

BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality



MONITORING & COMPLIANCE REPORT

JANUARY – MARCH 2011

TABLE OF CONTENTS

Introduction	2
Breakdown of Contacts	3
Programming Content Compliance	4
Technical Compliance	7-8
Customer Service Complaints	11
Complaints Resolution	12
Financial Compliance	14
Breaches	17

Tables:

Table 1 – Content Standards Reports	5
Table 2 – Technical Monitoring	7-8
Table 3 – Technical Standards Complaints	9
Table 4 – Resolution of Complaints by Licensee	12
Table 5 – Resolution of Complaints by Category	13
Table 6 - STV Financial Compliance.....	15-16
Table 7- Breaches	18-22

Charts

Figure 1 – Content Standards Reports Trends: 2008-2011	6
Figure 2 – Technical Standards Reports Trends: 2008-2011	10
Figure 3 – Customer Service Standards Reports Trends: 2008-2011	11
Figure 4 – STV Licence Fee Payment	14
Figure 5 – Trend in Total Breaches. 2008-2011	17

EXECUTIVE SUMMARY
BCJ- Quarterly Monitoring & Compliance Report
(JANUARY – MARCH 2011)

During the period January - March 2011, fifteen notices of breach of licence were issued to broadcast radio and television licensees, and subscriber television operators. Four were issued to broadcast radio licensees, two to a television licensee and nine to subscriber television operators. The notices of breach increased by 150% compared to the previous quarter (October-December 2010).

One hundred and forty-six contacts were recorded for the period January-March 2011. Of this number, twenty-eight contacts resulted in investigations of broadcast radio and television operators, and subscriber television operators. The remaining one hundred and eighteen were queries and comments about the work of the Commission.

Twenty-seven contacts resulted in investigations of complaints about content transmitted by broadcast radio and television operators, representing an increase of 125% compared to the previous quarter. The remaining contact resulted in the investigation of a complaint about the technical quality of the output of a cable operator, representing no change in the number of complaints when compared to the previous period. There was no customer service complaint for the period under review.

Nine subscriber television licensees were inspected during the period under review to determine their compliance with technical standards. All nine showed varying degree of non-compliance.

In relation to the payment of the annual licence fee, nineteen subscriber television (STV) operators, or 48% of all licensees paid in full; nine or 22% made partial payments and twelve or 30% were non-compliant. There was a slight increase in the number of full payments recorded and no change in the number licensees who were non-compliant when compared to the previous quarter.

INTRODUCTION

Contacts with the Commission

One hundred and forty-six (146) contacts were recorded for the period, January – March 2011. Those contacts resulted in fifteen (15) Notices of Breach of licence and twenty-eight (28) investigations.

This represents an increase of two-hundred and eleven percent (211%) in the number of investigations carried out by the Commission compared to the previous quarter, October- December 2010.

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated twenty-seven (27) complaints about the broadcast of problematic content. This represents an increase of one hundred and twenty-five percent (125%) when compared to the period October to December 2010.

Table 1 details the complaints investigated relating to programming standards between January and March 2011, and the nature of the investigations conducted by the Commission.

