

BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality



MONITORING & COMPLIANCE REPORT

APRIL-JUNE 2010

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INTRODUCTION

Two hundred and twenty-four (224) contacts were recorded for the period under review. Of this number, eight (8) resulted in investigations of licensed cable, radio or television operators. This level of investigations represents an increase of thirty-six percent (36%) when compared to the previous quarter January-March 2010.

Seven (7) Notices of Breach were issued during the period under review.

Breakdown of Contacts April-June 2010

	Apr 2010	May 2010	June 2010		TOTAL
information Requested:	49	49	46		144
<input type="checkbox"/> Procedure for acquiring licences (STV and Broadcast)					
<input type="checkbox"/> Role/ mandate of the Broadcasting Commission					
<input type="checkbox"/> Whether the Commission regulates cable subscription fees	3				3
<input type="checkbox"/> Broadcast application queries	5				5
<input type="checkbox"/> Converter box issues					
Complaints received	4	3	1		8
Objection to the airing of the song 'Blood Clot' performed by Lloyd Lovindeer"	3				3
Zoning Info	12	9	9		30
Update on complaints lodged	4	4			8
Issues with 'Raggashanti Live' programme		4	4		8
Queries about the Commission regulating IPPS	2				2
STV subscribers inability to watch world cup football on ESPN			7		7
Concerns about lyrics in the song 'Hold You' performed by Gyptian			4		4
Concerns about comments made by Mr Perkins on the programme 'Perkins on Line'			2		2
TOTAL	82	69	73		224

PROGRAMMING STANDARDS COMPLIANCE

During the period under review, the Commission received five (5) complaints relating to the transmission of problematic content. This represents a reduction of forty-four percent (44%) when compared to the previous quarter, January-March 2010

Table 1 details the complaints received relating to programming standards between April and June 2010, and the nature of the investigations conducted by the Commission.

Figure 1 illustrates the trend in programming standards complaints received in similar reporting periods since 2007.

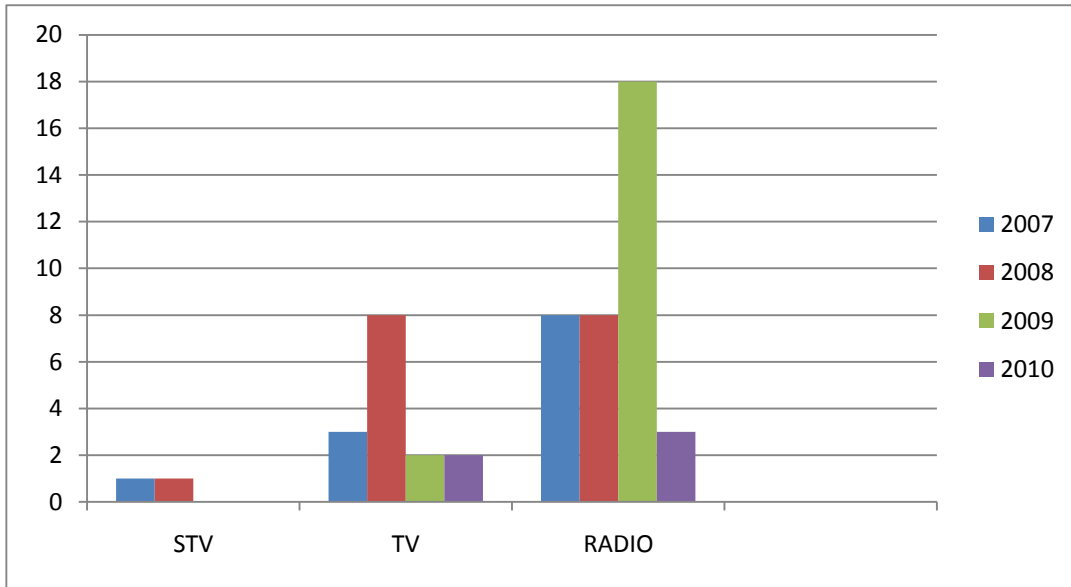
Table 1
Content Standards Reports: Apr-Jun. 2010

