

BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality



MONITORING & COMPLIANCE REPORT

OCTOBER - DECEMBER 2011

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EXECUTIVE SUMMARY
BCJ- Quarterly Monitoring & Compliance Report
(October – December 2011)

During the period October – December 2011, twenty-one notices of breach of licence were issued to broadcast radio and television licensees, and subscriber television operators. This was an increase of 233% when compared to the previous quarter's notices of breach (July- September 2011).

Seventy seven contacts were recorded for the period October - December 2011. Of this number, twelve contacts resulted in investigations of broadcast radio and television operators, and subscriber television operators. The remaining sixty five were queries and comments about the work of the Commission.

Eleven contacts resulted in investigations of complaints about content transmitted by broadcast radio and television operators, representing an increase of 27% compared to the previous quarter. One contact was in relation to a subscriber television operator.

One subscriber television licensee was inspected during the period under review to determine their compliance with technical standards. This licensee showed varying degrees of non-compliance.

In relation to the payment of the annual licence fee, 17 subscriber television (STV) operators, or 43 % of all STV licensees paid in full; 15 or 37% made partial payments and 8 or 20% were non-compliant. The number of payments in full decreased by 3 or 15% when compared to the previous quarter.

INTRODUCTION

Contacts with the Commission

Seventy Seven contacts were recorded for the period, October – December 2011. Those contacts resulted in twenty-one Notices of Breach of licence and twelve investigations, a decrease of 33% when compared to the previous quarter, July – September 2011.

BREAKDOWN OF CONTACTS

	Oct 2011	Nov 2011	Dec 2011	TOTAL
Information Requested:	17	18	11	46
<input type="checkbox"/> Concern about the series "Teacha's Pet"	2			2
<input type="checkbox"/> Queries about converter box	2			2
<input type="checkbox"/> Concern as to whether advertising on Cable is legal	1			1
<input type="checkbox"/> Zoning and content information	4			4
<input type="checkbox"/> Broadcast license application process		2		2
<input type="checkbox"/> Follow up re: complaints lodged		5	3	8
Complaints	3	8	1	12
TOTAL	29	33	15	77

PROGRAMMING CONTENT COMPLIANCE

The Commission received eleven complaints in relation to the broadcast of problematic content. This represents a reduction of 27% when compared to the period July – September 2011.

Table 1 details the complaints about programming standards received between October and December 2011, and the nature of the investigations conducted by the Commission.

Figure 1 illustrates the trend in programming standard complaints received in similar reporting periods since 2008.

