

BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality



MONITORING & COMPLIANCE REPORT

JULY- SEPTEMBER 2012

TABLE OF CONTENTS

Executive Summary	1
Introduction	2
Breakdown of Contacts	3
Programming Content Compliance	4
Technical Compliance	7
Technical Complaints	8
Customer Service Complaints	10
Complaints Resolution	12
Financial Compliance	14
Notices of Breach	17

Tables:

Table 1 - Content Standards Reports	5
Table 2 - Technical Monitoring	7
Table 3 - Technical Standards Complaints	8
Table 4 – Customer Service Complaints	11
Table 5 - Resolution of Complaints by Licensee	12
Table 6 - Resolution of Complaints by Category	13
Table 7 - STV Financial Compliance	15-16
Table 8 - Breaches	18

Charts:

Figure 1 - Content Standards Reports Trends: 2009-2012	6
Figure 2 - Technical Standards Reports Trends: 2009-2012	9
Figure 3 - Customer Service Standards Reports Trends: 2009-2012	10
Figure 4 - STV Licence Fee Payment	14
Figure 5 - Trend in Total Breaches. 2009-2012	17

EXECUTIVE SUMMARY

BCJ- Quarterly Monitoring & Compliance Report

(July – September 2012)

During the period July – September 2012, two notices of breach of licence were issued to radio operators and one was issued to a television operator. There was no change in the number of notices of breach issued when compared to the previous quarter (April - June 2012).

One hundred and fifty-five (155) contacts were recorded for the period July - September 2012. Of this number, thirteen (13) contacts resulted in investigations of broadcast radio and television operators and subscriber television operators. The remaining one hundred and forty-two (142) were queries and comments about the work of the Commission.

Eleven (11) contacts resulted in investigations of complaints about content transmitted by broadcast radio and television operators representing a decrease of 8% when compared to the previous quarter. One contact was related to poor audio and video signal of a subscriber television operator and the other the delay in providing STV service.

One (1) subscriber television licensee was inspected during the period under review to determine its compliance with technical standards.

In relation to the payment of the annual licence fee, eighteen (18) subscriber television (STV) operators, or 45% of all licensees paid in full; ten (10) or 25% made partial payments and twelve (12) or 30% were non-compliant. There was an increase in the number of full payments recorded when compared to the previous quarter. However, the number of non-compliant licensees was increased from eleven (11) to twelve (12), an increase of one (1).

INTRODUCTION

Contacts with the Commission

One hundred and fifty-five (155) contacts were recorded for the period, July – September 2012.¹ Those contacts resulted in thirteen (13) investigations and no Notice of Breach of licence.

¹ This figure does not include contacts for the month of September 2012. These numbers were lost in a data base upgrade

BREAKDOWN OF CONTACTS

	July 2012	August 2012	September 2012	TOTAL
Information Requested	21	18		39
Licensees' Application process	3	4		7
Zoning and contact information		3		3
Complaints received & investigated	1	8	4	13
STVO transmitting channel in Spanish		4		4
STVO switching channels without notice	2			2
Broadcast Rights of the 2012 Olympics	7			7
Digital Switchover	2			2
Difficulty Accessing TV Station(CVM)	18			18
CVM's Coverage of the 2012 Olympics		60		60
TOTAL	54	97	4	155

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated eleven (11) complaints in relation to the broadcast of problematic content. This represents a decrease of 8% when compared to the period April – June 2012.

Table 1 details the complaints investigated relating to programming standards between July to September 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.

