition to broadcast from another site. It seems more appropriate to indicate that if the applicant wishes to lodge a different application the Tribunal would be prepared to consider it promptly and give an early decision. This we do.

This present application does not satisfy us that its desirable elements outweigh the undesirable elements and therefore it must be declined.

The further application was filed by the applicant on 5 March 1985. It was duly advertised. There were no objections.

Evidence was given on the same lines as had been given in the previous hearing and we do not need to detail it here.

It is sufficient to say that we would give the application the same weight for its desirability. The question of the effect on the neighbouring station 1ZD Tauranga operated by Radio New Zealand for the Broadcasting Corporation of New Zealand was not raised during the hearing but was referred to in submissions. The Corporation did however raise technical matters which we shall refer to later.

The essence of the application was that it was desirable to provide an FM service to the area and, as it would not be economic for a second local station to be established, it followed that either 1XX had to convert or people in the Eastern Bay of Plenty would not have a FM service providing stereo coverage for this popular local commercial programme.

We were satisfied that the proposed programme would meet some of the needs for an FM service and we were satisfied with the financial and commercial ability of the applicant to carry on the proposed service and the likelihood that it would be carried on satisfactorily. These factors, which we are required to take account of, have caused no concern because of the good record of service of the applicant to the audience in the district.

We arrived at the situation where the Tribunal was prepared to grant an application for a service from Mt Edgecumbe.