

BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality



MONITORING & COMPLIANCE REPORT

APRIL- JUNE 2012

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EXECUTIVE SUMMARY

BCJ- Quarterly Monitoring & Compliance Report

(April – June 2012)

During the period April – June 2012, one (1) notice of breach of licence was issued to a radio operator and two (2) were issued to subscriber television operators. There was an increase of one (1) or 50% in the number of notices of breach when compared to the previous quarter (January - March 2012).

Eighty One (81) contacts were recorded for the period April - June 2012. Of this number, fifteen (15) contacts resulted in investigations of broadcast radio and television operators and subscriber television operators. The remaining sixty-six (66) were queries and comments about the work of the Commission.

Twelve (12) contacts resulted in investigations of complaints about content transmitted by broadcast radio and television operators representing an increase of 140% when compared to the previous quarter. One contact was related to poor audio and video signal of a subscriber television operator, one, transmission of material without permission and the other, inability to access local channels.

Four (4) subscriber television licensees were inspected during the period under review to determine their compliance with technical standards.

In relation to the payment of the annual licence fee, sixteen (16) subscriber television (STV) operators, or 40% of all licensees paid in full; thirteen (13) or 33% made partial payments and eleven (11) or 27% were non-compliant. There was a decrease in the number of full payments recorded when compared to the previous quarter. However, the number of non-compliant licensees was reduced from fifteen (15) to eleven (11), a decrease of four (4).

INTRODUCTION

Contacts with the Commission

Eighty-one (81) contacts were recorded for the period, April - June 2012. Those contacts resulted in fifteen (15) investigations and one (1) Notice of Breach of licence ; an increase of 150% when compared to the previous quarter, January - March 2012.

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BREAKDOWN OF CONTACTS

	April 2012	May 2012	June 2012	TOTAL
Information Requested	14	15	17	46
Licenses Application process	2	6	2	10
Zoning and contact information	2		4	6
Complaints received & investigated	7	5	3	15
Converter Box issues	2			2
Regulating of the internet by the BC			2	2
TOTAL	27	26	28	81

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated twelve (12) complaints in relation to the broadcast of problematic content. This represents an increase of 140% when compared to the period January – March 2012.

Table 1 details the complaints investigated relating to programming standards between April to June 2012, 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 2009.

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Table 1

Content Standards Complaints Investigated: April - June 2012

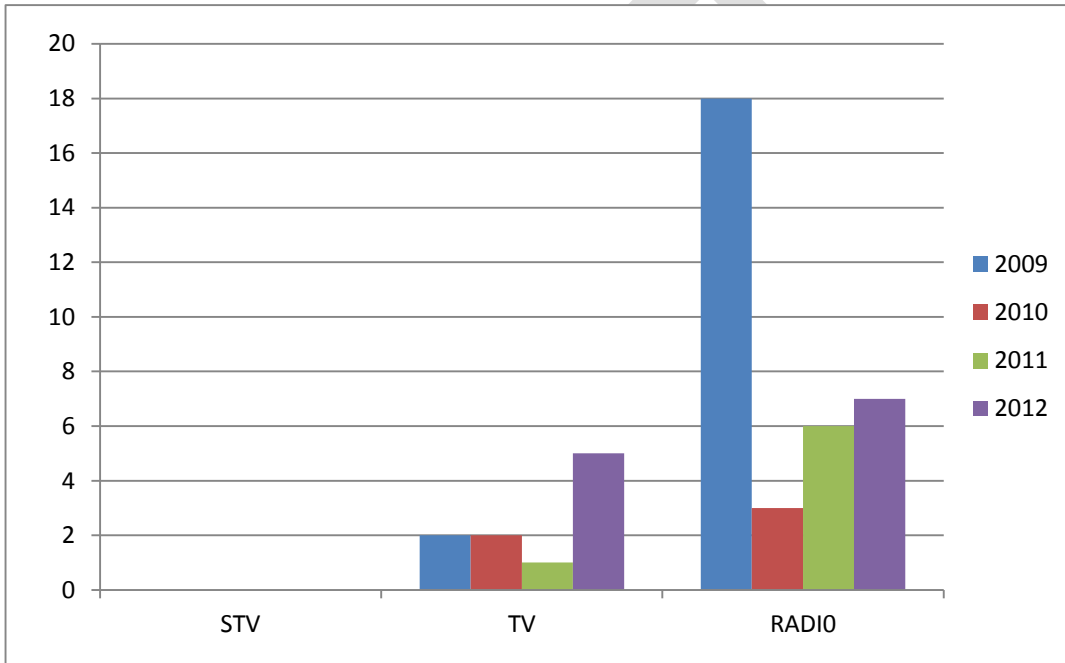
	Transmission of content containing sexually suggestive material	Transmission of song with sexually suggestive lyrics	Transmission of a profanity in a Newscast	Transmission of a profane word.	Transmission of song Not Fit for Air Play	Transmission of song containing expletive	Transmission of content in breach of the scheduling requirement of the Code	TOTAL
CVM Television Ltd	1	1	1			1		4
Nationwide News Network (NNN)		1					1	2
FAME 95 FM						1		1
Television Jamaica Limited	1							1
Hot 102FM					1			1
Mega Jamz				1				1
Music 99FM		1				1		2
TOTAL	2	3	1	1	1	3	1	*12

