

# BROADCASTING COMMISSION

*More Choices, Better Access and Higher Quality*



## **MONITORING & COMPLIANCE REPORT**

**July 2009 - March 2010**

# Introduction

## CONTACTS WITH THE COMMISSION

The telephone continued to be the public's preferred method of contacting the Commission. Five hundred and seventy-six (576) contacts were recorded for the period under review; July 2009 - March 2010. Of this number, forty-four (44) resulted in investigations of licensed cable, radio or television operators. This level of investigation represents a decrease of forty-nine percent (49%) when compared to the similar period last year.

Twenty-seven (27) Notices of Breach were issued during the period under review.

**Table 1 - TOTAL CONTACTS RECORDED**

|              |   |               |            |
|--------------|---|---------------|------------|
| JULY '09     | - | SEPTEMBER '09 | 202        |
| OCTOBER '09  | - | DECEMBER '09  | 209        |
| JANUARY '10  | - | MARCH '10     | 165        |
| <b>TOTAL</b> |   |               | <b>576</b> |

**Table 2** provides further details on the nature of contacts made by the public.

**Table 2  
Breakdown of Contacts**

|  | Jul-<br>Sept<br>2009- | Oct-<br>Dec<br>2009 | Jan-Mar<br>2010 | TOTAL      |
|--|-----------------------|---------------------|-----------------|------------|
| <b>Information Requested:</b>  | 150                   | 137                 | 126             | 413        |
| <input type="checkbox"/> Zoning and contact information for subscriber television licensees  |                       |                     |                 |            |
| <input type="checkbox"/> Procedure for acquiring licences (STV and Broadcast)  |                       |                     |                 |            |
| <input type="checkbox"/> Purpose of "Take Responsibility" mailers  |                       |                     |                 |            |
| <input type="checkbox"/> Role/ mandate of the Broadcasting Commission  |                       |                     |                 |            |
| <input type="checkbox"/> Introduction of addressable systems by some STV licensees   |                       |                     |                 |            |
| <input type="checkbox"/> Whether the Commission regulates cable subscription fees  |                       |                     |                 |            |
| <input type="checkbox"/> Status of applications for licences   |                       |                     |                 |            |
| <input type="checkbox"/> Local advertising on cable  |                       |                     |                 |            |
| <u>Complaints received</u>   | 10                    | 18                  | 16              | 44         |
| <b>Follow-up to complaints already lodged</b>  | 9                     | 2                   | 2               | 13         |
| <b>Queries about Flow advertising on intl. channel</b>   | 6                     |                     |                 | 6          |
| <b>Concerns about sexual explicitness of Magnum advertisement</b>  |                       | 7                   |                 | 7          |
| <b>Zoning Information</b>  | 17                    | 22                  | 13              | 52         |
| <b>Concerns about sexual explicitness of Mandingo advertisement</b>  |                       | 8                   |                 | 8          |
| <b>Concerns about the transmission of programmes acquired by exclusive rights (Sportsmax acquiring rights to transmit Fox soccer))</b> |                       |                     | 4               | 4          |
| <b>Procedure for acquiring Broadcast licence</b>   | 4                     | 7                   |                 | 11         |
| <b>Queries in relation to Commission's Directive to STVO's to remove HBO &amp; Cinemax from channel line-up</b>                        | 6                     | 8                   |                 | 14         |
| <b>DJ's fans expressing disappointment at his suspension</b>   |                       |                     | 4               | 4          |
| <b>TOTAL</b>   | <b>202</b>            | <b>209</b>          | <b>165</b>      | <b>576</b> |

## Complaints Received

**Section 16 (f) of The Broadcasting and Radio Re-Diffusion Act** requires the Commission to “*receive and investigate complaints in relation to any matter under the Act*”.

During the period under review, the Commission received forty-four (44) complaints. **Table 3** is a breakdown of the reports on a quarterly basis while **Table 4** details the nature of the complaints.

**Table 3- Quarterly breakdown of complaints received**

|         |   |               |   |    |
|---------|---|---------------|---|----|
| July    | - | September '09 | - | 10 |
| October | - | December '09  | - | 18 |
| January | - | March '10     | - | 16 |
| Total   |   |               |   | 44 |

# PROGRAMMING STANDARDS COMPLIANCE

During the period under review, the Commission received thirty (30) complaints relating to the transmission of problematic content.

**Tables 4-6** details complaints received relating to programming standards for the respective quarters: July- September 2009; October - December 2009; and January - March 2010.

The complaints received during the period July to September 2009 increased by fourteen percent (14%) when compared to the similar period July - September 2008.

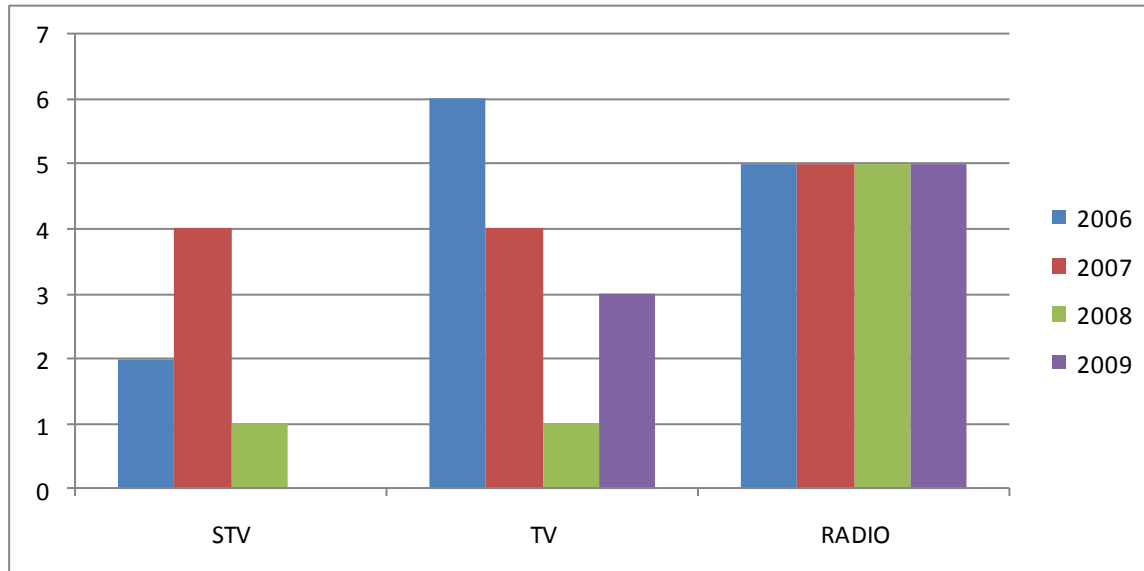
**Figure 1** illustrates the trend in programming standards complaints received in similar reporting periods since 2006.

**Table 4**  
**Content Standards Reports: July-Sept. 2009**

|  | Alleged transmission of movie promoting homosexuality | Sexually suggestive language /lyrics | Alleged Use of editing techniques | Alleged use of Derogatory & Abusive language | Alleged False & misleading news | Transmission of image of man attacking another with machete | Alleged breach of Directive | <u>TOTAL</u> |
|--|---|--------------------------------------|-----------------------------------|--|---------------------------------|---|-----------------------------|--------------|
| Grove Broadcasting Co. Ltd (Irie FM)         |   |                                      |                                   |  |                                 |   |                             |              |
| CVM Television Ltd                           | 1   |                                      |                                   |  |                                 |   |                             | 1            |
| Radio Jamaica Limited- Fame 95 FM            |   | 1                                    | 2                                 |  |                                 |   |                             | 3            |
| Nationwide News Network Ltd (NNN)            |   |                                      | 1                                 |  |                                 |   |                             | 1            |
| Radio Jamaica Limited- Television Jamaica    | 1   |                                      |                                   |  |                                 | 1   |                             | 2            |
| Radio Jamaica Limited (HITZ 92FM)            |   |                                      |                                   |  |                                 |   |                             |              |
| Radio Jamaica Limited ( RJR 94FM)            |   |                                      |                                   |  |                                 |   |                             |              |
| Universal Media Company Ltd (NewsTalk 93 FM) |   |                                      |                                   | 1  |                                 |   |                             | 1            |
| <b>TOTAL</b>                                 | <b>2</b>  | <b>1</b>                             | <b>3</b>                          | <b>1</b>                                     |                                 | <b>1</b>  |                             | <b>8*</b>    |

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

***Figure 1– Content Standards Report Trends for quarter July-September 2006 to July- September 2009***



|       | 2006 | 2007 | 2008 | 2009 |
|-------|------|------|------|------|
| STV   | 2    | 4    | 1    | 0    |
| TV    | 6    | 4    | 1    | 3    |
| RADIO | 5    | 5    | 5    | 5    |

During the period, October to December 2009, thirteen (13) complaints relating to the transmission of problematic content were received. There was no change in the complaints received when compared to the similar period of October - December 2008.