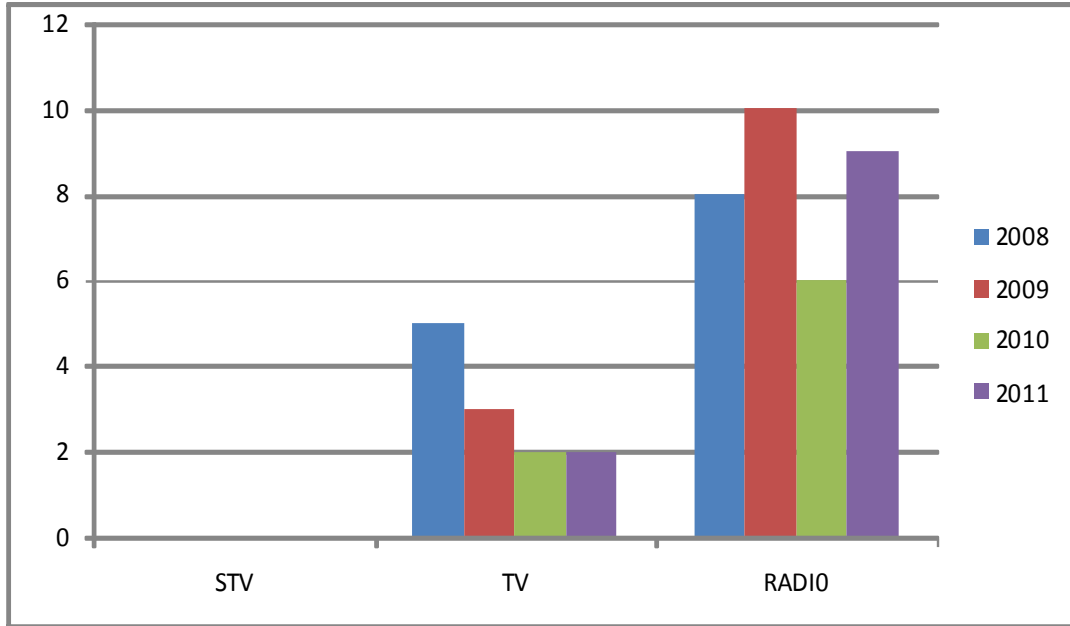
Table 1

Content Standards Reports: October - December 2011

	Transmission of violent & sexually explicit lyrics	Transmission of the song "Man Down"	Transmission of inappropriate content	Transmission of profanity	TOTAL
Grove Broadcasting Company ZIP 103 FM	4				4
Radio Jamaica Limited (FAME 95 FM)		1			1
Television Jamaica Limited			1	1	2
CVM Television			4		4
TOTAL	4	1	5	1	*11

*** Complaints listed above include allegations that may not have necessarily resulted in findings of breach.**

Figure 1:
Content Standards Report Trends for 3rd Quarters: Oct-Dec '08 – Oct-Dec '11



	2008	2009	2010	2011
STV	0	0	0	0
TV	5	3	2	2
RADIO	8	10	6	9

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of one subscriber television operator was inspected to determine their compliance with the technical standards set out in law.

Table 2 - List of the subscriber television licensees inspected and the areas of technical non-compliance found.

Table 2: Technical Monitoring: October - December 2011

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Stars Cable Company Limited	17 (1) (h), 17 (4) (d), 17 (4) (e)	Breach letter sent to licensee

One complaint was received relating to poor audio and video signals. This represents a decrease of 67% when compared to the previous period, July – September 2011.

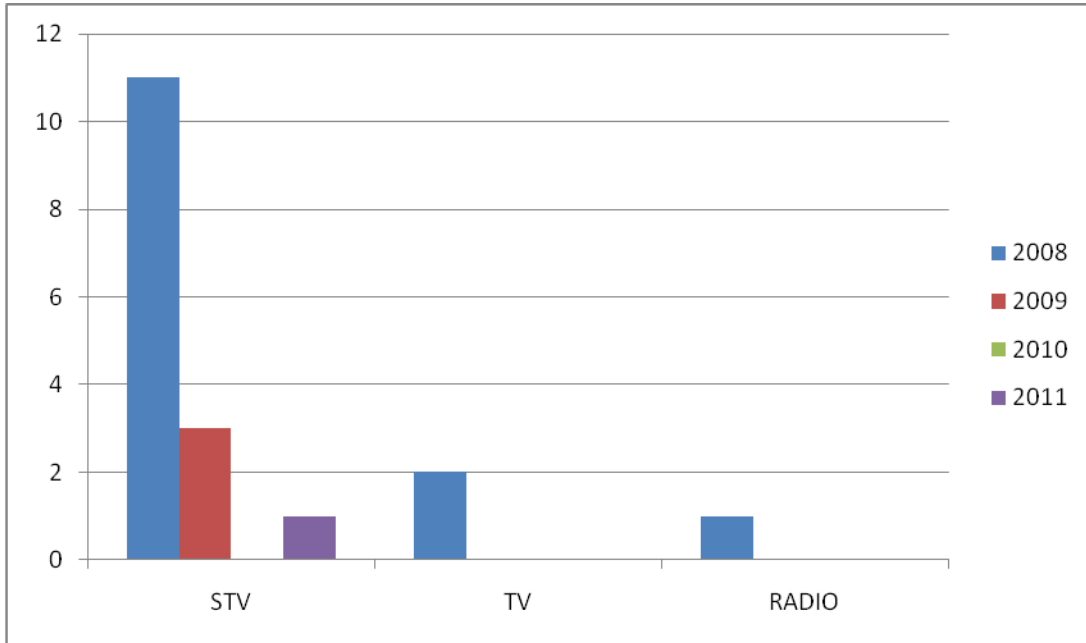
Table 3

**Technical Standards Complaints
October - December 2011**

	Poor audio and video signals	Non provision of service	Frequent breakdowns	signal leakage	TOTAL
Inntech Communications Limited	1				1
TOTAL	1				1*