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

Figure 1:

Content Standard Complaints Investigated

Trends for Quarters April - June - 2009 to 2012



	2009	2010	2011	2012
STV	0	0	0	0
TV	2	2	1	5
RADIO	18	3	6	7

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of four (4) subscriber television operators were inspected to determine their compliance with the technical standards set out in law.

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

Table 2: Technical Monitoring: April - June 2012

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Santastic Cable Systems Limited	17(4)(b)	Closed- licensee is now fully compliant.
2.	Communicable Limited	17(4)(d), 17(1)(h), 17(4)(e), 17(4)(b) 25(1)	Breach letter was dispatched to licensee on June 22, 2012.
3.	Cable One Jamaica Limited	17(4)(b), 17(1)(h), 17(4)(d), 17(4)(e)	Breach letter was dispatched to licensee on June 22, 2012.
4.	Silly Video Cable Network Limited	17(1)(a), 17(1)(b), 17(4)e), 17(1)(h) Breach of Licence (1)	Breach letter was dispatched to licensee on August 13, 2012.

For the period under review there was one complaint relating to technical quality of STV service. There was no difference in the number of complaint received when compared to the period January – March 2012.

Table 3 displays the nature of complaint investigated relating to Technical Standards for the period April – June 2012.

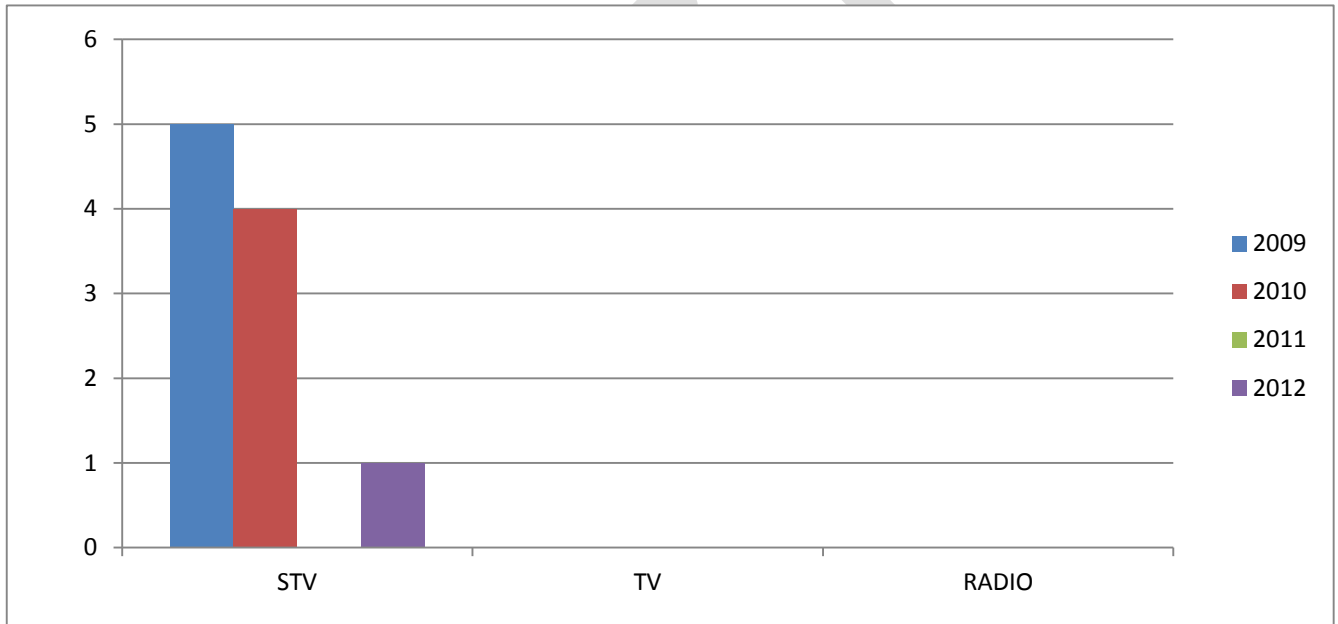
Table 3
Technical Standards Complaints
April - June 2012