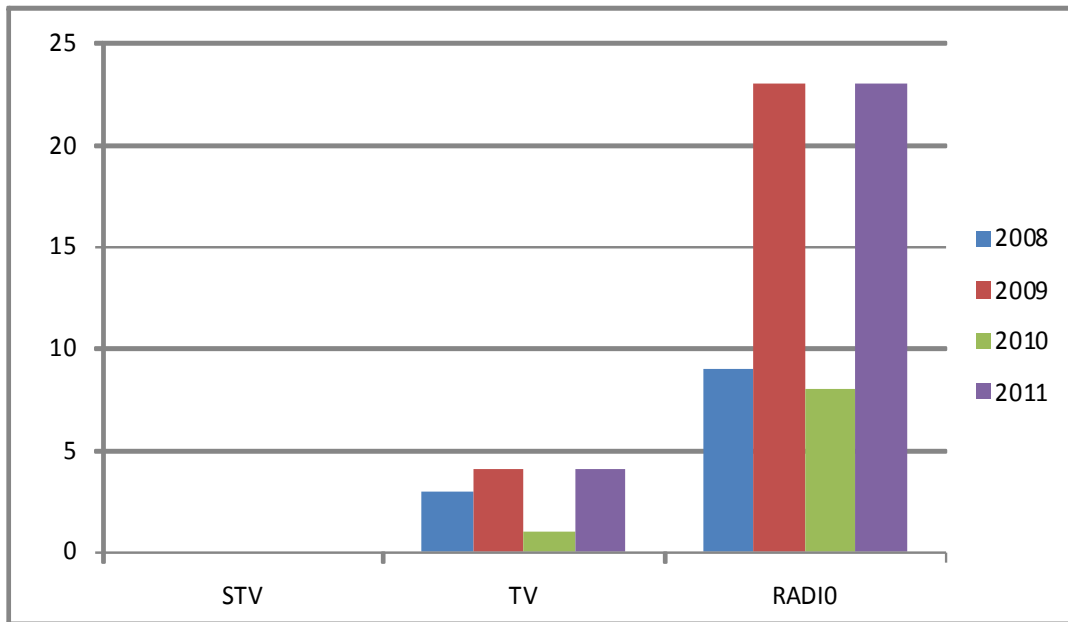
Figure 1 illustrates the trend in programming standard complaints investigated in similar reporting periods since 2008.

Table 1**Content Standards Complaints Investigated: January - March 2011**

	Transmission of content containing a racial slur	Transmission of song containing graphic language	Transmission of expletive during movie	Transmission of violent lyrics/content	Transmission of sexually suggestive lyrics	Transmission of material containing profane language	Transmission of scandalous and derogatory remarks	TOTAL
CVM Television Ltd			1	2				3
(FAME 95 FM		1			5			6
Nationwide News Network						1	1	2
RJR 94 FM						1		1
Television Jamaica Limited						1		1
Hot 102 FM					2			2
Newstalk 93 FM							1	1
Grove Broadcasting Company (ZIP 103 FM)	1	2		2	4	1		10
Grove Broadcasting Company (IRIE FM)						1		11
TOTAL	1	3	1	4	11	5	2	27*

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

Figure 1:
Content Standard Complaints Investigated
Trends for 4th Quarters 2008- 2011



	2008	2009	2010	2011
STV	0	0	0	0
TV	3	4	1	4
RADIO	9	23	8	23

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of nine (9) subscriber television operators were inspected to determine their compliance with the technical standards set out in law.

Table 2 lists the subscriber television licensees inspected and the areas of technical non-compliance identified.

Table 2: Technical Monitoring: January- March 2011

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Cornwall Communications Limited	25(1), 17(1)(h), 17(4)(d), 17(4)(e), Breach of licence – Operating a non-addressable system & non-provision of service to licensed zone	Breach letter sent 07./03/2011
2.	Silly Video Cable Network	17(1)(h), 7(4)(d), 17(4)(e), 25(1), 15(a), 15(b) Breach of Licence - Operating a non-addressable system	Breach letter sent 31/03/2011
3.	St. Thomas Cable Network Limited	17(1)(h), 7(4)(d), 17(4)(e), 25(1), 15(a), 15(b) Breach of Licence- Operating a non-addressable system & non provision of service to licensed zone	Breach letter sent 31/03/2011
4.	Qes 46 Limited	17(1)(h), 17(4)(d), 17(4)(e), Breach of Licence- non-provision of service to licensed zone	Breach letter sent 31/03/2011

5.	Oliver's Electronic Engineering limited	17(1)(h), Breach of Licence Operating a non-addressable system	Meeting to be held with licensee about identified breaches
6.	First Choice Cable Limited	15(b), 32(a), 17(4)(b), 17(4)(e), 17(1)(h), 25(1), Breach of Licence Operating a non-addressable system	Breach letter sent 31/03/2011
7.	Wilson Enterprises Ltd / Satcom Cable TV Net	17(1)(h)	Meeting to be held with licensee about identified breaches
8.	Marimaxx Communications Limited	15(a), 17(4)(b), 17(4)(d), 17(4)(e), 17(1)(h), Breach of Licence Operating a non-addressable system	Breach letter sent 14/04/2011
9.	Mega International Company Jamaica Limited	15(b), 17(1)(h), Breach of Licence non provision of service to licensed zone	Meeting to be held with licensee about identified breaches

Table 3 lists complaints received relating to technical quality of STV service. One (1) complaint was received about alleged interference with another licensee's apparatus, representing no change in the number of complaints received when compared to the previous period, October to December 2010.