**Complaints listed above include allegations that might not have resulted in findings of breach*

Figure 2
Technical Standards Report Trends for 3rd Quarter-
Oct – Dec 2008 to Oct - Dec 2011



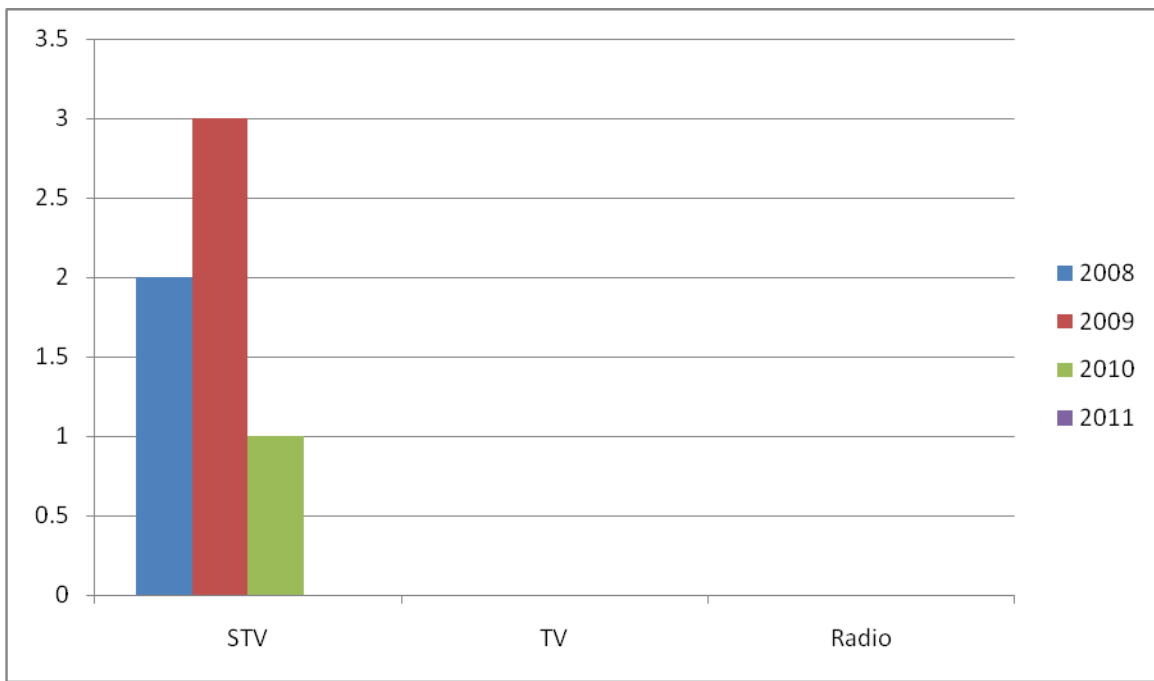
	2008	2009	2010	2011
STV	11	3	0	1
TV	2	0	0	0
RADIO	1	0	0	0

CUSTOMER SERVICE COMPLAINTS

There was no customer service complaint that resulted in an investigation for the period under review.

Figure 3

**Customer Service Complaints Reports Trends
Quarters Oct – Dec 2008 to Oct – Dec 2011**



	2008	2009	2010	2011
STV	2	3	1	0
TV	0	0	0	0
RADIO	0	0	0	0

COMPLAINTS RESOLUTION

Except for matters that fall outside the Commission's mandate, all reports of possible breaches of licence are investigated. As soon as investigations are completed, the complainants and the relevant licensees are notified of the outcome, and the Commission considers the matter resolved. Twenty Four (24) investigations were resolved between October - December 2011.

