

# BROADCASTING COMMISSION

*More Choices, Better Access and Higher Quality*



## **MONITORING & COMPLIANCE REPORT**

**APRIL- JUNE 2011**

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**EXECUTIVE SUMMARY**  
**BCJ- Quarterly Monitoring & Compliance Report**  
**(April – June 2011)**

During the period April – June 2011, six notices of breach of licence were issued to broadcast radio and television licensees, and subscriber television operators. Three were issued to broadcast radio licensees, two to a television licensee and one to a subscriber television operator. The notices of breach decreased by 60% compared to the previous quarter (January- March 2011).

One hundred and eighteen contacts were recorded for the period April- June 2011. Of this number, seven contacts resulted in investigations of broadcast radio and television operators, and subscriber television operators. The remaining one hundred and eleven were queries and comments about the work of the Commission.

Seven contacts resulted in investigations of complaints about content transmitted by broadcast radio and television operators, representing a decrease of 75% compared to the previous quarter. There was no customer service or technical complaint for the period under review.

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

In relation to the payment of the annual licence fee, twenty subscriber television (STV) operators, or 50% of all licensees paid in full; ten or 25% made partial payments and ten or 25% were non-compliant. There was a slight increase in the number of full payments recorded when compared to the previous quarter.

## **INTRODUCTION**

### **Contacts with the Commission**

One hundred and eighteen contacts were recorded for the period, April –June 2011. Those contacts resulted in five Notices of Breach of licence and seven investigations, a decrease of 75% when compared to the previous quarter, January – March 2011

## BREAKDOWN OF CONTACTS

	Apr 2011	May 2011	June 2011	TOTAL
Information Requested	37	25	22	84
Licenses Application process		6		6
Regulation of STV customers' fees by Commission		3		3
Zoning and contact information	10	-	4	14
Complaints received & investigated	3	4	2	9
Legality of Flow advertising on International Channels			2	2
<b>TOTAL</b>	<b>50</b>	<b>38</b>	<b>30</b>	<b>118</b>

## PROGRAMMING CONTENT COMPLIANCE

The Commission investigated seven complaints about the broadcast of problematic content. This represents a decrease of 74% when compared to the period January to March 2011

**Table 1** details the complaints investigated relating to programming standards between April and June 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**

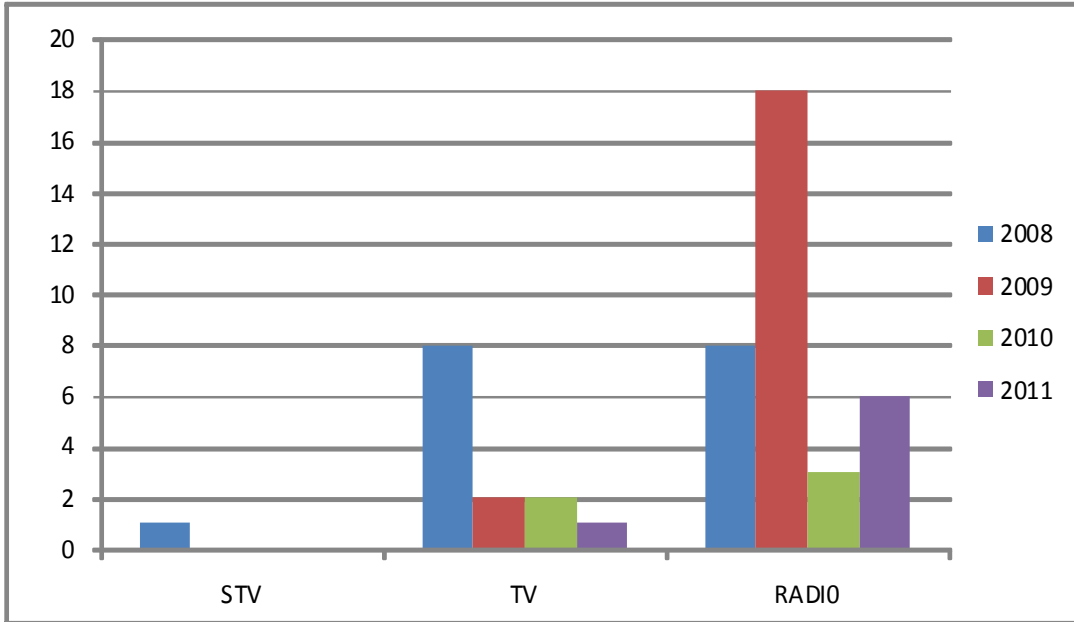
**Content Standards Complaints Investigated: April - June 2011**