**Table 5**

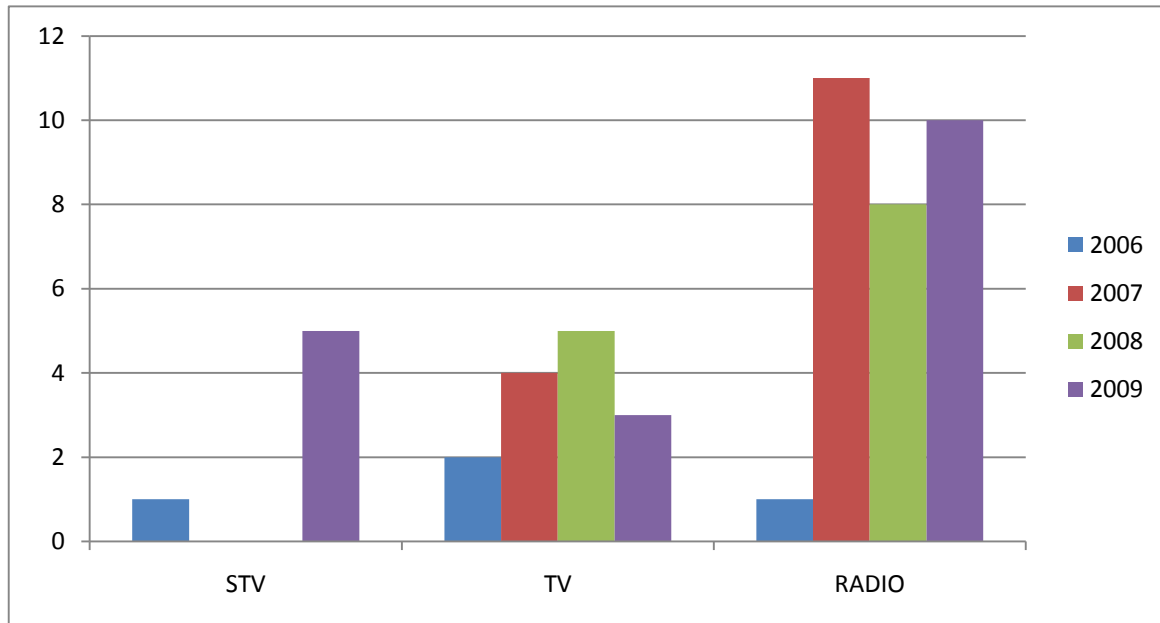
**Content Standards Reports: Oct-Dec. 2009**

|   | Alleged transmission of movie containing problematic material | Sexually suggestive language/lyrics | Alleged Use of editing techniques | Alleged use of Derogatory & Abusive language | Alleged transmission of material containing expletive | Alleged transmission of son with lyrics inciting violence | Alleged transmission of song with problematic lyrics | <b><u>TOTAL</u></b> |
|---|---|-------------------------------------|-----------------------------------|--|---|---|--|---------------------|
| Yard Broadcasting Limited (Lynx FM)             |   | 1                                   |                                   |  |   |   |  | 1                   |
| CVM Television Ltd                              | 2   |                                     |                                   |  |   |   |  | 2                   |
| Radio Jamaica Limited- Fame 95 FM               |   | 2                                   | 1                                 |  |   |   |  | 3                   |
| Nationwide News Network Ltd                     |   |                                     |                                   |  |   |   | 1  | 1                   |
| Alliance Francaise De La Jamaïque               |   |                                     |                                   |  | 1   |   |  | 1                   |
| Radio Jamaica Limited- Television Jamaica (TVJ) |   | 1                                   |                                   |  |   |   |  | 1                   |
| Western Broadcasting Ltd (Hot 102 FM)           |   | 1                                   |                                   |  |   |   |  | 1                   |
| Grove Broadcasting (Zip 103 FM)                 |   |                                     | 1                                 |  |   | 1   |  | 2                   |
| Universal Media Company Ltd (NewsTalk 93 FM)    |   |                                     |                                   | 1  |   |   |  | 1                   |
| <b>TOTAL</b>                                    | <b>2</b>  | <b>5</b>                            | <b>2</b>                          | <b>1</b>                                     | <b>1</b>  | <b>1</b>  | <b>1</b>   | <b>13*</b>          |

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



***Figure 2 Content Standard Report Trends for quarters October-December 2006 to October-December 2009***



|       | 2006 | 2007 | 2008 | 2009 |
|-------|------|------|------|------|
| STV   | 1    | 0    | 0    | 5    |
| TV    | 2    | 4    | 5    | 3    |
| RADIO | 1    | 11   | 8    | 10   |

For the period January to March 2010, nine (9) complaints were received relating to the transmission of problematic content. This represents a significant reduction of sixty-seven percent (67%) when compared to the similar period January-March 2009.

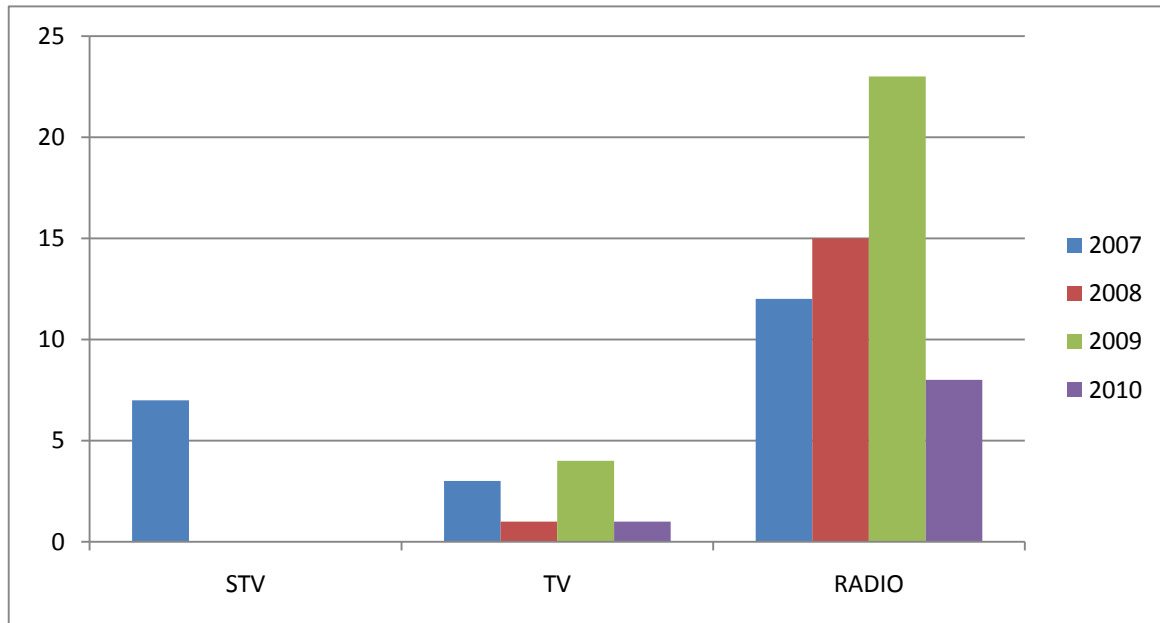
**Table 6**

**Content Standards Reports: Jan-Mar. 2010**

|   | Alleged transmission of material promoting use of illegal drugs (insufficient info. To proceed with investigation) | Sexually suggestive language/lyrics | 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 song with problematic lyrics | <b><u>TOTAL</u></b> |
|---|--|-------------------------------------|---------------------------|--|---|--|--|---------------------|
| Yard Broadcasting (Lynx FM)   |  |                                     |                           |  | 1   |  |  | <b>1</b>            |
| CVM Television Ltd (Insufficient information to proceed with investigation) |  |                                     |                           |  |   | 1  |  | <b>1</b>            |
| Radio Jamaica Limited– Fame 95 FM   | 1  |                                     |                           |  |   |  | 3  | <b>4</b>            |
| Cornwall Broadcasting Co. Ltd (Mello FM)                                    |  |                                     |                           |  |   |  | 1  | <b>1</b>            |
| Grove Broadcasting Company (Zip 103 FM)                                     |  |                                     |                           |  |   |  | 1  | <b>1</b>            |
| Universal media Company Ltd. (NewsTalk 93 FM)                               |  |                                     |                           | 1  |   |  |  | <b>1</b>            |
| <b>TOTAL</b>  | <b>1</b>   | <b>-</b>                            |                           | <b>1</b>   | <b>1</b>  | <b>1</b>   | <b>5</b>   | <b>9*</b>           |