	Poor Audio & Video Signals	TOTAL
Telstar Cable	1	1
TOTAL	1	*1

***Complaint listed above includes allegations that may not have necessarily resulted in findings of breach.**

Figure 2 illustrates the trend in technical standard complaints received in similar reporting periods since 2009.

Figure 2
Technical Standards Report Trends for Quarters April - June
2009 to 2012



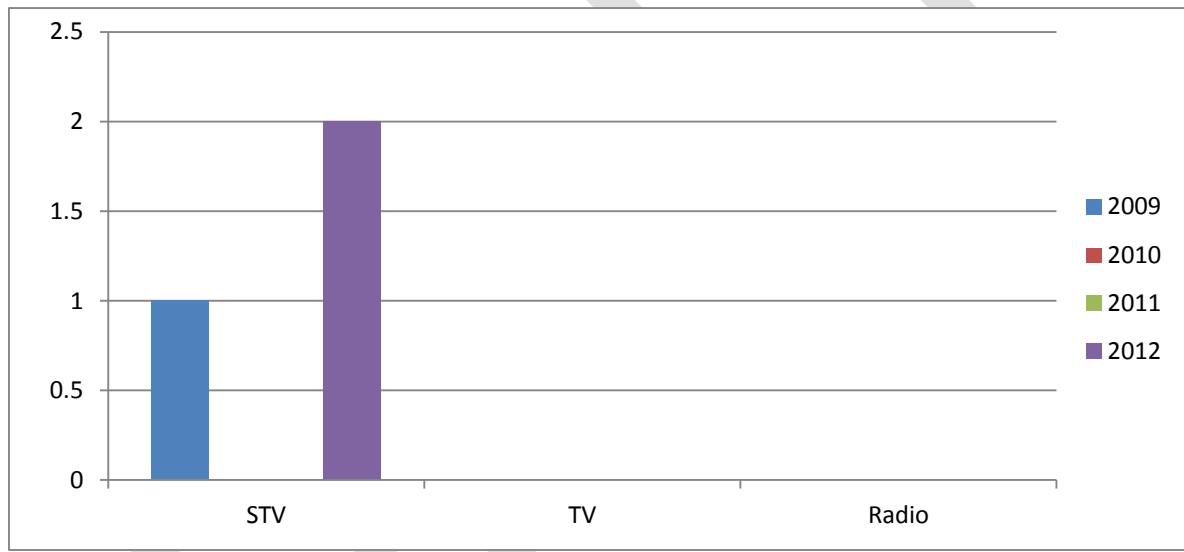
	2009	2010	2011	2012
STV	5	4	0	1
TV	0	0	0	0
RADIO	0	0	0	0

CUSTOMER SERVICE COMPLAINTS

There were two (2) customer service complaints 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 2009.

Figure 3
Customer Service Complaints Reports Trends
Quarters April – June – 2009 to 2012



	2009	2010	2011	2012
STV	1	0	0	2
TV	0	0	0	0
RADIO	0	0	0	0

Table 4
Customer Service Complaints
April – June 2012

	Transmission of Content without Rights Holder Permission	Inability to access local channels	TOTAL
Cornwall Communications	1		1
Stars Cable Limited		1	1
TOTAL	1	1	*2

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.

Eight (8) investigations were resolved between April - June 2012.