	Transmission of sexually suggestive content	Transmission of song containing profane language	Transmission of expletive during movie	Transmission of material in contravention of the February 6, 2009 Directive	Transmission of sexually explicit content	Transmission of material containing profane language	Transmission of scandalous and derogatory remarks	TOTAL
CVM Television Ltd				1				1
FAME 95 FM	1				1			2
Power 106 FM							1	1
Grove Broadcasting Company (ZIP 103 FM)	1	1						2
Grove Broadcasting Company (IRIE FM)	1							1
<b>TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>	<b>1</b>		<b>1</b>	<b>7*</b>

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

**Figure 1:**

**Content Standards Report  
Trends for Quarters April- June 2008 to 2011**



	2008	2009	2010	2011
STV	1	0	0	0
TV	8	2	2	1
RADIO	8	18	3	6



## TECHNICAL COMPLIANCE

### TECHNICAL MONITORING

The facilities of six subscriber television operators were 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 identified.

**Table 2: Technical Monitoring: April- June 2011**

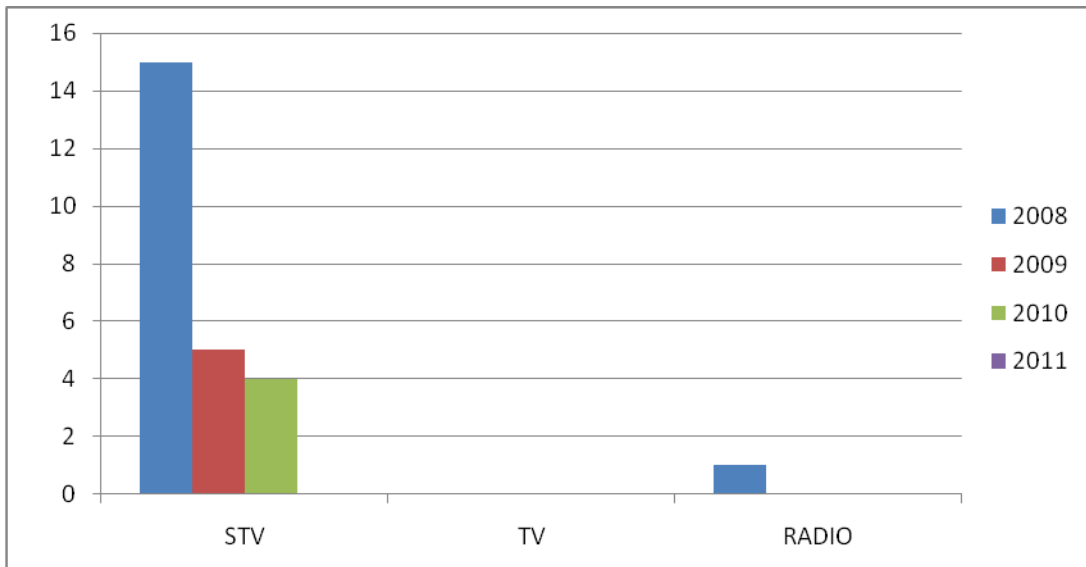
	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
<b>1.</b>	Guthrie's Communications Limited	), 17(1)(h), 17(4)(d), 17(4)(e), Breach of licence –Operating a non-addressable system & non-provision of service to licensed zone	Breach letter sent 05/07/2011
<b>2.</b>	Odyssey Cable Vision Limited	, 7(4)(d), 17(4)(e), ,	Letter of Commendation to be sent to licensee
<b>3.</b>	Linscom Network Ltd.	17(1)(h),	Letter of Commendation to be sent to licensee
<b>4.</b>	Astra Technology Ltd.	17(1)(h), 1) (f), ), 15 (a), 15 (b), 25(1) Breach of Licence- non-provision of service to licensed zone & operating a non-addressable system	Breach letter sent 31/03/2011

<b>5.</b>	General Satellite Network Co. Ltd	17(1)(h), 17 (4) (d), 17(4) (e), 15 (a)	Breach letter sent 20/7/2011
<b>6.</b>	Westar Communications Ltd.	15(b), 15 (a),, 17(1)(d), , 17(1)(h), 25(1), Breach of Licence Operating a non-addressable system	Meeting to be held with licensee about identified breaches

There was no complaint relating to technical quality of STV service.