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

***Figure 3: Content Standard Report Trends for the quarter  
January-March 2007 to January-March 2010***



|       | 2007 | 2008 | 2009 | 2010 |
|-------|------|------|------|------|
| STV   | 7    | 0    | 0    | 0    |
| TV    | 3    | 1    | 4    | 1    |
| RADIO | 12   | 15   | 23   | 8    |

# 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 were twelve (12) STV inspections for the period, July 2009- March 2010. **Tables 7-9** lists the subscriber television licensees inspected and their respective areas of technical non-compliance for the quarters: July - September 2009; October - December 2009; and January - March 2010.

**Table 7**

**Technical Monitoring: July – September 2009**

|           | LICENSEES INSPECTED            | NON-COMPLIANCE DETECTED   |  |  | STATUS  |
|-----------|--------------------------------|---|--|--|---|
| <b>1.</b> | QES 46 Limited                 | <b>Regulations:</b><br>17 (1) (a), 17 (1) (h), 17 (4) (b), 17 (4) (d), 17 (4) (e),<br>System not addressable<br>Not providing service to some zones |  |  | Breach letter dated August 03, 2009 sent to licensee    |
| <b>2.</b> | Inntech Communications Limited | <b>Regulations:</b><br>15 (a), 17 (1) (d), 17 (4) (b), 17 (4) (d), 17(4)(e)<br>17(1) (h),   |  |  | Breach letter dated September 10, 2009 sent to licensee |

**Table 8**

**Technical Monitoring October-December 2009**

|    | LICENSEES INSPECTED              | NON-COMPLIANCE DETECTED  |  |  | STATUS   |
|----|----------------------------------|--|--|--|--|
|    |                                  |  |  |  |  |
| 1. | Linscom Network Ltd              | Regulations:<br>17 (4) (b), 17 (4) (d),17 (4) (e),   |  |  | Breach letter dated March 22, 2010 sent to licensee    |
| 2. | Mile Gully Cable Limited         | Regulations:<br>17 (4) (b), 17 (4) (d),<br>17(4)(e), 17(1) (h),<br>Breach of licence –<br>system not addressable |  |  | Breach letter dated February 2, 2010 sent to licensee  |
| 3. | St. Thomas Cable Network Limited | Regulations;<br>15 (b), 17 (4)(b), 17 (4) (d), 17 (4) (e), 17(1) (h)   |  |  | Breach letter dated February 25, 2010 sent to licensee |

**Table 9**

**Technical Monitoring: January – March 2010**

|          | LICENSEES INSPECTED                    | NON-COMPLIANCE DETECTED   |  |  | STATUS  |
|----------|--|---|--|--|---|
| <b>1</b> | Mega International Company Ltd         | <b>Regulations:</b><br>17 (1) (h), 17 (4) (b), 17 (4) (d), 17 (4) (e),<br>System not addressable                                  |  |  | Breach letter sent to licensee on Feb 25, 2010                                      |
| <b>2</b> | Mike's Electronics & Cable Network Ltd | <b>Regulations:</b><br>15 (b), 17 (1) (f), 17 (4) (b), 17 (4) (d), 17(4)(e)<br>17(1) (h), 24(2), 24(4),<br>System not addressable |  |  | Breach letter sent to licensee on Feb 26, 2010                                      |
| <b>3</b> | Mari-Maxx Communications Ltd           | <b>Regulations:</b><br>17 (1)(d), 17 (1) (h), 17 (4) (b), 17 (4) (d), 17 (4) (e), 25(1)<br>System not addressable                 |  |  | Breach letter sent to licensee on Feb 26, 2010                                      |
| <b>4</b> | Communicable Ltd                       | <b>Regulations:</b><br>17 (1) (h), 17 (4) (b), 17 (4) (d), 17 (4) (e), 25(1)  |  |  | Breach letter sent to licensee on March 22, 2010                                    |
| <b>5</b> | Astra Technology Ltd                   | <b>Regulations:</b><br>15 (a), 15 (b), 17 (1) (f), 17(1) (h)<br>System not addressable<br>No service to Fellowship Zone.          |  |  | Breach letter sent to licensee on April 28, 2010                                    |
| <b>6</b> | McKoy's Cable Television Company Ltd   | <b>Regulations:</b><br>15 (a), 15 (b), 17 (1) (d), 17 (1) (f), 17 (1) (h), 17 (4) (b), 17 (4) (d), 17 (4) (e).                    |  |  | Breach letter sent to licensee on April 28, 2010                                    |
| <b>7</b> | Santastic Cable System Ltd.            | <b>Licensee fully compliant with regulations.</b>   |  |  | Letter of commendation sent to licensee for excellent performance on April 27, 2010 |

## Technical complaints

One(1) complaint was received about the technical quality of licensees' transmission for the period July- September 2009; three(3) for the period October 2009- December 2009 and five(5) for the period January 2010 to March 2010 .

## Illegal investigations

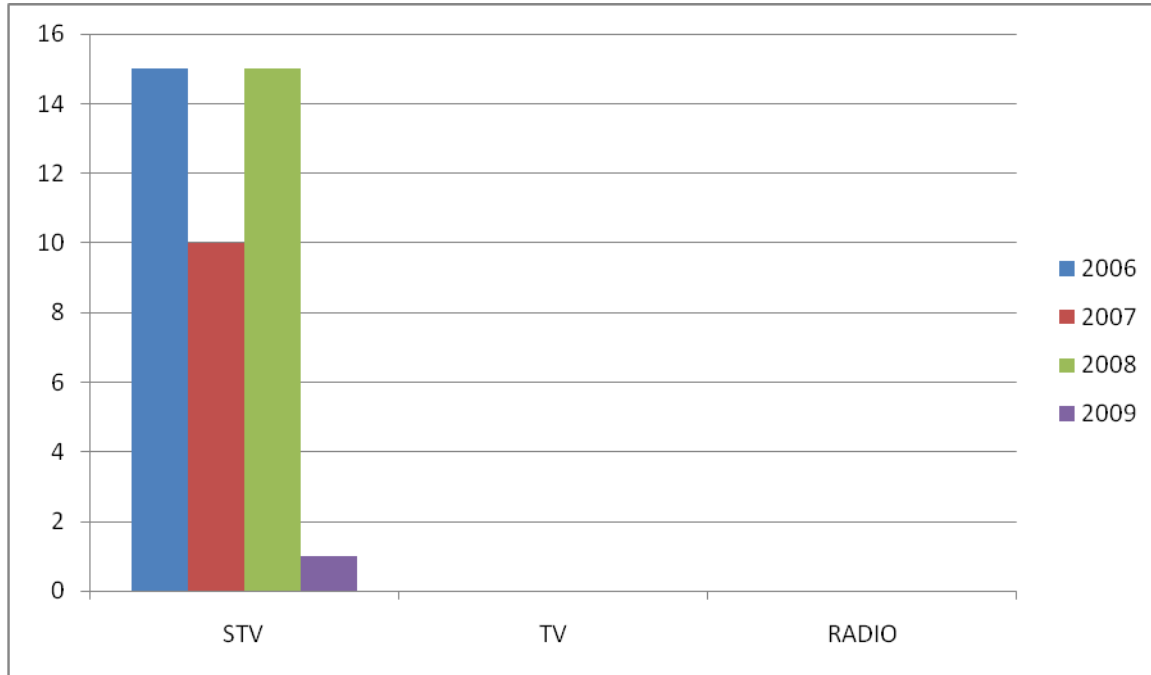
Two allegations of illegal STV operation were investigated during the period January – March 2010.