	Alleged transmission of material promoting use of illegal drugs (insufficient info. To proceed with investigation)	Sexually suggestive language/lyrics	Alleged Use of editing techniques	Alleged transmission of material with inappropriate language	Alleged transmission of material containing expletive	alleged transmission of adult theme programme before watershed	Alleged transmission of material in breach of scheduling requirements	TOTAL
CVM Television Ltd					1			1
Radio Jamaica Limited- Fame 95 FM							2	2
Television Jamaica				1				1
NewsTalk 93 FM						1		1
TOTAL				1	1	1	2	5*

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

Figure 1

1st Quarter (April – June) Content Standards Reports Trend for the years 2007-2010



	2007	2008	2009	2010
STV	1	1	0	0
TV	3	8	2	2
RADIO	8	8	18	3

TECHNICAL COMPLIANCE

Technical Monitoring

The facilities of all subscriber television operators are inspected annually to determine their compliance with the technical standards set out in law.

There was no inspection of the facilities of subscriber television operator for the period under review.

Technical complaints

Three complaints were received about the technical quality of licensees' transmissions for this period.

Two (2) or sixty-seven percent (67%) of the complaints received related to frequent breaks in transmission, the other one (1) or thirty-three percent (33%) related to poor audio and video signals.

Table 2 details the nature of the investigations conducted, while **Figure 2** illustrates the trend in technical complaints received in similar reporting periods since 2007.

Table 2

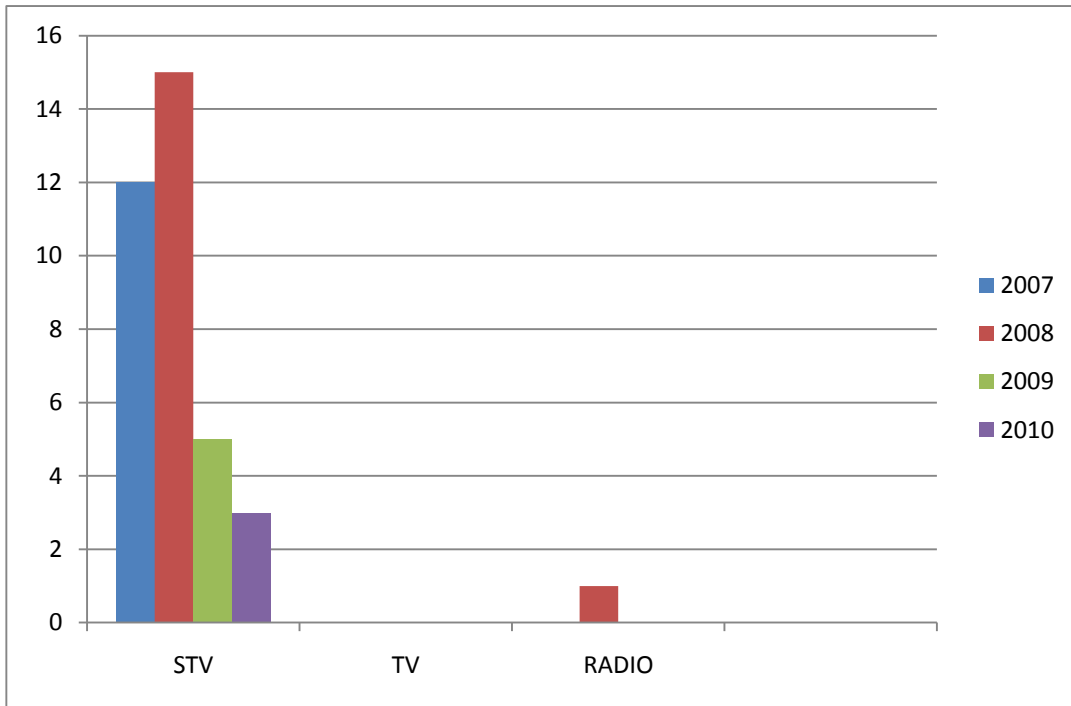
Technical Standards Reports: April - June 2010

	Poor audio and video signals	No provision of service	Frequent breakdowns	Long Break in transmission	TOTAL
Mega Cable			1		1
Qes 46 Ltd	1		1		2
TOTAL	1		2		3*

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

Figure 2

1st Quarter (April – June) Technical Standards Reports Trend for the years 2007-2010



