

BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality



MONITORING & COMPLIANCE REPORT

JULY-SEPTEMBER 2010

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INTRODUCTION

Contacts with the Commission

Two hundred and thirty-one (231) contacts were recorded for the period, July – September 2010. Those contacts resulted in eight (8) Notices of Breach of licence and twenty-two (22) investigations, an increase of three percent (3%) when compared to the previous quarter, April- June 2010.

BREAKDOWN OF CONTACTS

	July 2010	Aug 2010	Sep 2010	TOTAL
Information Requested:	64	53	42	159
<input type="checkbox"/> Contact information for subscriber television licensees				
<input type="checkbox"/> Procedure for acquiring licences (STV and Broadcast)				
<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>	11	8	3	22
 Queries about Flow Packages–				
Max Pack	8			8
Flow on Demand	4			4
Sportsmax		4		4
 Zoning Information	5	10	7	22
 Procedure for acquiring broadcast licence		3	4	7
 Concerns about the nature and ‘tone’ of the Ragashanti Live Programme		3		3
 Report about possible interferences with the BBC frequency		2		2
TOTAL	92	83	56	231

PROGRAMMING CONTENT COMPLIANCE

The Commission received fifteen (15) complaints pertaining to the broadcast of problematic content. This represents an increase of two hundred percent (200%) when compared to the period April - June 2010.

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

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

Table 1

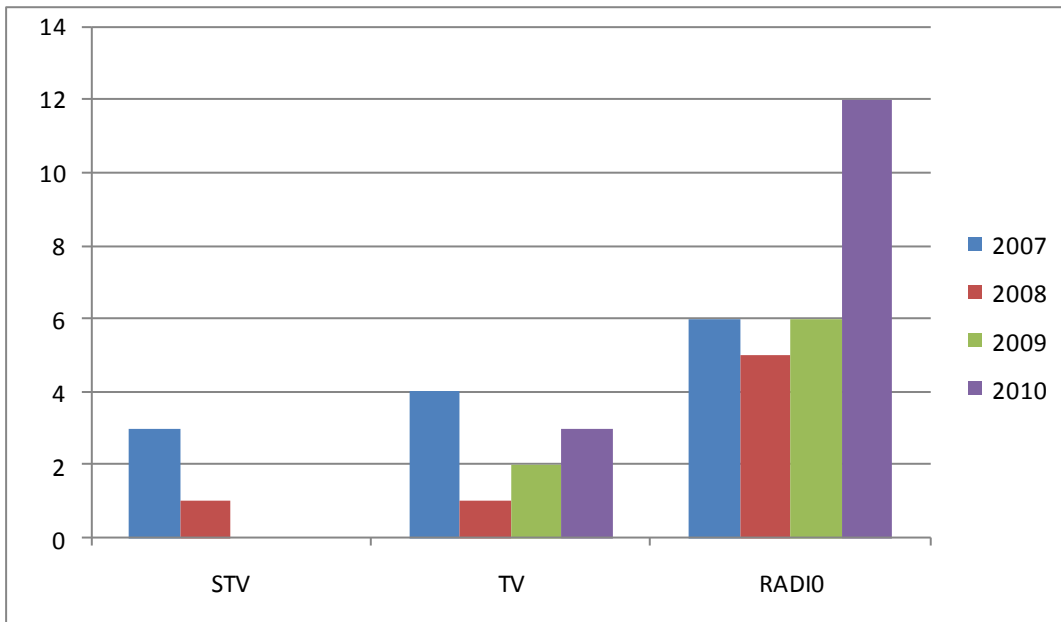
Content Standards Reports: July - September 2010