Table 3

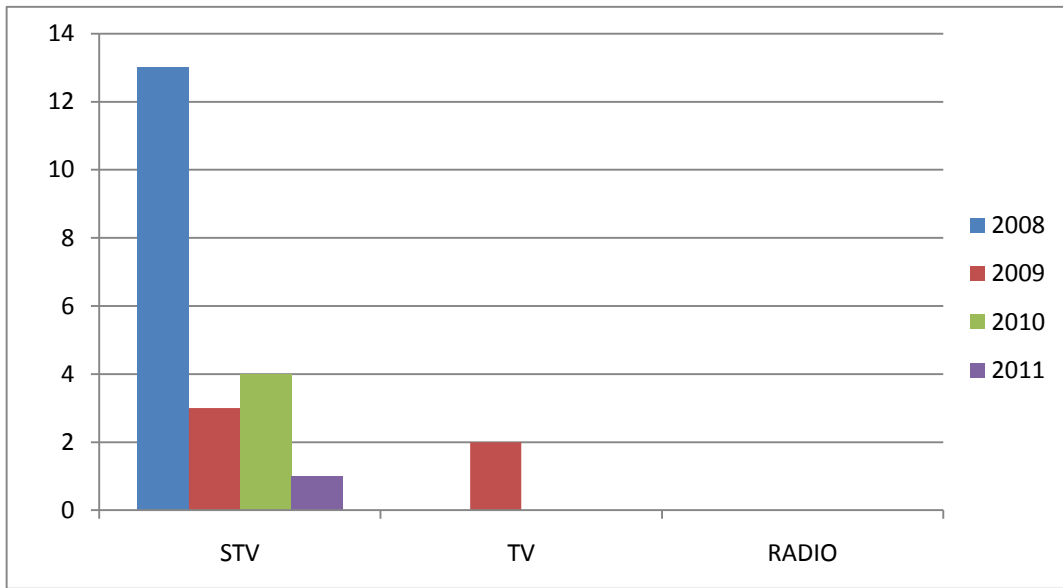
**Technical Standards Complaints
January - March 2011**

	Poor audio and video signals	Non provision of service	Frequent Breaks in transmission	Alleged interference with another licensee's apparatus	TOTAL
Columbus Comm Ja Ltd. (Flow)				1	
TOTAL				1	1*

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

Figure 2 illustrates the trend in technical standard complaints received in similar reporting periods since 2008.

Figure 2
Technical Standards Report Trends for 4th Quarters (Jan-Mar)-
2008 to 2011