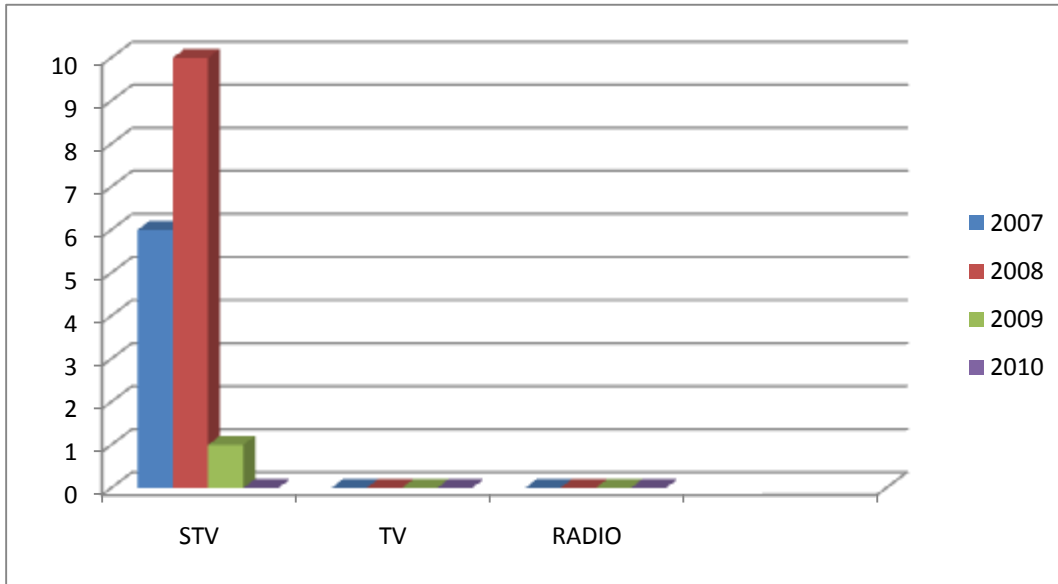
	2007	2008	2009	2010
STV	12	15	5	3
TV	0	0	0	0
RADIO	0	1	0	0

CUSTOMER SERVICE COMPLIANCE

There was no customer service related complaint for the period under review - April-June 2010.

Figure 3

1st Quarter (April – June) Customer Service Complaints Reports Trends for the years 2007-2010



	2007	2008	2009	2010
STV	6	10	1	0
TV	0	0	0	0
RADIO	0	0	0	0

COMPLAINTS RESOLVED

Except for matters that fall outside the Commission's mandate, all reports of possible breaches of licence are investigated. As soon as the investigations are completed, the complainants and the relevant licensees are notified of the outcome, and the Commission considers the matter resolved. Twenty-seven (27) investigations were resolved between April and June 2010.

Table 3 shows the categories of complaints resolved, while **Table 4** details the bases on which the Commission was able to close the investigations.

Table 3

Resolution of Complaints by Service

	Complaints Resolved (including those brought forward from the previous quarter)
Subscriber Television	9
Broadcast Television	2
Broadcast Radio	16
Total	27