Table 1

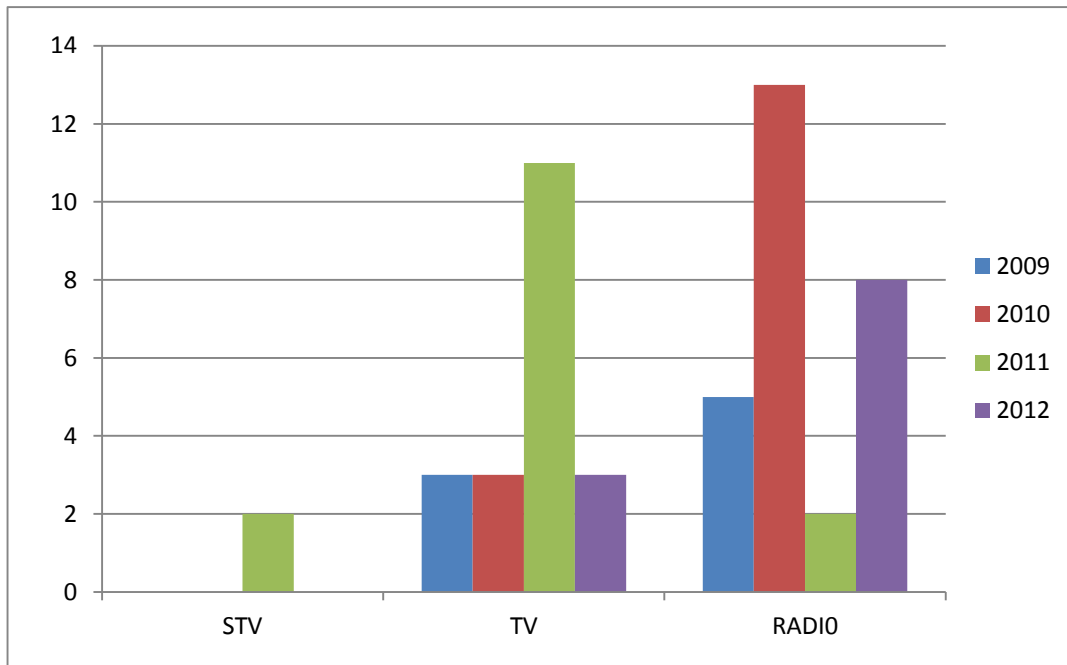
Content Standards Complaints Investigated: July – September 2012

	Transmission of content in breach of scheduling requirement re	Transmission of lyrics promoting lottery scamming	Transmission of content advocating violence against citizens	Transmission of song with violent lyrics	Transmission of sexually suggestive lyrics	Transmission of song with sexually explicit lyrics	Transmission of song containing expletive	Transmission of profanity	Transmission of content in breach of scheduling requirements	TOTAL
CVM Television Ltd			1		1					2
FAME 95 FM		1		1		1				3
Television Jamaica Limited	1									1
Sun City Radio							1	1		2
Yard Broadcasting (LINKZ FM)									1	1
ZIP 103FM							2			2
TOTAL	1	1	1	1	1	1	3	1	1	*11

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

Figure 1:

Content Standard Complaints Investigated
Trends for Quarters July - September - 2009 to 2012



	2009	2010	2011	2012
STV	0	0	2	0
TV	3	3	11	3
RADIO	5	13	2	8

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facility of one (1) subscriber television operator was inspected to determine its compliance with the technical standards set out in law.

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

Table 2: Technical Monitoring: July – September 2012

	LICENSEE INSPECTED	NON- COMPLIANCE DETECTED	STATUS
1.	First Choice Cable Services Limited	15 (a), 17(1)(b), 17(4)e), 17(1)(h), 17(1) (f) Breach of Licence (1)	Breach letter was dispatched to licensee on November 1, 2012.

For the period under review there was one (1) complaint relating to technical quality of STV service. There was no difference in the number of complaint received when compared to the period April – June 2012.