	2008	2009	2010	2011
STV	13	3	4	1
TV	0	2	0	0
RADIO	0	0	0	0

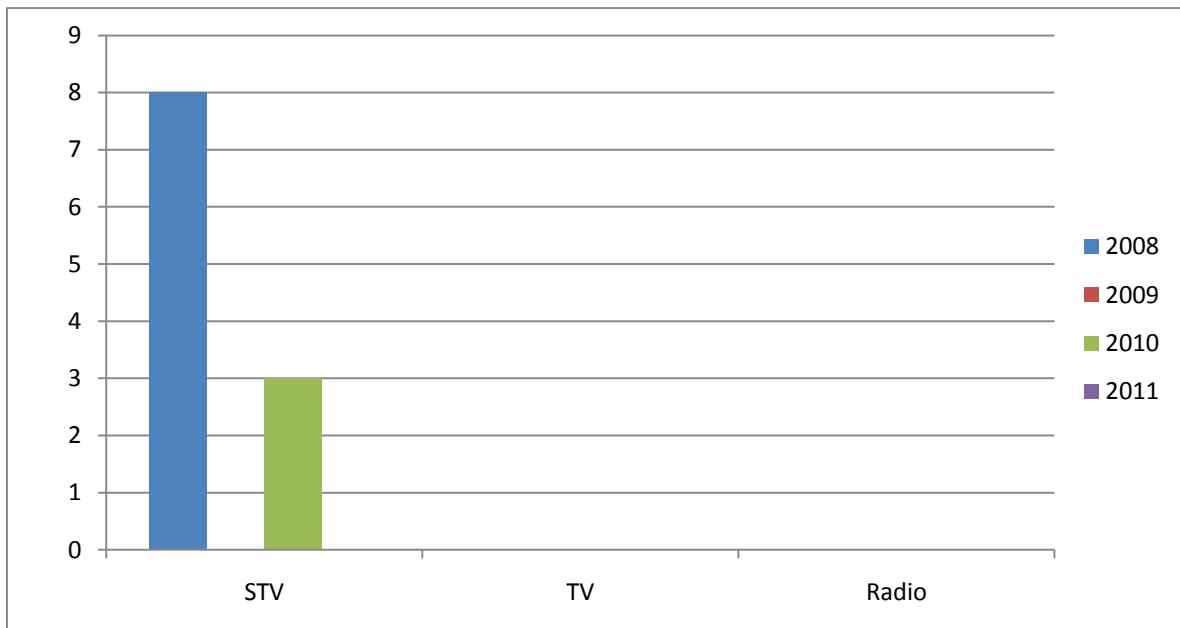
CUSTOMER SERVICE COMPLAINTS

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

Figure 3 illustrates the trend in customer service complaints received in similar reporting periods since 2008.

Figure 3

Customer Service Complaints Reports Trends 4th Quarters (Jan – Mar) 2008 to 2011



	2008	2009	2010	2011
STV	8	0	3	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. Thirteen (13) investigations were resolved between January – March 2011

Table 4
Resolution of Complaints by Licensee

	No. of investigated complaints Resolved
Subscriber	
Television	1
Broadcast	2
Television	
Broadcast	10
Radio	
Total	13

Table 5
Resolution of Complaints by Category

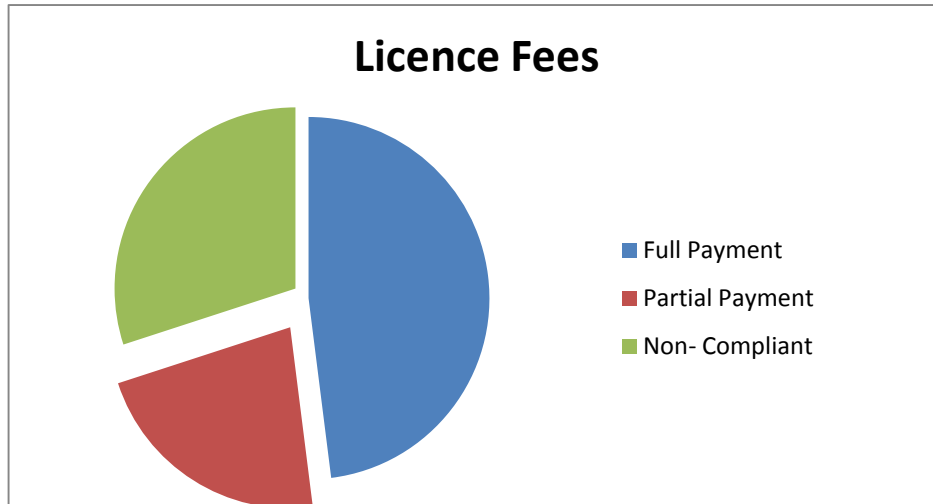
CATEGORY		TOTAL
Complied with required remedial action for breach of licence		
Subscriber Television	1	1
Broadcast Television	4	4
Broadcast Radio		
Closed - Commission's investigation complete		
Subscriber Television	1	1
Broadcast Television	1	1
Broadcast Radio	1	1
Closed – No evidence of breach		
Subscriber Television	-	-
Broadcast Television	-	-
Broadcast Radio	5	5
Total	13	13