Table 4
Resolution of Complaints by Licensee

	No. of investigated complaints Resolved (including those brought forward)
Subscriber Television	0
Broadcast Television	8
Broadcast Radio	16
Total	24

Table 5
Resolution of Complaints by Category

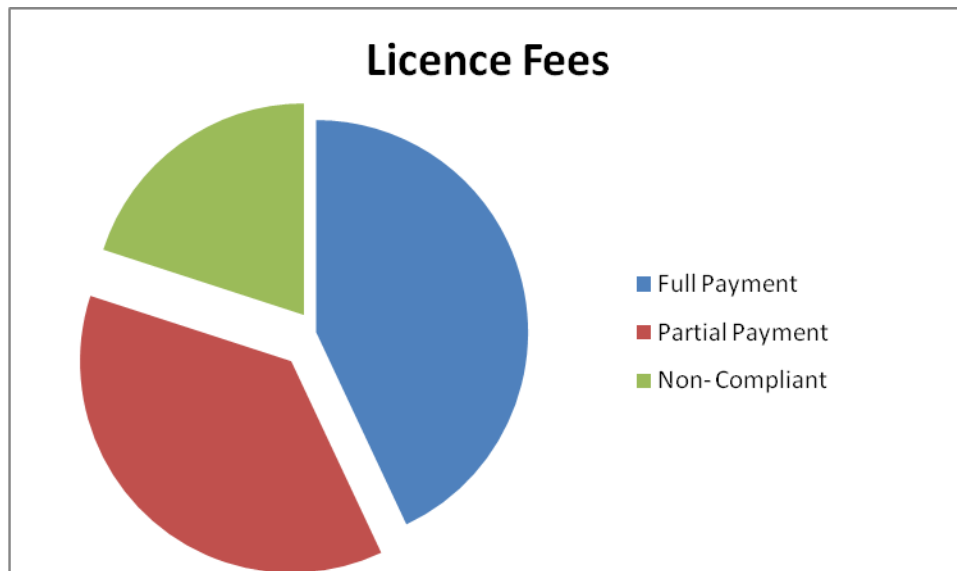
CATEGORY		TOTAL
Closed – no further remedial action		
Broadcast Radio	6	6
Broadcast Television	2	2
Complied with required remedial action for breach of licence		
Broadcast Television	5	5
Broadcast Radio	6	6
Closed – No evidence of breach		
Broadcast Television	1	1
Broadcast Radio	4	4
Total	24	24

FINANCIAL COMPLIANCE

STV operators are required to pay an annual licence fee of 5% of their gross subscription income.

Aggregate payment performance is illustrated in **Figure 4**

Figure 4



Full Payment	43%
Partial Payment	37%
Non- Compliant	20%

Table 6
STV Licensees Financial Compliance
For quarter ended December 31, 2011

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2006	2007	2008	2009	2010	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	n/a	yes	yes	no	yes		✓	
2	Cable One Jamaica Ltd.	yes	yes	no	no	no		✓	
3	Cabletron Network Systems Ltd.	yes	yes	no	no	no			✓
4	Central Communication Services Ltd.	yes	yes	yes	yes	no		✓	
5	Columbus Communications - FLOW	n/a	yes	yes	yes	no	✓		
6	Combined Communications Ltd.	yes	yes	yes	no	no		✓	
7	Communicable Ltd.	no	no	no	no	no			✓
8	Cornwall Communications Ltd.	yes	yes	yes	yes	yes	✓		
9	CTL Limited	yes	yes	no	no	no		✓	
10	Direct Cable Systems Ltd.	n/a	n/a	n/a	n/a	no	✓		
11	First Choice Cable	yes	yes	yes	yes	yes	✓		
12	General Satellite Network Company	yes	yes	yes	yes	yes	✓		
13	Guthrie's Communications Ltd	yes	yes	yes	yes	no		✓	
14	Inntech Communications Ltd.	yes	yes	no	no	no	✓		
15	Jamaica Cablevision Ltd.	yes	yes	yes	no	no	✓		
16	Linscom Network Limited	n/a	n/a	yes	yes	yes	✓		
17	Logic One Limited	yes	yes	yes	yes	no	✓		
18	Marimaxx Communications Ltd.	yes	yes	yes	no	no		✓	
19	Mars Cable Vision Ltd.	n/a	n/a	yes	yes	yes	✓		
20	McKoy Cable Television Co. Ltd.	n/a	n/a	n/a	n/a	no			✓
21	Mega International Co. Ja. Ltd.	no	no	no	no	no			✓
22	Mikes Electronics & Cable Network Ltd.	n/a	no	no	no	no	✓		