**Table 10**  
**Technical Standard Reports: July-September 2009**

|                     | Poor audio and video signals | No provision of service | Frequent breakdowns | Break in transmission | <u>TOTAL</u> |
|---------------------|------------------------------|-------------------------|---------------------|-----------------------|--------------|
| Starcom Cablevision | 1                            |                         |                     |                       | 1            |
| <b>TOTAL</b>        | <b>1</b>                     |                         |                     |                       | <b>1*</b>    |

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

***Figure 4 Technical Standards Reports Trend for quarters: July-September 2006 to July-September 2009***



|       | 2006 | 2007 | 2008 | 2009 |
|-------|------|------|------|------|
| STV   | 15   | 10   | 15   | 1    |
| TV    | 0    | 0    | 0    | 0    |
| RADIO | 0    | 0    | 0    | 0    |



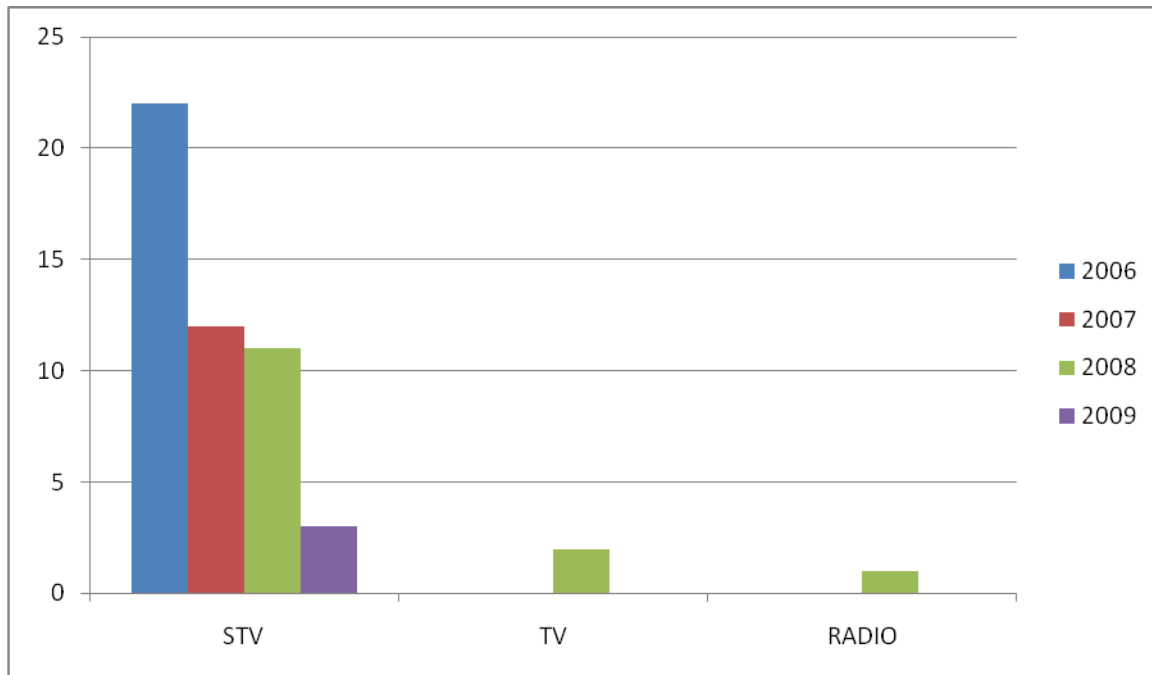
**Table 11**

**Technical Standards Reports: October- December 2009**

|                             | Poor audio and video signals | No provision of service | Frequent breakdowns | Long Break in transmission | <u>TOTAL</u> |
|-----------------------------|------------------------------|-------------------------|---------------------|----------------------------|--------------|
| Jamaica Cablevision Limited |                              |                         | 1                   |                            | 1            |
| CTL Limited                 |                              |                         |                     | 1                          | 1            |
| Cornwall Communications Ltd |                              |                         |                     | 1                          | 1            |
| <b>TOTAL</b>                |                              |                         | 1                   | 2                          | 3*           |

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

***Figure 5: Technical Standards Reports Trends for quarters:  
October-December 2006 to October-December 2009***



|       | 2006 | 2007 | 2008 | 2009 |
|-------|------|------|------|------|
| STV   | 22   | 12   | 11   | 3    |
| TV    | 0    | 0    | 2    | 0    |
| RADIO | 0    | 0    | 1    | 0    |

**Table 12**

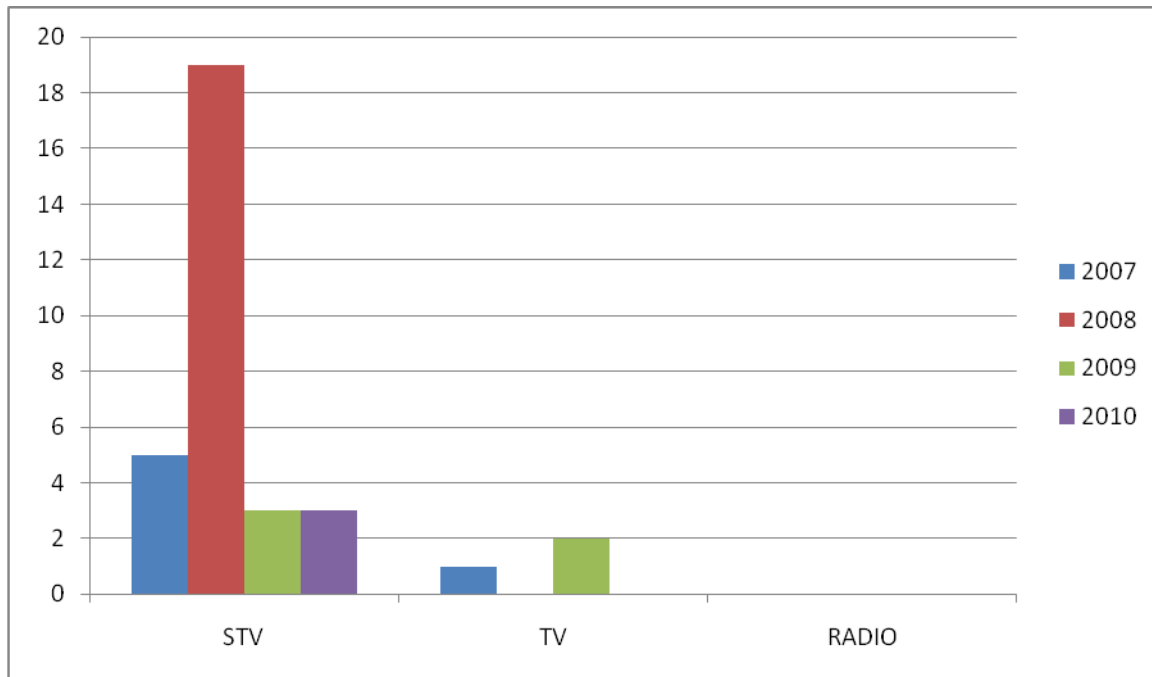
**Technical Standards Reports January-March 2010**

|                   | Poor audio and video signals | No provision of service | Frequent breakdowns | Long Break in transmission | <u>TOTAL</u> |
|-------------------|------------------------------|-------------------------|---------------------|----------------------------|--------------|
| Mega Cable        |                              |                         | 1                   |                            | 1            |
| Cable One Limited |                              |                         | 1                   |                            | 1            |
| Stars Cable       | 1                            |                         |                     |                            | 1            |
| <b>TOTAL</b>      | 1                            |                         | 2                   |                            | 3*           |

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

**Figure 6**

**Technical Standard reports Trends for quarters: January 2007 – March 2007 to January –March 2010**



|       | 2007 | 2008 | 2009 | 2010 |
|-------|------|------|------|------|
| STV   | 5    | 19   | 3    | 3    |
| TV    | 1    | 0    | 2    | 0    |
| RADIO | 0    | 0    | 0    | 0    |