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

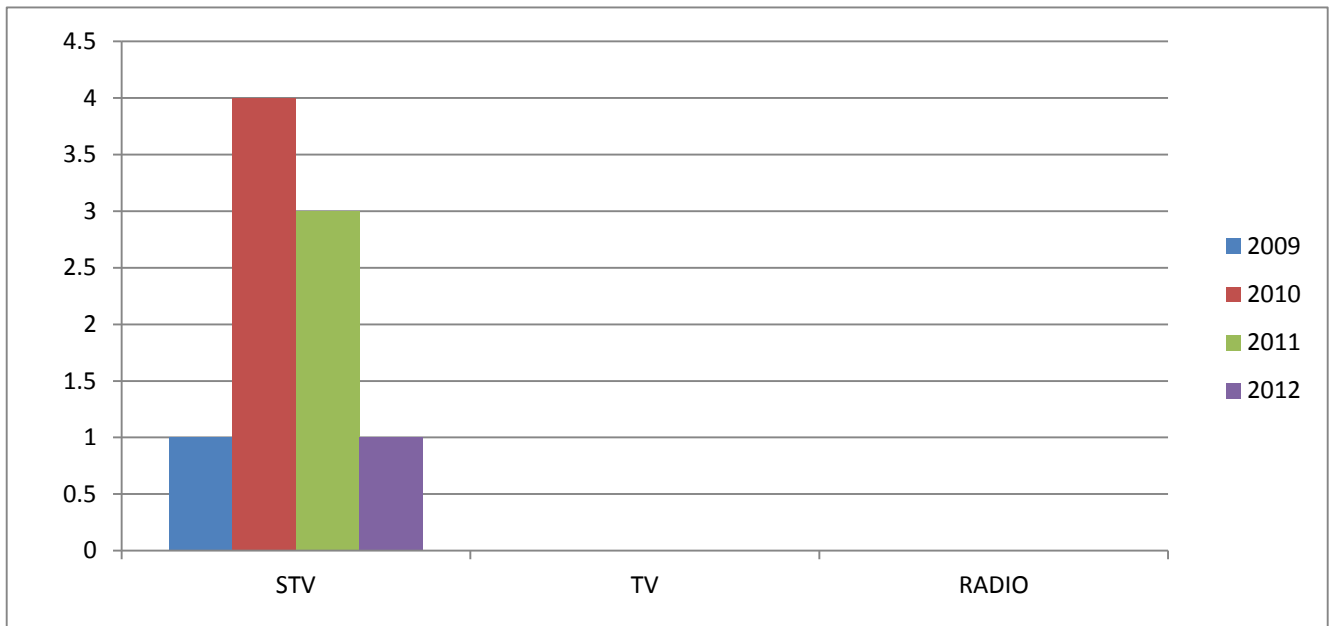
Table 3
Technical Standards Complaints
July - September 2012

	Poor Audio & Video Signals	TOTAL
Stars Cable Limited	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 July - September
2009 to 2012



	2009	2010	2011	2012
STV	1	4	3	1
TV	0	0	0	0
RADIO	0	0	0	0

CUSTOMER SERVICE COMPLAINTS

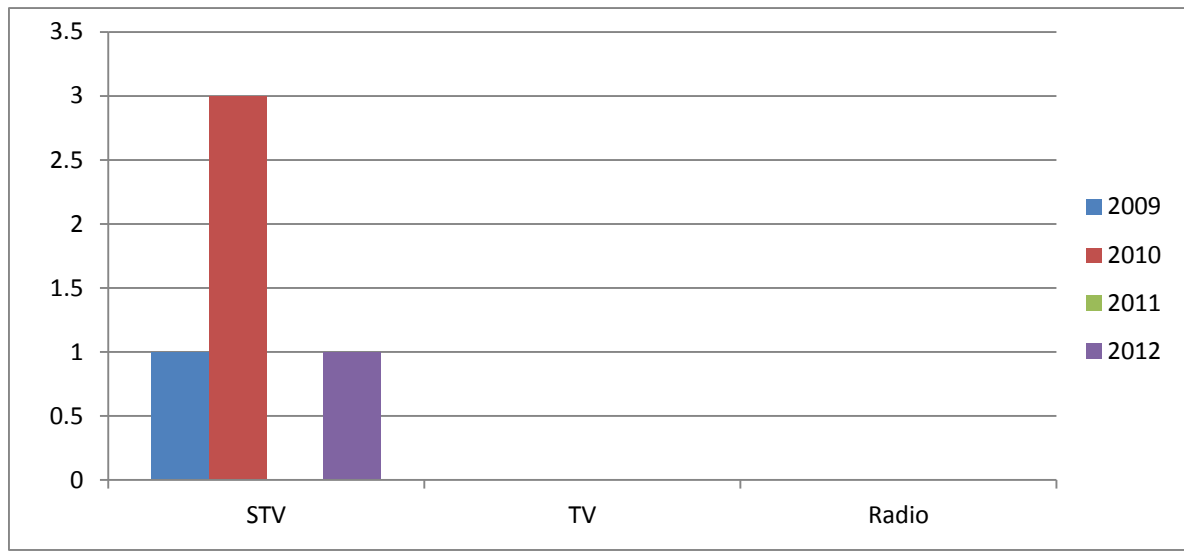
There was one (1) customer service complaint that resulted in an investigation for the period under review.