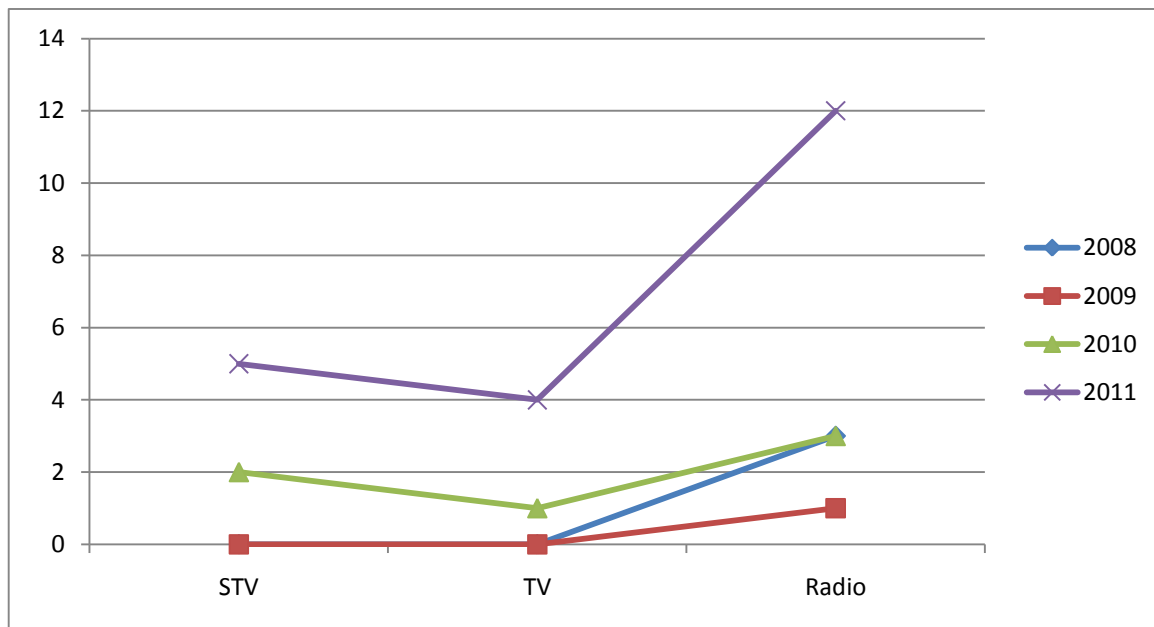
STV Licensees Financial Compliance

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2006	2007	2008	2009	2010	Paid in Full	Partial Payment	Non-Compliant
23	Mile Gully Cable Ltd	n/a	no	no	no	no		✓	
24	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	no		✓	
25	Odyssey Cable Vision Limited	n/a	yes	yes	yes	yes		✓	
26	Oliver Electronics Engineering Ltd.	yes	yes	yes	no	no		✓	
27	QES 46 Limited	n/a	n/a	yes	yes	no			✓
28	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes	✓		
29	Silly Video Cable Network Limited	yes	yes	yes	yes	no	✓		
30	Starcom Cablevision Ltd.	yes	yes	yes	yes	no		✓	
31	Stars Cable Company Ltd.	yes	yes	yes	yes	no	✓		
32	St. Thomas Cable Network Limited	yes	yes	no	no	no			✓
33	Summit Satellite Systems Limited	yes	yes	yes	yes	no	✓		
34	Telstar Cable Limited	yes	yes	yes	yes	no	✓		
35	Total Cable	n/a	no	yes	yes	no			✓
36	Tru Star Cable Television Network	n/a	n/a	n/a	n/a	no		✓	
37	Unique Vision Cable Co. Ltd.	yes	yes	yes	no	no		✓	
38	Venus Cable Services	no	no	no	no	no			✓
39	Westar Communications Limited	yes	yes	yes	no	no		✓	
40	Wilson Enterprises Limited	yes	yes	yes	yes	yes	✓		

NOTICES OF BREACH

During the period under review, twenty-one Notices of Breach were issued to licensees. Sixteen notices arose from contraventions of content standards, one was as a result of copyright infringement and the remaining four arose from the contravention of technical standards.