## CUSTOMER SERVICE COMPLIANCE

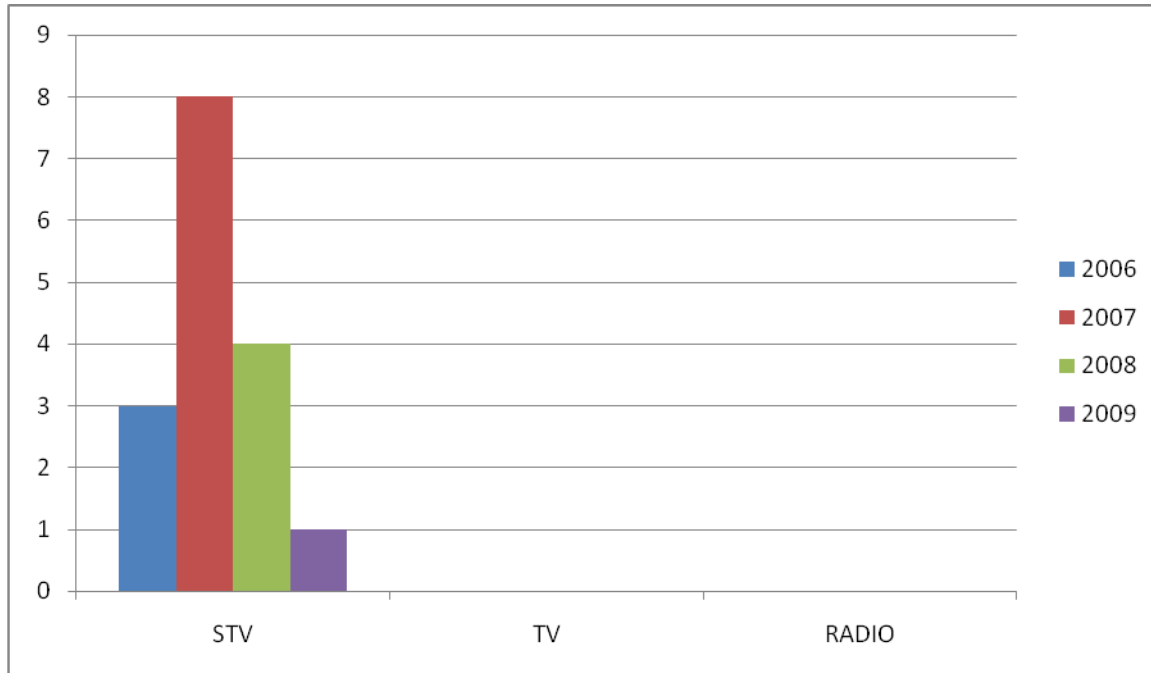
There were seven (7) customer service related complaints for the period under review July 2009 - March 2010. This represents an increase of five (5) or two hundred and fifty percent (250%) over the similar period-; July 2008 to March 2009.

**Table 13**  
**Customer Service Complaints: July – September 2009**

| LICENSEES         | NATURE OF COMPLAINTS RECEIVED    |  |                          |                            |                            |                              |                           |                                |           |
|-------------------|----------------------------------|--|--------------------------|----------------------------|----------------------------|------------------------------|---------------------------|--------------------------------|-----------|
|                   | Alleged non-provision of service | Transmitting adverts on intl. channels | Customer A/c not updated | Denying Access to channels | Increased subscribers Fees | Bills quoted in U.S. Dollars | Unwarranted Disconnection | Dissatisfied with installation | TOTAL     |
| General Satellite | 1                                |  |                          |                            |                            |                              |                           |                                | 1         |
| <b>TOTAL</b>      | <b>1</b>                         |  |                          |                            |                            |                              |                           |                                | <b>1*</b> |

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

***Figure 7: Customer Service Complaints Reports Trends for  
quarters July-September 2006 to July- September 2009***



|       | 2006 | 2007 | 2008 | 2009 |
|-------|------|------|------|------|
| STV   | 3    | 8    | 4    | 1    |
| TV    | 0    | 0    | 0    | 0    |
| RADIO | 0    | 0    | 0    | 0    |

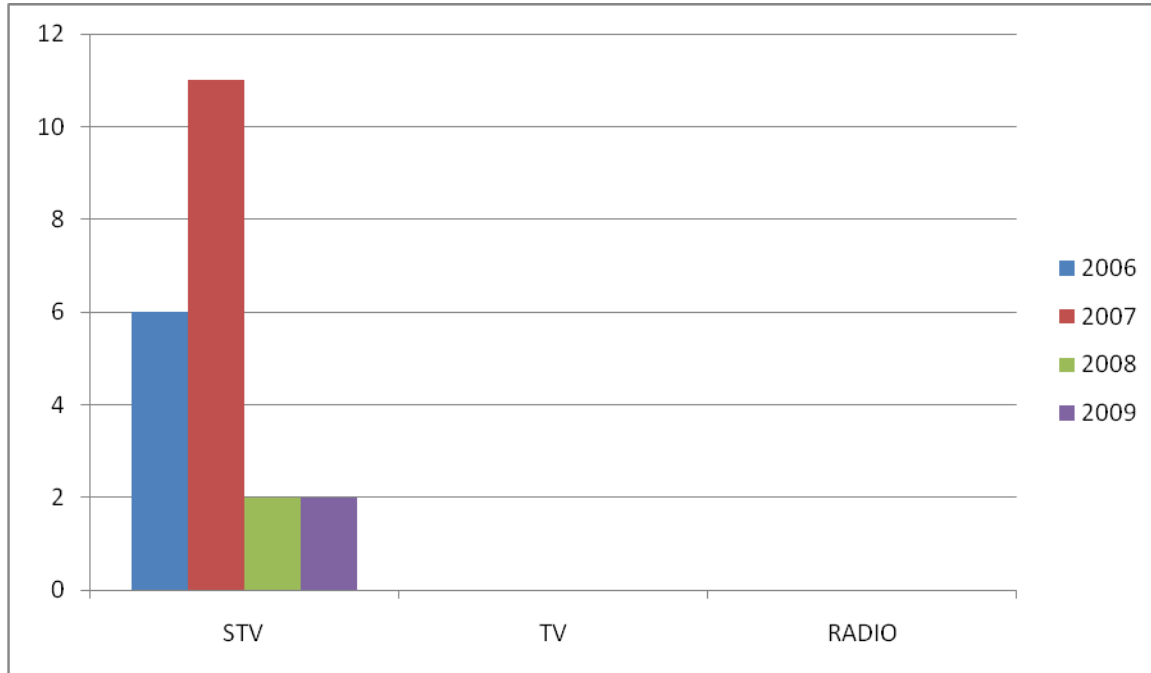
**Table 14**

**Customer Service Complaints: Oct –Dec 2009**

|                                | Alleged non-provision of service | Transmitting adverts on intl. channels | Customer A/c not updated | Denying Access to channels | Increased subscriber Fees | Poor Customer service | Unwarranted Disconnection | Dissatisfied with amount refunded for loss of channels | <b><u>TOTAL</u></b> |
|--------------------------------|----------------------------------|--|--------------------------|----------------------------|---------------------------|-----------------------|---------------------------|--|---------------------|
| Columbus Communications (Flow) |                                  |  |                          |                            |                           | 1                     |                           | 1  | 2                   |
| <b>TOTAL</b>                   |                                  |  |                          |                            |                           | 1                     |                           | 1  | <b>2*</b>           |

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

***Figure 8: Customer Service Complaints Reports Trends for quarters  
October-December 2006 to October – December 2009***



|       | 2006 | 2007 | 2008 | 2009 |
|-------|------|------|------|------|
| STV   | 6    | 11   | 2    | 2    |
| TV    | 0    | 0    | 0    | 0    |
| RADIO | 0    | 0    | 0    | 0    |