FINANCIAL COMPLIANCE

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

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

Figure 4



Full Payment	48%
Partial Payment	22%
Non- Compliant	30%

Table 6- STV Licensees Financial Compliance for quarter ended March 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	no		✓	
2	Cable One Jamaica Ltd. yes	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	no	no	✓		
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	no	✓		
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	no	✓		
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	no	✓		
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		✓	
23	Mile Gully Cable Ltd	n/a	no	no	no	no		✓	
24	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	no	✓		

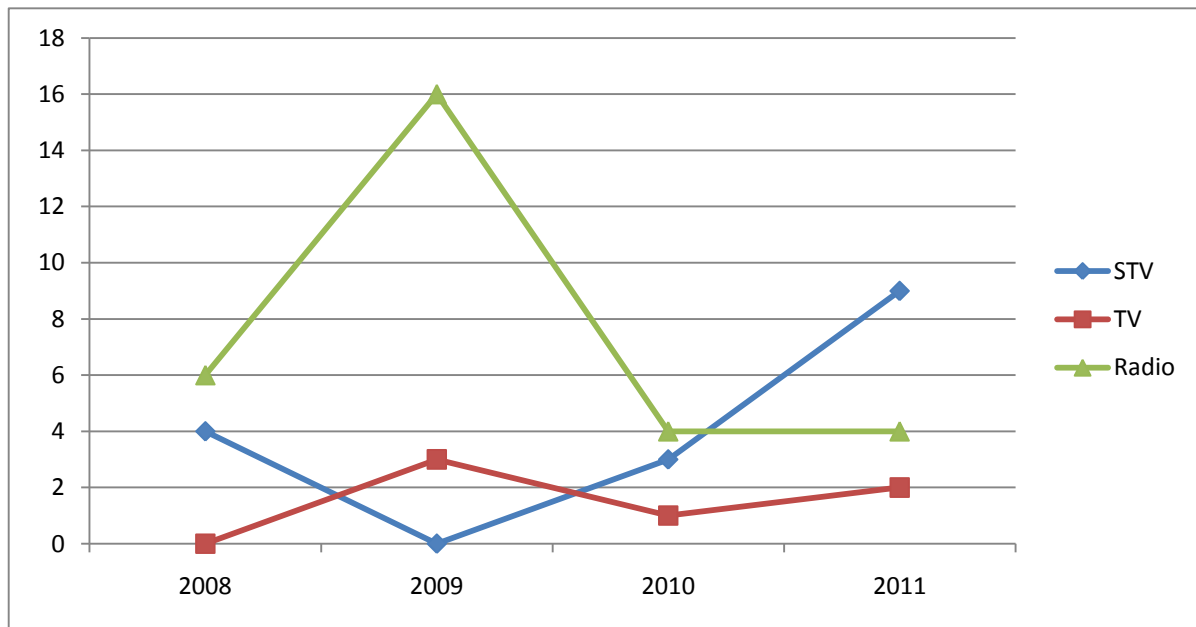
Table 6 - STV Licensees Financial Compliance (contd)

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2006	2007	2008	2009	2010	Paid in Full	Partial Payment	Non-Compliant
25	Odyssey Cable Vision Limited	n/a	yes	yes	yes	no	✓		
26	Oliver Electronics Engineering Ltd.	yes	yes	yes	no	no		✓	
27	QES 46 Limited	n/a	n/a	yes	yes	no			✓
28	Quality Cable Services (not operational)	n/a	n/a	n/a	n/a	n/a			
29	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes	✓		
30	Silly Video Cable Network Limited	yes	yes	yes	yes	no	✓		
31	Starcom Cablevision Ltd.	yes	yes	yes	yes	no			✓
32	Stars Cable Company Ltd.	yes	yes	no	yes	no	✓		
33	St. Thomas Cable Network Limited	yes	yes	no	no	no			✓
34	Summit Satellite Systems Limited	yes	yes	yes	yes	no	✓		
35	Telstar Cable Limited	yes	yes	no	no	no	✓		
36	Total Cable	n/a	no	yes	no	no			✓
37	Tru Star Cable Television Network	n/a	n/a	n/a	n/a	no	✓		
38	Unique Vision Cable Co. Ltd.	yes	yes	yes	no	no		✓	
39	Venus Cable Services	no	no	no	no	no		✓	
40	Westar Communications Limited	yes	yes	yes	no	no			✓
41	Wilson Enterprises Limited	yes	yes	yes	yes	no		✓	

NOTICES OF BREACH

During the period under review, fifteen (15) Notices of Breach were issued to licensees. Six (6) notices arose from contraventions of content standards and the remaining nine (9) arose from the contravention of technical standards.