Figure 3 illustrates the trend in customer service complaints received in similar reporting periods since 2009.

Figure 3

Customer Service Complaints Reports Trends

Quarters July – September – 2009 to 2012



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

Table 4
Customer Service Complaints
July – September 2012

	Delay in the provision of STV Service	TOTAL
Stars Cable Limited	1	1
TOTAL	1	*1

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.

Six (6) investigations were resolved between July - September 2012.

Table 5

Resolution of Complaints by Licensee

	No. of investigated complaints Resolved
Subscriber Television	1
Broadcast Television	1
Broadcast Radio	4
Total	6

Table 6
Resolution of Complaints by Category

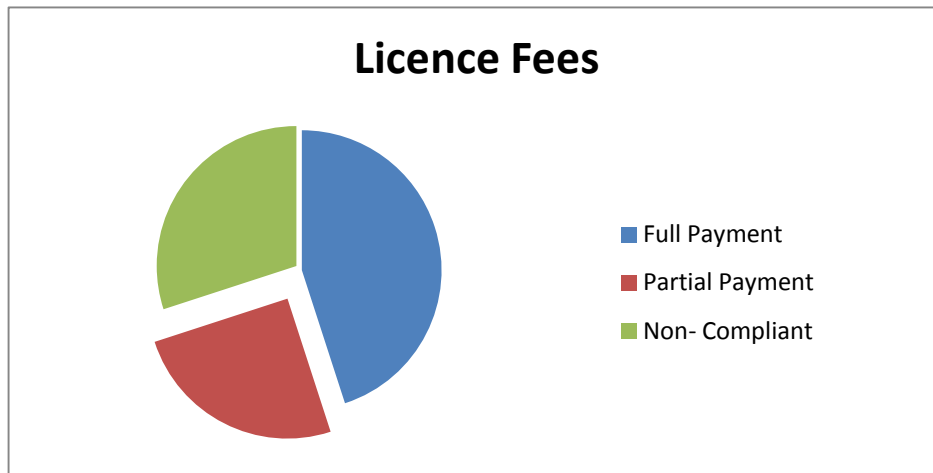
CATEGORY		TOTAL
Closed - Complied with required remedial action for breach of licence		
Subscriber Television	1	1
Broadcast Radio	2	2
Closed – No Further Remedial Action Required		
Broadcast Radio	1	1
Closed - No evidence of breach		
Broadcast Television	1	1
Broadcast Radio	1	1
Total	6	6

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	45%
Partial Payment	25%
Non- Compliant	30%

STV LICENSEES FINANCIAL COMPLIANCE FOR QUARTER ENDED SEPTEMBER 30, 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	yes	yes	yes			✓
4	Central Communication Services Ltd.	yes	yes	yes	yes	yes	✓		
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	yes			✓
14	Guthrie's Communications Ltd	yes	yes	yes	yes	yes		✓	
15	Inntech Communications Ltd.	yes	no	no	no	no	✓		
16	Jamaica Cablevision Ltd.	yes	yes	yes	yes	yes	✓		
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			✓
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	yes	yes		✓	