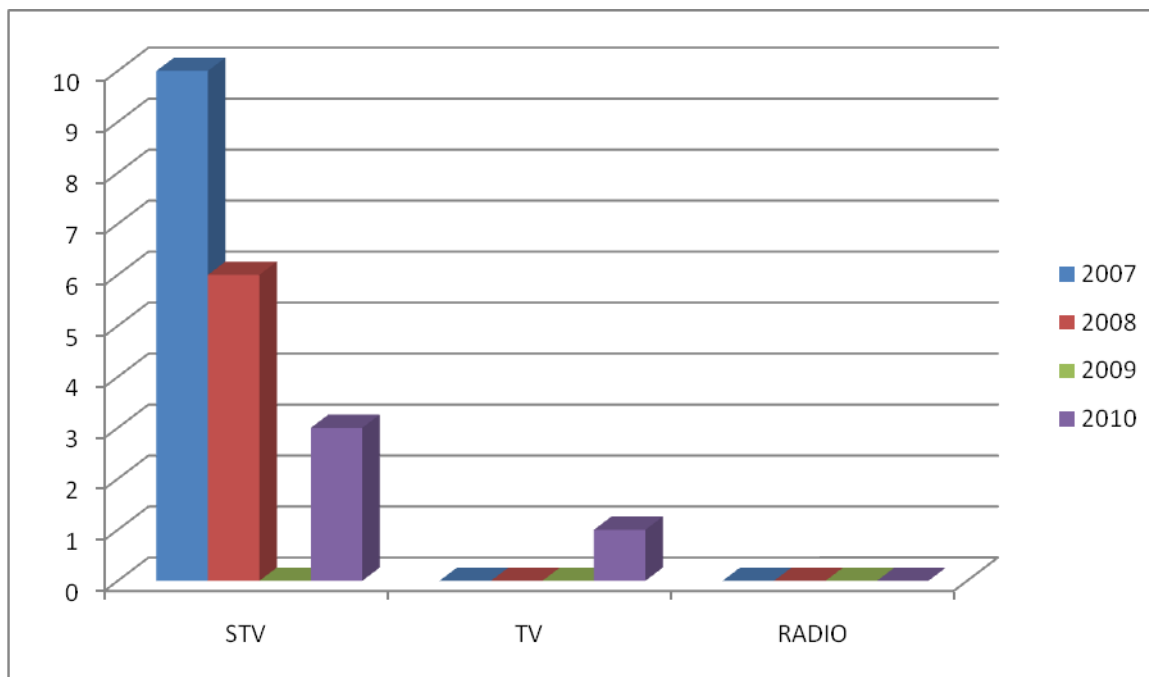
**Table 15**

**Customer Service Complaints: Jan-Mar 2010**

|                                | Alleged non-provision of service | Transmitting movies without permission of the copyright holder | Customer A/c not updated | Denying Access to channels | Transmitting channel without contractual arrangement | Alleged change in terms of contract without notification | Unwarranted Disconnection | Dissatisfied with amount refunded for loss of channels | <u>TOTAL</u> |
|--------------------------------|----------------------------------|--|--------------------------|----------------------------|--|--|---------------------------|--|--------------|
| Columbus Communications (Flow) |                                  |  |                          |                            |  | 1  |                           |  | 1            |
| Oliver Electronics Engineering |                                  | 1  |                          |                            |  |  |                           |  | 1            |
| Love Television                |                                  | 1  |                          |                            |  |  |                           |  | 1            |
| Telstar Cable Co. Ltd.         |                                  |  |                          |                            | 1  |  |                           |  | 1            |
| <b>TOTAL</b>                   |                                  | <b>2</b>   |                          |                            | <b>1</b>   | <b>1</b>   |                           |  | <b>4*</b>    |

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

***Figure 9: Customer Service Complaints Reports Trends for quarters  
January-March 2007 to January-March 2010***



|       | 2007 | 2008 | 2009 | 2010 |
|-------|------|------|------|------|
| STV   | 10   | 6    | 0    | 3    |
| TV    | 0    | 0    | 0    | 1    |
| 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 the investigations are completed, the complainants and the relevant licensees are notified of the outcome, and the Commission considers the matter resolved.

Forty-eight (48) complaints were resolved during the period under review.

**Table 16** shows the categories of complaints resolved while **Table 17** details the grounds on which the Commission was able to close those investigations.

***Table 16***  
***Complaints Resolved July 2009 – March 2010 (By Service)***

|                       | No. of investigated complaints Resolved (including those brought forward) |
|-----------------------|---|
| Subscriber Television | 10  |
| Broadcast Television  | 10  |
| Broadcast Radio       | 28  |
| <b>Total</b>          | <b>48</b>   |

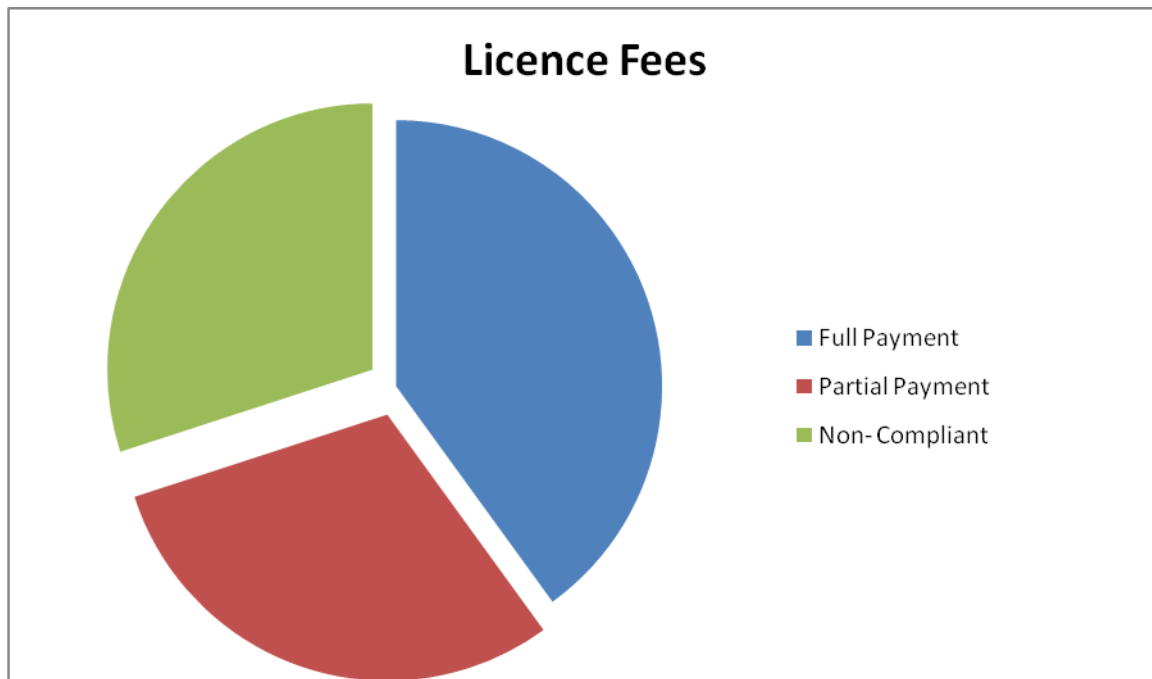
**Table 17**  
**Complaints Resolved for July 2009- March 2010 (By Method)**

| CATEGORY  | Jul-Sept<br>2009 | Oct-Dec<br>2009 | Jan-Mar<br>2010 | TOTAL       |
|---|------------------|-----------------|-----------------|-------------|
| <b>Closed - resolved to complainants' satisfaction</b><br>Subscriber Television   | 2                | 5               | 1               | 8           |
| <b>Closed – withdrawn by complainants</b><br>Subscriber Television  |                  |                 |                 |             |
| <b>Closed - no response from complainant</b><br>Subscriber Television<br>Broadcast Television<br>Broadcast Radio  |                  |                 |                 |             |
| <b>Closed – complainants no longer subscribe to licensee</b><br>Subscriber Television   | -                | -               | 1               | 1           |
| <b>Closed – new subscriber television operator</b><br>Subscriber Television   |                  |                 |                 |             |
| <b>Closed-</b><br><b>Complied with required remedial action for breach of licence</b><br>Subscriber Television<br>Broadcast Television<br>Broadcast Radio | 1<br>-<br>13     | 1<br>-<br>2     | 1<br>-<br>-     | 3<br><br>15 |
| <b>Closed – No evidence of breach of Children’s Code for Programming</b><br>Subscriber Television<br>Broadcast Television<br>Broadcast Radio              | -<br>3<br>-      | -<br>3<br>4     | -<br>2<br>3     | <br>8<br>7  |
| <b>Closed – No further remedial action required for breach of licence</b><br>Subscriber Television<br>Broadcast Television<br>Broadcast Radio             | -<br>1<br>2      |                 |                 | <br>1<br>2  |
| <b>Closed-</b><br><b>New investigation to be pursued</b><br>Subscriber Television<br>Broadcast Radio  |                  | 1               |                 | 1           |
| <b>No evidence of breach of technical standards found</b><br>Broadcast Television   |                  |                 |                 |             |
| <b>Closed - Commission’s investigation complete</b><br>Subscriber Television<br>Broadcast Television<br>Broadcast Radio                                   | <br>1<br>1       |                 |                 | <br>1<br>1  |
| <b>Complaint falls outside of Commission’s mandate</b><br>Subscriber Television   |                  |                 |                 |             |
| <b>Total</b>  | <b>24</b>        | <b>16</b>       | <b>8</b>        | <b>48</b>   |

