

Format Change Request Form OfW 332

Station Name:	kmfm Canterbury
Name of Person Proposing Format Change:	Steve Fountain
Outline Format Change(s) Proposals:	To allow the co-location of kmfm Canterbury with kmfm Ashford

Operators of analogue local radio licences may apply to Ofcom to have the station's Format amended. Any application should be made using the layout shown on this form, and should be in accordance with Ofcom's published procedures for Format changes (available on our website).

Under section 106(1A) of the Broadcasting Act 1990 (as amended*), Ofcom may consent to the change only if it is satisfied that *at least one* of the following four criteria is satisfied:

- (a) *that the departure would not substantially alter the character of the service;*
- (b) *that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living the area or locality for which the service is licensed to be provided;*
- (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition; or*
- (d) *that there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure.*

Only one of these four criteria need be satisfied in order for Ofcom to consent to the proposed change. However, even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria, there may be reasons (depending on the particularly circumstances of the case) why Ofcom may not consent to the proposed change.

In addition, applicants should note that, under section 106ZA of the same Act (as amended*), a proposed change that *does not* satisfy the first of these criteria (i.e. a change that Ofcom considers *would* or *could* substantially alter the character of the service) must, if it is to be considered further under any of the other three criteria, be consulted upon. #.

In the event that Ofcom receives a request for Format change and considers that criterion (a) is *not* satisfied, it will seek confirmation from the applicant as to whether it wishes to proceed with the request (and, if so, whether it wishes to amend or replace its submission in light of the necessity to make it public).

Please present your submission in the following manner:

Section 106(a) relevance...

We wish to co-locate the kmfm Canterbury studios within our existing kmfm Ashford studio complex. The Canterbury news and sales teams will remain within the Canterbury TSA. Co-location will allow us to share the superior facilities available at Ashford and reduce our Canterbury overheads and avoid the cost of replacing the ageing studios at Canterbury. While the base of our programming operation would change it would not have any effect on our kmfm Canterbury output, we would continue to have strong locally relevant content on the air.

Section 106 (b), (c) and (d) relevance...

In the spring of 2008 our Canterbury offices are relocating to a new building in the area so the timing of the co-location of our Canterbury studios is in line with the KM Groups decision to move to our new building.

Any additional information and/or evidence in support of proposed change(s).

We believe that our listeners will not lose anything of what they have come to expect from kmfm Canterbury. Kmfm remains committed to providing locally relevant content. The towns of Canterbury and Ashford are only 15 miles apart and there is a strong commute between the towns, indeed it is possible to listen to either station in both of these towns. The MCA of the Canterbury station is less than 66k, which is firmly in line with Ofcom's published thinking with regard to aiding smaller stations to bring benefits for the listener.

Notes

* As amended by sections 312 and 313 of the Communications Act 2003

Ofcom may approve a change under any of criteria (b) to (d) without consultation, or after a consultation of less than 28 days, if Ofcom considers that to hold a consultation at all, or for 28 days or more, would result in a delay that would be likely to prejudice the interests of the licensee. Ofcom may also remove for the purposes of consultation any confidential information submitted by the licensee.

Version 4 – amended March 2007

OFCOM NOTES ON THE REQUEST

A good case is made with regard to both cultural affinity and distance between bases as well as financial considerations, including the size of the Canterbury Measured Coverage Area. The listener should not be disenfranchised and character of service will not be affected. The request is allowed.

Jan 3 2008