Table 5
Resolution of Complaints by Licensee

	No. of investigated complaints Resolved
Subscriber Television	1
Broadcast Television	2
Broadcast Radio	5
Total	8

Table 6
Resolution of Complaints by Category

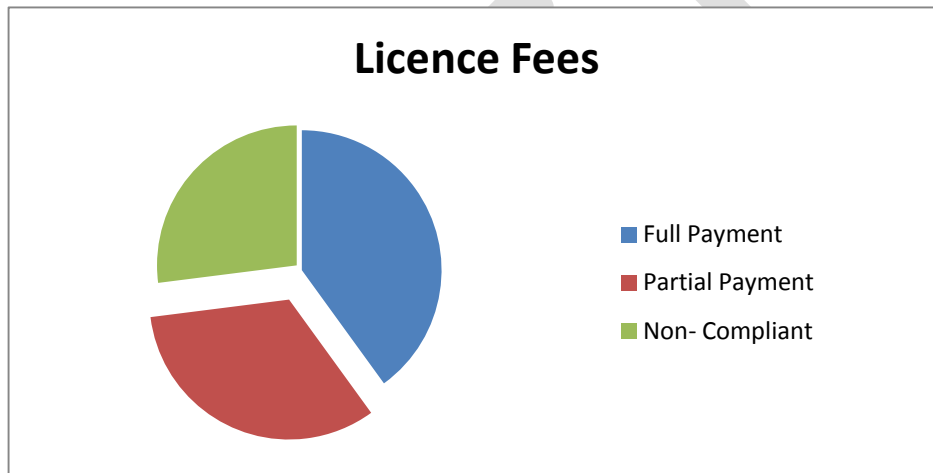
CATEGORY		TOTAL
Closed - Complied with required remedial action for breach of licence		
Subscriber Television	1	1
Broadcast Radio	2	2
Closed - Commission's investigation complete		
Broadcast Radio	2	2
Closed - No evidence of breach		
Broadcast Television	2	2
Broadcast Radio	1	1
Total	8	8

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 40%

Partial Payment 33%

Non- Compliant 27%

Table 7 - STV Licensees Financial Compliance for Quarter Ended June 2012

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2007	2008	2009	2010	2011	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	yes	yes	no	yes	no		✓	
2	Cable One Jamaica Ltd. yes	yes	no	no	no	no		✓	
3	Cabletron Network Systems Ltd.	yes	no	no	no	no			✓
4	Central Communication Services Ltd.	yes	yes	yes	no	no	✓		
5	Columbus Communications - FLOW	yes	yes	yes	no	no	✓		
6	Combined Communications Ltd.	yes	yes	no	no	no		✓	
7	Communicable Ltd.	no	no	no	no	no			✓
8	Cornwall Communications Ltd.	yes	yes	yes	yes	no	✓		
9	CTL Limited	yes	no	no	no	no		✓	
10	Digital Media & Entertainment Ltd.	n/a	n/a	n/a	n/a	no	✓		
11	Direct Cable Systems Ltd.	n/a	n/a	n/a	no	no	✓		
12	First Choice Cable	yes	yes	yes	yes	no		✓	
13	General Satellite Network Company	yes	yes	yes	yes	no			✓
14	Guthrie's Communications Ltd	yes	yes	yes	no	no		✓	
15	Inntech Communications Ltd.	yes	no	no	no	no	✓		
16	Jamaica Cablevision Ltd.	yes	yes	no	no	no	✓		
17	Linscom Network Limited	n/a	yes	yes	yes	no	✓		
18	Logic One Limited	yes	yes	yes	no	no	✓		
19	Marimaxx Communications Ltd.	yes	yes	no	no	no		✓	
20	Mars Cable Vision Ltd.	n/a	yes	yes	yes	no	✓		
21	McKoy Cable Television Co. Ltd.	n/a	n/a	n/a	no	no			✓