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

**Figure 2**  
**Technical Standards Report Trends for Quarters April-June-2008 to 2011**



	2008	2009	2010	2011
<b>STV</b>	<b>15</b>	<b>5</b>	<b>4</b>	<b>0</b>
<b>TV</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>RADIO</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

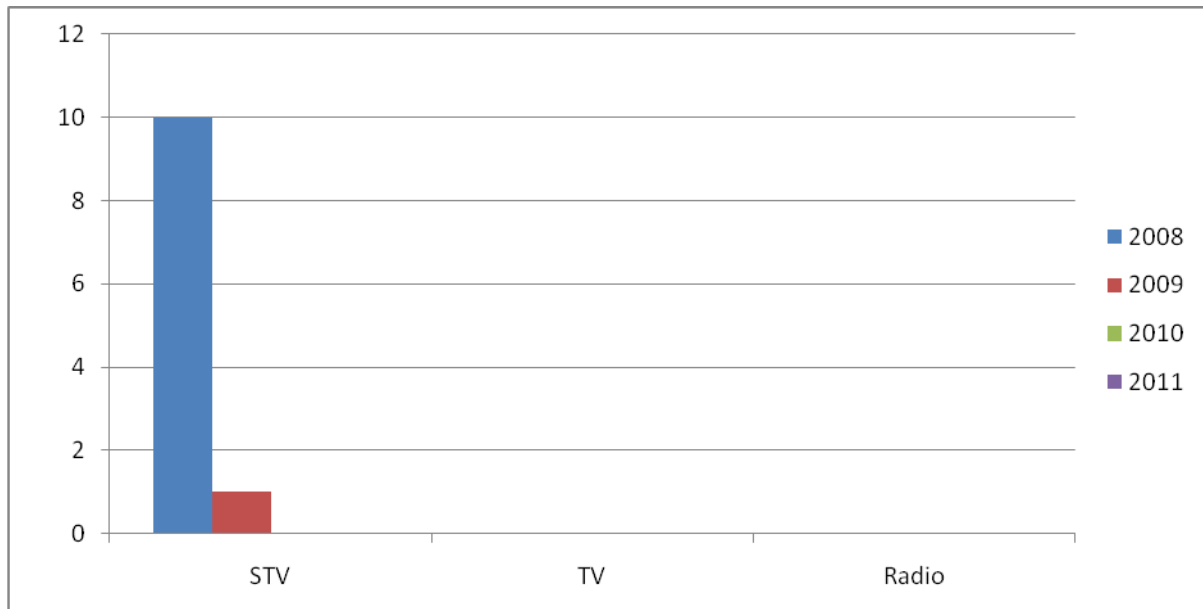
## CUSTOMER SERVICE COMPLAINTS

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 Reports Trends Quarters April – June 2008 to 2011



	2008	2009	2010	2011
STV	10	1	0	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. One (1) investigation was resolved between April – June 2011

**Table 4**  
Resolution of Complaints by Licensee

	No. of investigated complaints Resolved
Subscriber Television Broadcast Television Broadcast Radio	1
<b>Total</b>	<b>1</b>