	Inappropriate content	Sexually suggestive language/lyrics	Use of editing techniques	Scandalous remarks by host	Alleged false & misleading news	Profane Language	Alleged breach of broadcast standards	TOTAL
Grove Broadcasting Company Ltd (Zip 103 FM)				1		1		2
CVM Television Ltd	2							2
Radio Jamaica Limited (FAME 95 FM)		5	1					6
Nationwide Radio 90 FM		1						1
Television Jamaica Limited							1	1
Radio Jamaica Limited (RJR 94 FM))		2						2
Universal Media Company Ltd (NewsTalk 93 FM)								1
TOTAL	2	8	1	1		1	1	15*

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

Figure 1:

Content Standards Report Trends for 2nd Quarters: Jul-Sep '07' - Jul-Sep '10'



TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of three (3) subscriber television operators were inspected to determine their compliance with the technical standards set out in law.

Table 2 list the subscriber television licensees inspected and the areas of technical non-compliance found.

Table 2: Technical Monitoring: July- September. 2010

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Tru-Star Cable Television	Regulations: 17 (4) (e), System not addressable	Breach letter dated August 3, 2010 sent to licensee
2.	Cabletron Network System Limited	Regulations: 25 (1), , 17(1) (h),	Breach letter dated September 9, 2010 sent to licensee.
3.	Unique Vision Cable Company Ltd	Regulations; 17 (4)(b), 17 (4) (d), 17 (4) (e), 17(1) (h), 15 (a), 32 (a), Non provision of STV service to licensed zones	Breach letter issued to licensee.

Three (3) or seventy-five percent (75%) of the complaints received related to poor audio and video signals and the remainder or twenty-five percent (25%) related to the allegation of signal leakage by a Cable Operator. This represents an increase of thirty-three percent (33%) when compared to the previous period, April-June 2010.

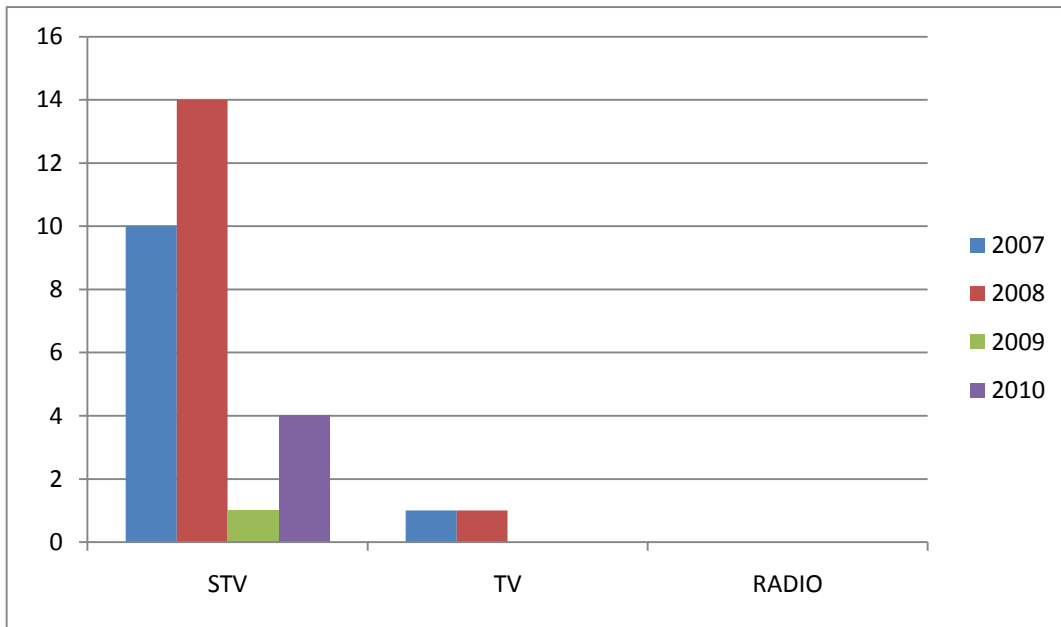
Table 3

**Technical Standards Complaints
July -September 2010**

	Poor audio and video signals	Non provision of service	Frequent breakdowns	signal leakage	TOTAL
CTL Limited				1	1
Cornwall Communications Limited	1				1
Columbus Communication Ltd	1				1
Wilson's Enterprises	1				1
TOTAL	3			1	4*