Table 7 Cont'd- STV Licensees Financial Compliance for Quarter Ended June 2012

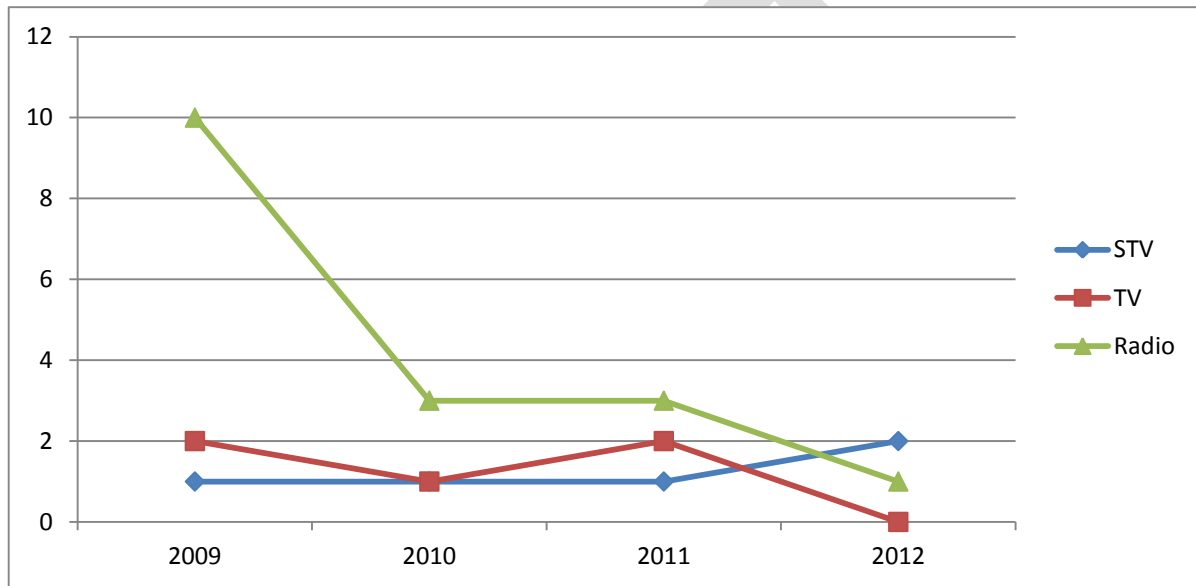
LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2007	2008	2009	2010	2011	Paid In Full	Partial Payment	Non-Compliant
22	Mega International Co. Ja. Ltd.	no	no	no	no	no			✓
23	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no		✓	
24	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	no	no	✓		
25	Odyssey Cable Vision Limited	yes	yes	yes	yes	no		✓	
26	Oliver Electronics Engineering Ltd.	yes	yes	no	no	no		✓	
27	QES 46 Limited	n/a	yes	yes	no	no			✓
28	Santastic Cable Systems Ltd.	yes	yes	yes	yes	no	✓		
29	Silly Video Cable Network Limited	yes	yes	yes	no	no	✓		
30	Starcom Cablevision Ltd.	yes	yes	yes	no	no			✓
31	Stars Cable Company Ltd.	yes	no	yes	no	no			✓
32	St. Thomas Cable Network Limited	yes	no	no	no	no			✓
33	Summit Satellite Systems Limited	yes	yes	yes	no	no	✓		
34	Telstar Cable Limited	yes	yes	yes	no	no	✓		
35	Total Cable	no	yes	no	no	no			✓
36	Tru Star Cable Television Network	n/a	n/a	no	no	no		✓	
37	Unique Vision Cable Co. Ltd.	yes	yes	no	no	no		✓	
38	Venus Cable Services	no	no	no	no	no			✓
39	Westar Communications Limited	yes	yes	no	no	no		✓	
40	Wilson Enterprises Limited	yes	yes	yes	yes	no	✓		

NOTICES OF BREACH

During the period under review, three (3) Notices of Breach were issued to licensees. These notices arose from contraventions of Content and Technical Standards.

Figure 5

TREND IN BREACHES COMMITTED BY SERVICE



	2009	2010	2011	2012
STV	1	1	1	2
TV	2	1	2	0
RADIO	10	3	3	1

Table 8

BREACHES BY BROADCAST RADIO LICENSEE

MUSIC 99FM

DATE OF BREACH:	01-Jun-2012**
COMPLAINT NUMBER:	201204250000
NATURE OF COMPLAINT	Transmission of expletive
NATURE OF BREACH:	Breach of Regulation 30(d) of TSBR & L3 of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee directed to air apology. Licensee complied
STATUS	Closed

BREACHES BY STV LICENSEES

COMMUNICABLE LIMITED

DATE OF BREACH:	22-Jun-2012**
NATURE OF BREACH:	Breach of Technical Standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee given deadline to address breaches
STATUS	Pending

CABLE ONE JAMAICA LIMITED

DATE OF BREACH:	22-Jun-2012**
NATURE OF BREACH:	Breach of Technical Standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee given deadline to address breaches
STATUS	Pending

**** '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**