Figure 5
TREND IN BREACHES COMMITTED BY SERVICE



	2008	2009	2010	2011
STV	0	0	2	5
TV	0	1	1	4
RADIO	3	1	3	12

Table 7

BREACHES BY BROADCAST RADIO LICENSEES

FAME 95 FM

DATE OF BREACH: 17-Nov-11**
COMPLAINT NUMBER; 2011/10/04/0000
NATURE OF COMPLAINT: Transmission of lyrics glorifying violence in the song "Man Down"
NATURE OF BREACH: Breach of February 20, 2009 Directive
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology three times over a one week period & a half page ad in both Sunday newspapers
STATUS: Open

DATE OF BREACH: 12-Dec-11**
COMPLAINT NUMBER; 11/07/06/1020-001
NATURE OF COMPLAINT: Transmission of expletive during the song "Makes Me Wonder"
NATURE OF BREACH: Breach of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology three times over a one week period & a half page ad in both Sunday newspapers
STATUS: Open

DATE OF BREACH: 10- Oct-11**
COMPLAINT NUMBER; 11/07/04/1020-001
NATURE OF COMPLAINT: Transmission of violent lyrics during the song "John"
NATURE OF BREACH: Breach of TSBR and the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology three times daily over a one week period & a half page ad in both Sunday newspapers
STATUS: Open

ZIP 103 FM

DATE OF BREACH: 13-Dec-11**
COMPLAINT NUMBER; 11/06/06/1020-002
NATURE OF COMPLAINT: Transmission of the word "mothersucka" during the song "Bomb"
NATURE OF BREACH: Breach of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology six times over a one week period one in the timeslot in which the breach occurred
STATUS: Closed

DATE OF BREACH: 09-Dec-11**
COMPLAINT NUMBER; 11/02/08/1014-002
NATURE OF COMPLAINT: Transmission of lyrics that glorify violence in the song "Hot Boyz"
NATURE OF BREACH: Breach of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission decided to forego additional remedial actions due to actions already taken by the entity.
STATUS: Closed

DATE OF BREACH: 09-Dec-11**
COMPLAINT NUMBER; 11/02/08/1020-001
NATURE OF COMPLAINT: Transmission of inappropriate content during the song "Tump har up"
NATURE OF BREACH: Breach of TSBR & February 6 & 20 Directives
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission decided to forego additional remedial actions due to actions already taken by the entity.
STATUS: Closed

DATE OF BREACH: 09-Dec-11**
COMPLAINT NUMBER; 11/02/08/1014-001
NATURE OF COMPLAINT: Transmission of mild inappropriate language during the song "I ain't through"
NATURE OF BREACH: Breach of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission decided to forego additional remedial actions due to actions already taken by the entity.
STATUS: Closed

DATE OF BREACH: 12-Dec-11**
COMPLAINT NUMBER; 11/02/16/1014-001
NATURE OF COMPLAINT: Transmission of graphic sexual content during the song "One more chance"
NATURE OF BREACH: Breach of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission decided to forego additional remedial actions due to actions already taken by the entity.
STATUS: Closed

DATE OF BREACH: 09-Dec-11**
COMPLAINT NUMBER; 11/02/28/1020-001
NATURE OF COMPLAINT: Transmission of graphic sexual content during the song "S & M"
NATURE OF BREACH: Breach of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission decided to forego additional remedial actions due to actions already taken by the entity.
STATUS: Closed

DATE OF BREACH: 09-Dec-11**
COMPLAINT NUMBER; 11/02/08/1014-004
NATURE OF COMPLAINT: Transmission of mild sexual content during the song "No BS"
NATURE OF BREACH: Breach of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission decided to forego additional remedial actions due to actions already taken by the entity.
STATUS: Closed