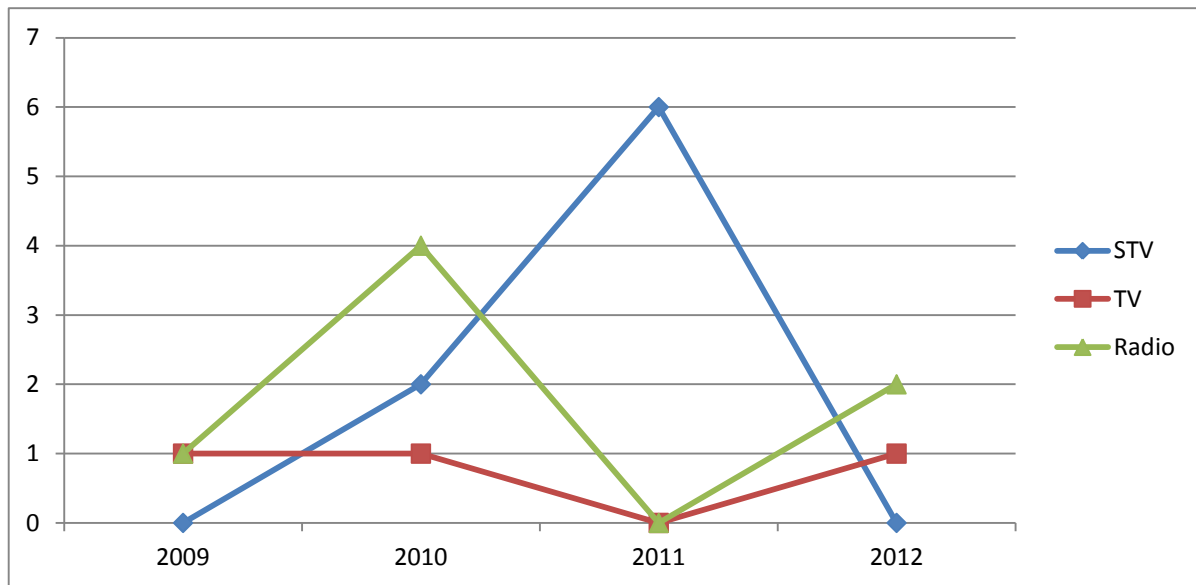
STV Licensees Financial Compliance (contd)

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2007	2008	2009	2010	2011	Paid in Full	Partial Payment	Non-Compliant
25	Odyssey Cable Vision Limited	yes	yes	yes	yes	yes	✓		
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	yes	✓		
29	Silly Video Cable Network Limited	yes	yes	yes	no	yes	✓		
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	yes	no	✓		
34	Telstar Cable Limited	yes	yes	yes	no	no	✓		
35	Total Cable	no	yes	yes	yes	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 Notices of Breach were issued to licensees. These notices arose from contraventions of Content Standards.

Figure 5
TREND IN BREACHES COMMITTED BY SERVICE



	2009	2010	2011	2012
STV	0	2	6	0
TV	1	1	0	1
RADIO	1	4	0	2

Table 8

BREACHES BY BROADCAST RADIO LICENSEE

FAME 95 FM

DATE OF BREACH:	16-Aug-2012**
COMPLAINT NUMBER:	201206060000
NATURE OF COMPLAINT:	Transmission of song containing profanity
NATURE OF BREACH:	Breach of L3 of Code.
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Transmission of prescribed apology
STATUS:	Closed

NATIONWIDE NEWS NETWORK (NNN)

DATE OF BREACH:	20-Aug-2012**
COMPLAINT NUMBER:	201205220000
NATURE OF COMPLAINT:	Broadcast of farce of the kidnapping of children and paedophilia.
NATURE OF BREACH:	Licensee in breach of Regulation 30 (d) of TSBR
COMMISSION DECISION:	Licensee in breach.
REMEDIAL ACTION:	Transmission of prescribed apology.
STATUS:	Closed

BREACH BY BROADCAST TELEVISION LICENSEE

DATE OF BREACH:	10-Aug-2012**
COMPLAINT NUMBER:	201206260000
NATURE OF COMPLAINT:	Transmission of news item containing profanity
NATURE OF BREACH:	Breach of L3 of Code.
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Transmission of prescribed apology
STATUS:	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**