Table 4

Resolution of Complaints by Category

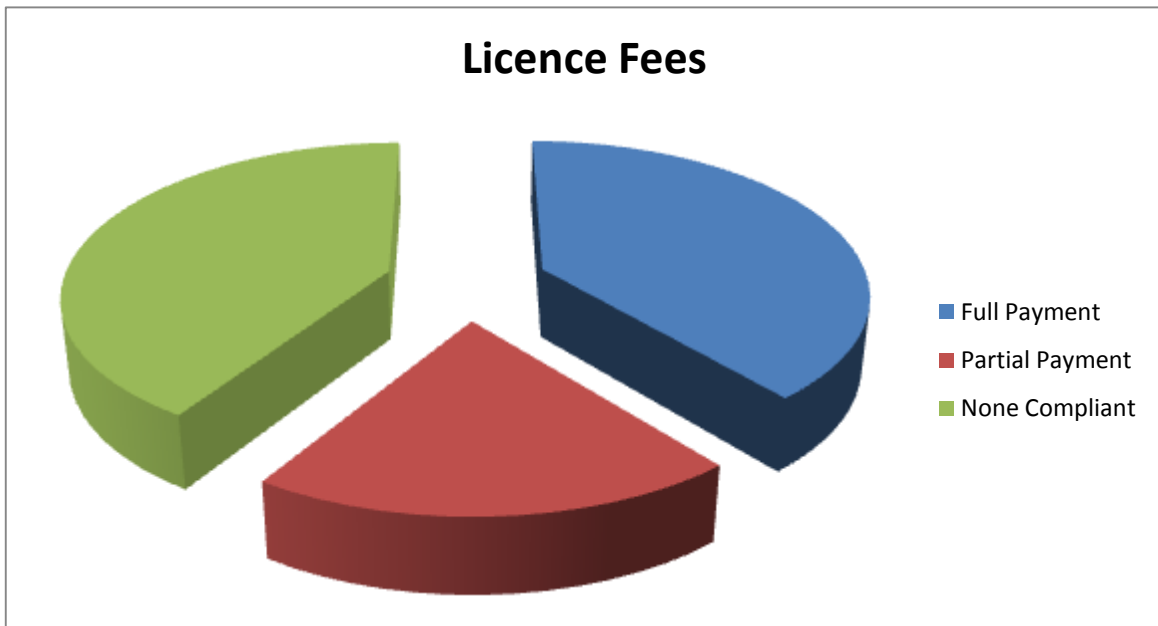
CATEGORIES	TOTAL
Resolved to complainant's satisfaction Subscriber Television	5
Commission investigation complete Broadcast Radio Subscriber Television	5 3
No evidence of breach of content standards Broadcast Television Broadcast Radio Subscriber Television	- 10 -
Insufficient info to pursue investigation Broadcast Television Broadcast Radio	1 1
Complied with required remedial action for breach of licence Broadcast Television Subscriber Television	1 1
Complainants no longer subscribe to licensees Subscriber Television	-
Complaint withdrawn by complainant Subscriber Television	-
Total	27

FINANCIAL COMPLIANCE

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

Figures 4 illustrate cable operators' compliance with these obligations.

Figure 4



Full Payment	39%
Partial Payment	20%
Non-Compliant	41%

In relation to licence fees due during the period, sixteen (16) or thirty-nine percent (39%) of the licensees paid in full; eight (8) or twenty percent (20%) licensees made partial payments and seventeen (17) or forty-one percent (41%) were totally non-compliant. There was a slight increase of four in the number of full payments recorded when compared to the previous quarter January- March 2010.

Table 5- STV Licensees Financial Compliance- for period ending June 2010

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2005	2006	2007	2008	2009	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	n/a	n/a	yes	yes	no		✓	
2	Cable One Jamaica Ltd.	yes	yes	yes	no	no			✓
3	Cabletron Network Systems Ltd.	yes	yes	yes	no	no			✓
4	Central Communication Services Ltd.	yes	yes	yes	yes	yes	✓		
5	Columbus Communications - FLOW	n/a	n/a	yes	yes	yes	✓		
6	Combined Communications Ltd.	yes	yes	yes	yes	no		✓	
7	Communicable Ltd.	yes	no	no	no	no		✓	
8	Cornwall Communications Ltd.	yes	yes	yes	yes	no	✓		
9	CTL Limited	yes	yes	yes	no	no		✓	
10	Direct Cable Systems Ltd.	n/a	n/a	n/a	n/a	n/a	✓		
11	First Choice Cable	yes	yes	yes	yes	no			✓
12	General Satellite Network Company	yes	yes	yes	yes	yes	✓		
13	Guthrie's Communications Ltd	no	yes	yes	yes	yes			✓
14	Inntech Communications Ltd.	yes	yes	yes	no	no	✓		
15	Jamaica Cablevision Ltd.	yes	yes	yes	yes	no	✓		
16	Linscom Network Limited	n/a	n/a	n/a	yes	no	✓		
17	Logic One Limited	yes	yes	yes	yes	no	✓		
18	Marimaxx Communications Ltd.	yes	yes	yes	yes	no			✓
19	Mars Cable Vision Ltd.	n/a	n/a	n/a	yes	yes	✓		
20	McKoy Cable Television Co. Ltd.	n/a	n/a	n/a	n/a	n/a			✓
21	Mega International Co. Ja. Ltd.	no	no	no	no	no			✓
22	Mikes Electronics & Cable Network Ltd.	n/a	n/a	no	no	no			✓
23	Mile Gully Cable Ltd	n/a	n/a	no	no	no		✓	
24	Modern Re-Broadcasting Co. Ltd.	no	yes	yes	yes	yes	✓		

Table 5- STV Licensees Financial Compliance- for period ending June 2010 cont'd.