DATE OF BREACH: 12-Dec-11**
COMPLAINT NUMBER; 2011/10/11/0000
NATURE OF COMPLAINT: Transmission of material in breach of February 20, 2009 Directives during the song "Pumped up kicks".
NATURE OF BREACH: Breach of February 20, 2009 Directives
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology three times over a one week period with one in Prime Time & a half page ad in both Sunday newspapers.
STATUS: Closed

DATE OF BREACH: 15-Dec-11**
COMPLAINT NUMBER; 2011/11/01/0001
NATURE OF COMPLAINT: Transmission of violent lyrics during the song "Nuh box pon jaw".
NATURE OF BREACH: Breach of February 20, 2009 Directives
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology three times over a one week period with one in Prime Time & a half page ad in both Sunday newspapers.
STATUS: Closed

BREACHES BY BROADCAST TELEVISION LICENSEES

CVM COMMUNICATIONS GROUP (CVM-TV)

DATE OF BREACH: 17-Nov-11**
COMPLAINT NUMBER; 11/09/29/1014-001 & 11/09/27/1014-001
NATURE OF COMPLAINT Transmission of profane and violent lyrics due to poor editing during the airing of the reality series "Teacha's Pet"
NATURE OF BREACH: Breach of February 6 & 20, 2009; L3 (c) Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Transmit prescribed apology three times during the airing of the show; advise the Commission of the measures that will be put in place to prevent recurrence.
STATUS: Closed

DATE OF BREACH: 17-Nov-11**
COMPLAINT NUMBER; 11/08/22/1014-001
NATURE OF COMPLAINT Transmission of profane language during the movie "Internal Affairs"
NATURE OF BREACH: Regulation 30 (d)
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Air prescribed apology three times daily for a period of one week & place half page ad in both Sunday newspapers.
STATUS: Closed

DATE OF BREACH: 17-Nov-11**
COMPLAINT NUMBER; 11/08/15/1014-001
NATURE OF COMPLAINT Transmission of expletive language during the music video "Fiesta"
NATURE OF BREACH: Regulation 30 (d); L3 (c) of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Air prescribed apology three times daily for a period of one week & place half page ad in both Sunday newspapers.
STATUS: Closed

TELEVISION JAMAICA LIMITED

DATE OF BREACH: 12-Dec-11**
COMPLAINT NUMBER; 2011/11/01/0000
NATURE OF COMPLAINT Transmission of expletive language during the movie "Spy Game"
NATURE OF BREACH: Regulation 30 (d); L3 (c) of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission decided to forego additional remedial action due to actions already taken by the entity.
STATUS: Closed

TECHNICAL BREACHES COMMITTED BY SUBSCRIBER TELEVISION LICENSEES

INNTECH COMMUNICATIONS LIMITED

DATE OF BREACH: 21-Oct-2011**
NATURE OF BREACH: Failure to maintain technical standards – Technical Inspection
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Breach letter issued to licensee
STATUS: Open

STARS CABLE COMPANY LIMITED

DATE OF BREACH: 21-Oct-2011**
NATURE OF BREACH: Failure to maintain technical standards – Technical Inspection
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Breach letter issued to licensee
STATUS: Open

MODERN REBROADCASTING COMPANY LIMITED

DATE OF BREACH: 21-Oct-2011**
NATURE OF BREACH: Failure to maintain technical standards – Technical Inspection
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Breach letter issued to licensee
STATUS: Open

VENUS CABLE SERVICES LIMITED

DATE OF BREACH: 21-Oct-2011**
NATURE OF BREACH: Failure to maintain technical standards – Technical Inspection
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Breach letter issued to licensee
STATUS: Open

COPYRIGHT LAWS

CORNWALL COMMUNICATIONS LIMITED

DATE OF BREACH:	17-Nov-2011**
NATURE OF BREACH:	Broadcast of movie without consent of rights holder
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Publication of apology in Western Mirror and apology run on Community notice board.
STATUS:	Closed

**** 'Date of Breach' is meant to indicate the date on which the Commission made a determination that there was a contravention by the licensee, pursuant to Section 20 of the Broadcasting and Radio Re-diffusion Act.**