Figure 5
TREND IN BREACHES COMMITTED BY SERVICE



	2008	2009	2010	2011
STV	4	0	3	9
TV	0	3	1	2
RADIO	6	16	4	4

Table 7
BREACHES BY BROADCAST RADIO LICENSEES

NATIONWIDE NEWS NETWORK

DATE OF BREACH: 14-Mar-11**
COMPLAINT NUMBER; 11/02/07/1043-001
NATURE OF COMPLAINT Transmission of adult discussions with strong sexual content as well as scandalous, derogatory and insulting remarks
NATURE OF BREACH: Breach of clause 10 (1) and clause 10 (2) of its Licence and the Television and Sound Broadcasting Regulations
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to (a) Immediately discontinue the 'Raggashanti Live' programme in its current daytime slot effective March 15, 2011 (b) air and publish apology
STATUS: Open

DATE OF BREACH: 04-Mar-11**
COMPLAINT NUMBER; 11/01/21/1020-001
NATURE OF COMPLAINT Transmission of content containing profanity
NATURE OF BREACH: Breach of Regulation 30 (d) of the TSBR and S3 (b) of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to publish apology
STATUS: Open

RJR – Radio 95 FM

DATE OF BREACH: 14-Feb-11**
COMPLAINT NUMBER; 10/12/13/1020-001
NATURE OF COMPLAINT Transmission of song containing problematic lyrics
NATURE OF BREACH: Breach of Regulation 30 (d) of the TSBR and the February 6, 2009 Directives
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission accepted licensee's internal remedial action.
STATUS: Closed

DATE OF BREACH:	18-Mar-11**
COMPLAINT NUMBER;	11/02/08/1020-003
NATURE OF COMPLAINT	Transmission of song containing sexually suggestive lyrics
NATURE OF BREACH:	Breach of scheduling requirements of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee cautioned.
STATUS:	Closed

BREACHES COMMITTED BY BROADCAST TELEVISION LICENSEES

CVM COMMUNICATIONS GROUP (CVM-TV)

DATE OF BREACH: 14-Feb-11**
COMPLAINT NUMBER; 10/12/01/1020-001
NATURE OF COMPLAINT Transmission of content containing profanity
NATURE OF BREACH: Breach of Regulation 30 (d) of the TSBR and L3 (a) of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied
STATUS: Closed

TELEVISION JAMAICA

DATE OF BREACH: 14-Feb-11**
COMPLAINT NUMBER; 10/12/20/1020-001
NATURE OF COMPLAINT Transmission of scandalous matter during Prime Time News
NATURE OF BREACH: Breach of Regulation 30 (c) of the TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Commission accepted licensee's internal remedial action
STATUS: Closed

TECHNICAL BREACHES COMMITTED BY SUBSCRIBER TELEVISION LICENSEES

TOTAL CABLE

DATE OF BREACH: 27-Jan-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

COMBINED COMMUNICATION LIMITED

DATE OF BREACH: 27-Jan-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

STARCOM CABLEVISION

DATE OF BREACH: 27Jan-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

CTL

DATE OF BREACH: 27-Jan-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

CORNWALL COMMUNICATIONS LIMITED

DATE OF BREACH: 07-Mar-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

SILLY VIDEO CABLE NETWORK

DATE OF BREACH: 31-Mar-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

ST. THOMAS CABLE NETWORK LIMITED

DATE OF BREACH: 31-Mar-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

QES 46 LIMITED

DATE OF BREACH: 31-Mar-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

FIRST CHOICE CABLE LIMITED

DATE OF BREACH: 31-Mar-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

**** '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**