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2005	2006	2007	2008	2009	Paid in Full	Partial Payment	Non-Compliant
25	Odyssey Cable Vision Limited	n/a	n/a	yes	yes	no			✓
26	Oliver Electronics Engineering Ltd.	no	yes	yes	yes	no		✓	
27	QES 46 Limited	n/a	n/a	n/a	no	no			✓
28	Quality Cable Services	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	yes	✓		
31	Starcom Cablevision Ltd.	yes	yes	yes	yes	yes			✓
32	Stars Cable Company Ltd.	yes	yes	yes	no	yes		✓	
33	St. Thomas Cable Network Limited	no	yes	yes	no	no			✓
34	Summit Satellite Systems Limited	yes	yes	yes	yes	yes	✓		
35	Telstar Cable Limited	yes	yes	yes	no	no	✓		
36	Total Cable	n/a	n/a	no	yes	no			✓
37	Tru Star Cable Television Network	n/a	n/a	n/a	n/a	n/a	✓		
38	Unique Vision Cable Co. Ltd.	yes	yes	yes	yes	No			✓
39	Venus Cable Services	no	no	no	no	No		✓	
40	Westar Communications Limited	yes	yes	yes	yes	No			✓
41	Wilson Enterprises Limited	yes	yes	yes	yes	Yes			✓

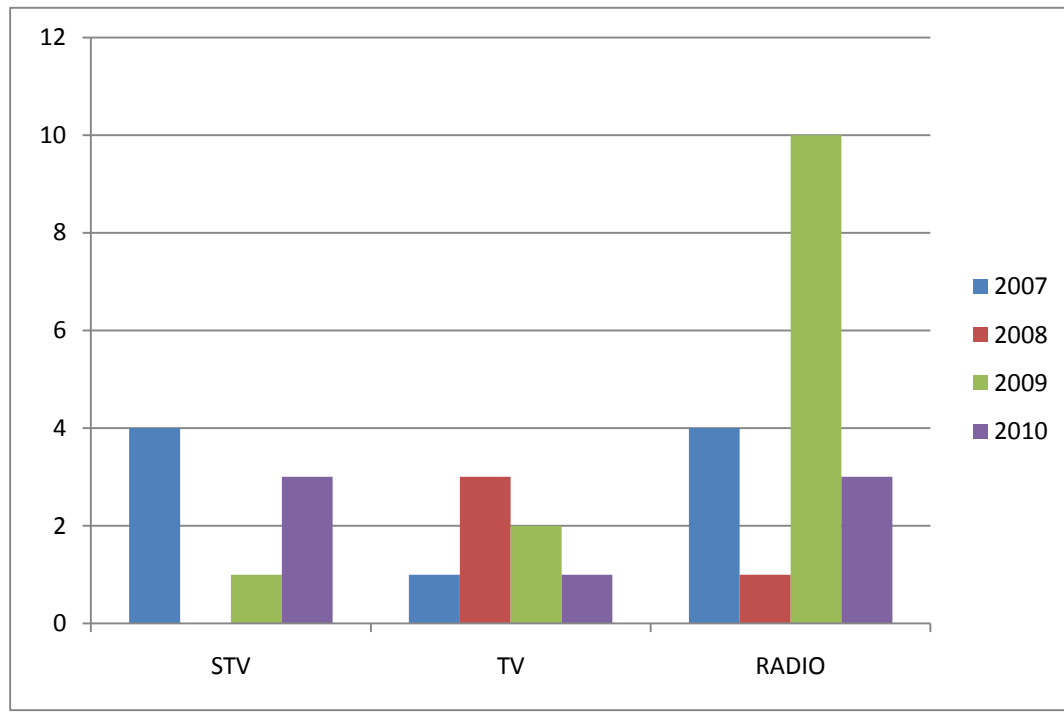
BREACHES OF LICENCE

Seven (7) notices of breach of licence were issued to broadcast radio licensees, subscriber television operators and broadcast television licensees. Three (3) broadcast radio licensees were issued notices of breach for content standard related matters; two (2) notices of breach were issued to two (2) subscriber television operators for programming standards breaches; one (1) broadcast television licensee was issued a notice of breach for breach of programming standards and one (1) subscriber television operator was issued a notice of breach for breach of the second schedule of its licence. (See Table 6 for details of the breaches). This represents an increase of seventeen percent (17%) when compared to the previous quarter, January- March 2010.