**Table 5**  
**Resolution of Complaints by Category**

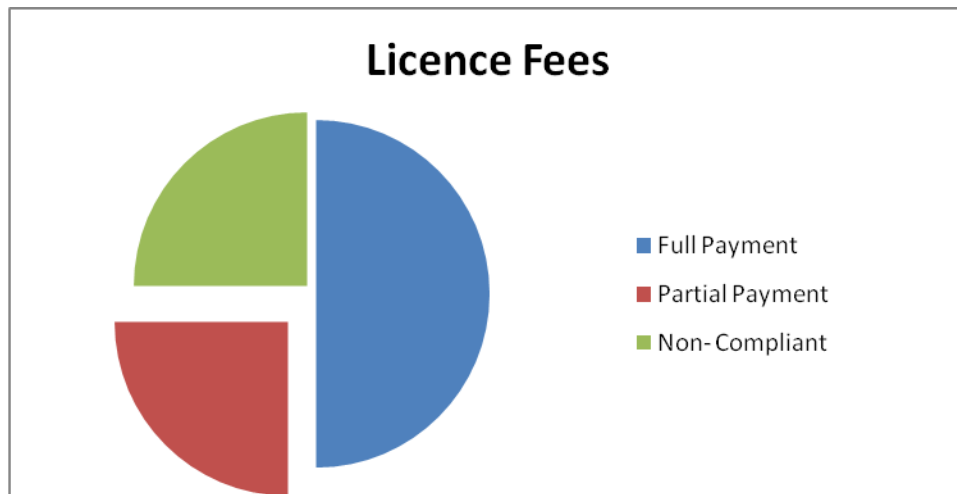
CATEGORY		TOTAL
<p><b>Closed - Commission's investigation complete</b>  Subscriber Television  Broadcast Television  Broadcast Radio</p>	<p>1</p>	<p>1</p>
<b>Total</b>	<b>1</b>	<b>1</b>

## 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**



<b>Full Payment</b>	<b>50%</b>
<b>Partial Payment</b>	<b>25 %</b>
<b>Non- Compliant</b>	<b>25%</b>

## STV Licensees Financial Compliance for Quarter ended June 30, 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	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	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	✓		



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	yes	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	yes	yes	no	✓		
36	Total Cable	n/a	no	yes	yes	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	yes	✓		

## NOTICES OF BREACH

During the period under review, six Notices of Breach were issued to licensees. Five notices arose from contraventions of content standards and the other one arose from the contravention of technical standards.

**Figure 5**  
**TREND IN BREACHES COMMITTED BY SERVICE**



	2008	2009	2010	2011
STV	0	1	1	1
TV	3	2	1	2
RADIO	2	10	3	3

**Table 7**  
**BREACHES BY BROADCAST RADIO LICENSEES**

**FAME 95 FM**

**DATE OF BREACH:** 31-May-11\*\*  
**COMPLAINT NUMBER;** 11/02/28/1020-002  
**NATURE OF COMPLAINT** Transmission of sexually suggestive content  
**NATURE OF BREACH:** Breach of scheduling requirements of the Code  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to air apology. Licensee complied  
**STATUS:** Closed

**IRIE FM**

**DATE OF BREACH:** 31-May-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  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to air apology. Licensee complied  
**STATUS:** Closed

**RJR – Radio 94 FM**

**DATE OF BREACH:** 31-May-11\*\*  
**COMPLAINT NUMBER;** 11/02/22/1020-001  
**NATURE OF COMPLAINT** Transmission of content containing profanity  
**NATURE OF BREACH:** Breach of Regulation 30 (d) of the TSBR  
**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-May-11\*\*  
**COMPLAINT NUMBER;** 11/02/21/1014-001  
**NATURE OF COMPLAINT** Transmission of content containing profanity and excessive violence  
**NATURE OF BREACH:** Breach of Regulation 30 (d) of the TSBR and V3 (c) of the Code.  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to transmit apology. Licensee complied  
**STATUS:** Closed

### TELEVISION JAMAICA

**DATE OF BREACH:** 31-May-11\*\*  
**COMPLAINT NUMBER;** 11/03/16/1020-01  
**NATURE OF COMPLAINT** Transmission of profanity during Prime Time sports  
**NATURE OF BREACH:** Breach of Regulation 30 (d) 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

### MARIMAXX COMMUNICATIONS LIMITED

<b>DATE OF BREACH:</b>	14-Apr-2011**
<b>NATURE OF BREACH:</b>	Failure to maintain technical standards – Technical Inspection
<b>COMMISSION DECISION:</b>	Licensee in breach
<b>REMEDIAL ACTION:</b>	Breach letter issued to licensee
<b>STATUS:</b>	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**