# FINANCIAL COMPLIANCE

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

**Figure 10**



|                 |     |
|-----------------|-----|
| Full Payment    | 40% |
| Partial Payment | 30% |
| Non- Compliant  | 30% |

***STV Licensees Financial Compliance-For period ended March 31, 2010***

| LICENSEES |  | SUBMISSION OF<br>AUDITED FINANCIAL<br>STATEMENTS FOR<br>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  | yes  | no   | no   |              | ✓               |               |
| 3         | Cabletron Network Systems Ltd.         | yes  | yes  | yes  | no   | no   |              |                 | ✓             |
| 4         | Central Communication Services Ltd.    | yes  | yes  | yes  | no   | no   | ✓            |                 |               |
| 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        | First Choice Cable                     | yes  | yes  | yes  | yes  | no   | ✓            |                 |               |
| 11        | General Satellite Network Company      | yes  | yes  | yes  | yes  | no   | ✓            |                 |               |
| 12        | Guthrie's Communications Ltd           | no   | yes  | yes  | yes  | yes  |              | ✓               |               |
| 13        | Inntech Communications Ltd.            | yes  | yes  | yes  | no   | no   | ✓            |                 |               |
| 14        | Jamaica Cablevision Ltd.               | yes  | yes  | yes  | no   | no   | ✓            |                 |               |
| 15        | Linscom Network Limited                | n/a  | n/a  | n/a  | yes  | no   | ✓            |                 |               |
| 16        | Logic One Limited                      | yes  | yes  | yes  | yes  | no   | ✓            |                 |               |
| 17        | Marimaxx Communications Ltd.           | yes  | yes  | yes  | yes  | no   |              |                 | ✓             |
| 18        | Mars Cable Vision Ltd.                 | n/a  | n/a  | n/a  | yes  | no   | ✓            |                 |               |
| 19        | McKoy Cable Television Co. Ltd.        | n/a  | n/a  | n/a  | n/a  | n/a  |              |                 | ✓             |
| 20        | Mega International Co. Ja. Ltd.        | no   | no   | no   | no   | no   |              |                 | ✓             |
| 21        | Mikes Electronics & Cable Network Ltd. | n/a  | n/a  | no   | no   | no   | ✓            |                 |               |
| 22        | Mile Gully Cable Ltd                   | n/a  | n/a  | no   | no   | no   |              | ✓               |               |
| 23        | Modern Re-Broadcasting Co. Ltd.        | no   | yes  | yes  | no   | no   |              | ✓               |               |
| 24        | Odyssey Cable Vision Limited           | n/a  | n/a  | yes  | no   | no   |              | ✓               |               |

### STV Licensees Financial Compliance

| LICENSEES |                                     | SUBMISSION OF<br>AUDITED FINANCIAL<br>STATEMENTS FOR<br>YEARS: |      |      |      |      | LICENCE FEES |                 |               |
|-----------|-------------------------------------|--|------|------|------|------|--------------|-----------------|---------------|
|           |                                     | 2005   | 2006 | 2007 | 2008 | 2009 | Paid in Full | Partial Payment | Non-Compliant |
| 25        | Oliver Electronics Engineering Ltd. | no   | yes  | yes  | yes  | no   |              | ✓               |               |
| 26        | QES 46 Limited                      | n/a  | n/a  | n/a  | no   | no   |              |                 | ✓             |
| 27        | Quality Cable Services              | n/a  | n/a  | n/a  | n/a  | n/a  |              |                 | ✓             |
| 28        | Santastic Cable Systems Ltd.        | yes  | yes  | yes  | no   | no   | ✓            |                 |               |
| 29        | Silly Video Cable Network Limited   | yes  | yes  | yes  | yes  | yes  |              | ✓               |               |
| 30        | Starcom Cablevision Ltd.            | yes  | yes  | yes  | yes  | no   |              |                 | ✓             |
| 31        | Stars Cable Company Ltd.            | yes  | yes  | yes  | no   | no   |              | ✓               |               |
| 32        | St. Thomas Cable Network Limited    | no   | yes  | yes  | no   | no   |              |                 | ✓             |
| 33        | Summit Satellite Systems Limited    | yes  | yes  | yes  | yes  | yes  | ✓            |                 |               |
| 34        | Telstar Cable Limited               | yes  | yes  | yes  | no   | no   | ✓            |                 |               |
| 35        | Total Cable                         | n/a  | n/a  | no   | yes  | no   |              |                 | ✓             |
| 36        | Tru Star Cable Television Network   | n/a  | n/a  | n/a  | n/a  | n/a  | ✓            |                 |               |
| 37        | Unique Vision Cable Co. Ltd.        | yes  | yes  | yes  | yes  | no   |              |                 | ✓             |
| 38        | Venus Cable Services                | no   | no   | no   | no   | no   |              | ✓               |               |
| 39        | Westar Communications Limited       | yes  | yes  | yes  | yes  | no   | ✓            |                 |               |
| 40        | Wilson Enterprises Limited          | yes  | yes  | yes  | yes  | no   |              |                 | ✓             |

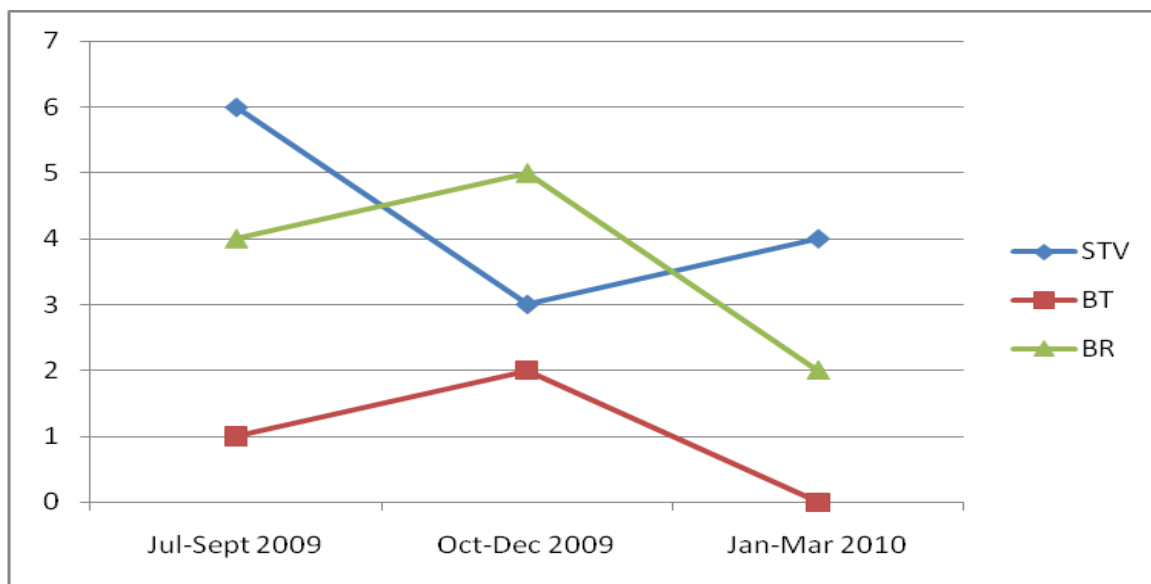
## Breaches

During the period under review July 2009 to March 2010 twenty-seven (27) Notices of Breach were issued to licensees.

Twelve (12) breach notices arose from contraventions of content standards, one (1) from the transmission of a sexually suggestive commercial, one (1) for failing to air advisory for graphic footage and thirteen (13) for failure to meet technical standards.