Figure 5 illustrates the trend in total breaches committed, by service, for similar reporting periods since 2007. Table 6 details the breaches determined by the Commission during the current reporting period.

Figure 5

1st Quarter (April – June) Trend in Total Breaches for the years 2007-2010



	2007	2008	2009	2010
STV	4	0	1	3
TV	1	3	2	1
RADIO	4	1	10	3

Table 6

BREACHES COMMITTED BY BROADCAST RADIO LICENSEES

Radio Jamaica Limited (Fame 95 FM)

DATE OF BREACH: 01-Apr-10**
COMPLAINT NUMBER; 10/02/04/1043-001
NATURE OF COMPLAINT: Transmission of material not fit for air play
NATURE OF BREACH: Breach of Reg. 30 (d) of TSBR and the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology and publish apology in newspaper
STATUS: Licensee complied with required remedial action. File closed.

DATE OF BREACH: 28-Apr-10**
COMPLAINT NUMBER; 10/03/09/1014-001
NATURE OF COMPLAINT: Transmission of material not fit for air play
NATURE OF BREACH: Breach of Reg. 30 (d) of TSBR and the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology and publish apology in newspaper
STATUS: Licensee complied with required remedial action; File closed.

Grove Broadcasting Company Limited (Zip 103 FM)

DATE OF BREACH: 01-Apr-10**
COMPLAINT NUMBER; 10/02/11/1020-001
NATURE OF COMPLAINT: Transmission of material not fit for air play
NATURE OF BREACH: Breach of Reg. 30 (d) of TSBR and the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology and publish apology in newspaper
STATUS: Licensee complied with required remedial action; File closed.

BREACHES COMMITTED BY SUBSCRIBER TELEVISION OPERATORS

Oliver Electronics Engineering Limited

DATE OF BREACH: 01-Apr-10**
COMPLAINT NUMBER; 10/02/02/1042-001
NATURE OF COMPLAINT: Transmission of material without rights holder's permission
NATURE OF BREACH: Breach of Reg. 30 (a) of TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to place apology on Community channel & in all three (3) newspapers
STATUS: Licensee complied with required remedial action; File closed

Telstar Cable

DATE OF BREACH: 14-Apr-10**
COMPLAINT NUMBER; 10/02/04/1045-001
NATURE OF COMPLAINT: Transmission of material without rights holder's permission
NATURE OF BREACH: Breach of Reg. 30 (a) of TSBR & Section 11 (2) of licence.
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee formalized arrangement with copyright holder.
STATUS: File closed

Columbus Communications Jamaica Limited (Flow)

DATE OF BREACH: 05-May-10**
COMPLAINT NUMBER; 10/04/12/1042-001
NATURE OF COMPLAINT: Contravention of the second schedule of its licence
NATURE OF BREACH: Contravention of Clauses 1.1, 1.2, 1.4, 3 & 6 of the second schedule of its licence.
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to place an apology on its Community channel & in a Sunday newspaper.
STATUS: File closed

BREACHES COMMITTED BY BROADCAST TELEVISION OPERATORS

National Religious Media Company Limited (Love Television)

DATE OF BREACH:	29-Apr-10**
COMPLAINT NUMBER;	10/02/02/1042-002
NATURE OF COMPLAINT:	Transmission of material without rights holder's permission
NATURE OF BREACH:	Breach of sections 11 (b) & (c) of the TSBR
COMMISSION DECISION:	Licensee in breach- failure to provide information to Commission.
REMEDIAL ACTION:	Licensee directed to place apology on channel & in all three (3) newspapers
STATUS:	Licensee complied with required remedial action; File 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.**