Chart 1 shows the trend in breaches, by service, over the last three quarters

**Figure 11**  
**Trend in Breaches Committed By Service**



|                       | Jul-Sept 2009 | Oct-Dec 2009 | Jan-Mar 2010 |
|-----------------------|---------------|--------------|--------------|
| Subscriber Television | 6             | 3            | 4            |
| Broadcast Television  | 1             | 2            | 0            |
| Broadcast Radio       | 4             | 5            | 2            |



**Table 18**

**BREACHES COMMITTED BY BROADCAST RADIO LICENSEES**

**GROVE BROADCASTING COMPANY LIMITED  
ZIP 103FM**

**DATE OF BREACH:** 14-Jul-09\*\*  
**COMPLAINT NUMBER;** 09/05/03/1014-002  
**NATURE OF COMPLAINT:** Inappropriate content for time of day  
**NATURE OF BREACH:** Breach of scheduling requirements of Code  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize  
**STATUS:** Licensee complied with required remedial action- File Closed

**DATE OF BREACH:** 29-Jan-10\*\*  
**COMPLAINT NUMBER;** 09/11/18/1020-001  
**NATURE OF COMPLAINT:** Transmission of material containing violent lyrics  
**NATURE OF BREACH:** Breach of the Children's Code for Programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize, and publish apology in newspaper  
**STATUS:** Licensee complied with required remedial action- File closed.

**DATE OF BREACH:** 14-Jul-09\*\*  
**COMPLAINT NUMBER;** 09/05/03/1014-002  
**NATURE OF COMPLAINT:** Inappropriate content for time of day  
**NATURE OF BREACH:** Breach of scheduling requirements of Code  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize  
**STATUS:** Licensee complied with required remedial action- File Closed

**GROVE BROADCASTING COMPANY LIMITED  
IRIE FM**

**DATE OF BREACH:** 14-Jul-09\*\*  
**COMPLAINT NUMBER;** 09/05/14/1020-001  
**NATURE OF COMPLAINT:** Editing techniques to obscure inappropriate material  
**NATURE OF BREACH:** Breach of Directives  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize  
**STATUS:** Licensee complied with required remedial action- File Closed

***RADIO JAMAICA LIMITED-HITZ 92 FM***

**DATE OF BREACH:** 04-Aug-09\*\*  
**COMPLAINT NUMBER;** 09/05/18/1020-001

**NATURE OF COMPLAINT:** Transmission of material depicting sexual activity & profanity  
**NATURE OF BREACH:** Breach of the Children's Code for Programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize,

**STATUS:** Licensee complied with required remedial action- File Closed

***UNIVERSAL MEDIA COMPANY LIMITED- NEWS TALK 93 FM***

**DATE OF BREACH:** 14-Jul-09\*\*  
**COMPLAINT NUMBER;** 09/04/30/1020-001

**NATURE OF COMPLAINT:** Transmission of graphic verbal expletives  
**NATURE OF BREACH:** Breach of the February 2009 Directives  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Internal remedial actions taken by licensee prior to Commission's determination- Remedial action accepted by Commission.

**STATUS:** File Closed.

***WESTERN BROADCASTING LIMITED -HOT 102 FM***

**DATE OF BREACH:** 29-Jan-10\*\*  
**COMPLAINT NUMBER;** 09/12/21/1016-001

**NATURE OF COMPLAINT:** Transmission of song containing sexual explicit lyrics  
**NATURE OF BREACH:** Breach of the Children's Code for Programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize

**STATUS:** Licensee complied with required remedial action- File Closed

***RADIO JAMICA LIMITED-FAME 95 FM***

**DATE OF BREACH:** 29-Jan 10\*\*  
**COMPLAINT NUMBER;** 09/11/03/1014-001

**NATURE OF COMPLAINT:** Transmission of song with sexually explicit lyrics  
**NATURE OF BREACH:** Breach of the Children's Code for Programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize. Commission's ruling challenged by the licensee. The matter is being reviewed.

**STATUS:** Pending

***YARD BROADCASTING COMPANY LIMITED- LINKZ 96***

**DATE OF BREACH:** 27- Apr-10\*\*  
**COMPLAINT NUMBER;** 09/12/30/1020-001  
**NATURE OF COMPLAINT:** Transmission of material containing sexually explicit lyrics  
**NATURE OF BREACH:** Breach of the Children's Code for Programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize and publish apology in newspaper  
**STATUS:** Licensee complied with required remedial action. File closed.

***RADIO JAMAICA LIMITED- FAME 95 FM***

**DATE OF BREACH:** 09-Mar-10\*\*  
**COMPLAINT NUMBER;** 10/01/25/1020-001  
**NATURE OF COMPLAINT:** Inappropriate content for time of day  
**NATURE OF BREACH:** Breach of scheduling requirements of Code  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize  
**STATUS:** Licensee complied with required remedial action.

***CORNWALL BROADCASTING COMPANY LIMITED  
MELLO FM***

**DATE OF BREACH:** 09-Mar-10\*\*  
**COMPLAINT NUMBER;** 10/01/05/1014-001  
**NATURE OF COMPLAINT:** Transmission of lyrics containing expletives  
**NATURE OF BREACH:** Breach of Children's Code for Programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to air apology and publish apology  
**STATUS:** Licensee complied with required remedial action.

**Table 19**

**BREACHES COMMITTED BY BROADCAST TELEVISION LICENSEES**

**TELEVISION JAMAICA LIMITED- TVJ**

**DATE OF BREACH:** 07-Jul-09\*\*  
**COMPLAINT NUMBER;** 09/03/06/1014-001  
**NATURE OF COMPLAINT:** Promoting the use of the Gun  
**NATURE OF BREACH:** Breach of the Television and Sound Broadcasting Regulations  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Internal remedial actions taken by licensee prior to Commission's determination- Remedial action accepted by Commission.  
**STATUS:** File Closed.

**DATE OF BREACH:** 19-Mar-10\*\*  
**COMPLAINT NUMBER;** 09/11/10/1016-001  
**NATURE OF COMPLAINT:** Transmission of a sexually suggestive commercial  
**NATURE OF BREACH:** Breach of the Children's Code for programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize  
**STATUS:** Licensee complied with required remedial action. File closed.

**DATE OF BREACH:** 09-Oct-09\*\*  
**COMPLAINT NUMBER;** 09/09/23/1045-001  
**NATURE OF COMPLAINT:** Failure to air advisory for graphic footage  
**NATURE OF BREACH:** Breach of the Children's Code for programming  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize  
**STATUS:** Licensee Complied with required remedial action. File closed.

**Table 20**

**BREACHES COMMITTED BY SUBSCRIBER TELEVISION OPERATORS**

**COMBINED COMMUNICATIONS LIMITED**

**DATE OF BREACH:** 02-Jul-09\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Breaches addressed. File closed.

**GENERAL SATELITTE LIMITED**

**DATE OF BREACH:** 03-Aug-09\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Breaches partially addressed. Awaiting further information from licensee

**QUES 46 LIMITED**

**DATE OF BREACH:** 03-Aug-09\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Breaches partially addressed. Awaiting further information from licensee

**WILSONS ENTERPRISES LIMITED**

**DATE OF BREACH:** 03-Aug-09\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Breaches partially addressed. Awaiting further information from licensee

### ***INNTECH COMMUNICATIONS LIMITED***

**DATE OF BREACH:** 10-Sep-09\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee.

### ***COLUMBUS COMMUNICATIONS LIMITED (FLOW)***

**DATE OF BREACH:** 11-Aug-09\*\*  
**COMPLAINT NUMBER:** 09/04/03/1042-001  
**NATURE OF BREACH:** Insertion of promotional material on International channels  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to cease transmission of promotional material  
**STATUS:** Complied with Commission's directive. File Closed.

### ***LINSCOM***

**DATE OF BREACH:** 22-Mar-10\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee.

### ***MILE GULLY CABLE LIMITED***

**DATE OF BREACH:** 02-Feb-10\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee

### ***ST THOMAS CABLE NETWORK LIMITED***

**DATE OF BREACH:** 25-Feb-10\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee.

### ***MARIMAXX COMMUNICATIONS LIMITED***

**DATE OF BREACH:** 25-Feb-10\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee.

### ***MEGA INTERNATIONAL COMPANY JAMAICA LIMITED***

**DATE OF BREACH:** 25-Feb-10\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee

### ***MIKES ELECTRONICS & CABLE NETWORK LIMITED***

**DATE OF BREACH:** 25-Feb-10\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee.

### ***COMMUNICABLE LIMITED***

**DATE OF BREACH:** 22-Mar-10\*\*  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Awaiting response from licensee.

**\*\*“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.