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

Figure 2
Technical Standards Report Trends for 2nd Quarter-
Jul-Sept 2007 to Jul- Sept 2010



	2007	2008	2009	2010
STV	10	14	1	4
TV	1	1	0	0
RADIO	0	0	0	0

CUSTOMER SERVICE COMPLAINTS

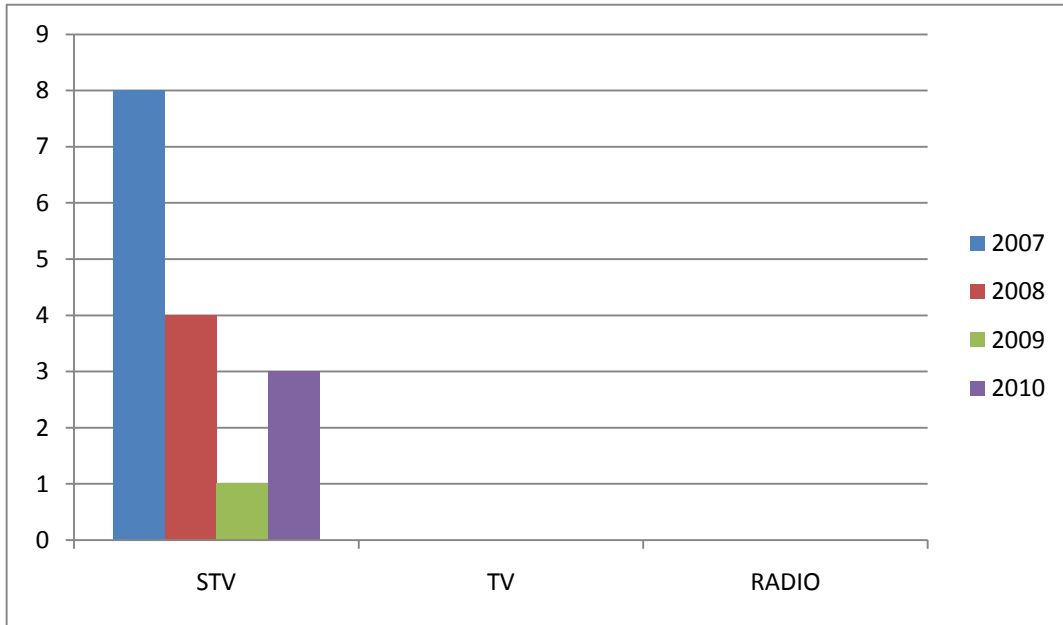
There were three (3) customer service complaints for the period under review. The number of customer service complaints increased by three over the previous quarter, April- June 2010.

Table 4
Customer Service Complaints: July- September 2010

LICENSEES	NATURE OF COMPLAINTS RECEIVED								
	Inaccurate Billing	Transmitting adverts on intl. channels	Customer A/c not updated	Denying Access to channels	Increased subscribers Fees		Alleged transmission of content without owners consent	Delay in rectifying customer complaint	TOTAL
Columbus Communications (FLOW)								1	1
CTL Limited							1		1
Oliver's Electronics Engineering Ltd							1		1
TOTAL							2	1	3*

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

Figure 3
Customer Service Complaints Report Trends for 2nd Quarters:
Jul-Sept 2007 to Jul- Sept 2010



	2007	2008	2009	2010
STV	8	4	1	3
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. Twelve (12) investigations were resolved between July – September 2010.

Table 5
Resolution of Complaints by Licensee

	No. of investigated complaints Resolved (including those brought forward)
Subscriber Television	3
Broadcast Television	2
Broadcast Radio	7
Total	12

Table 6
Resolution of Complaints by Category

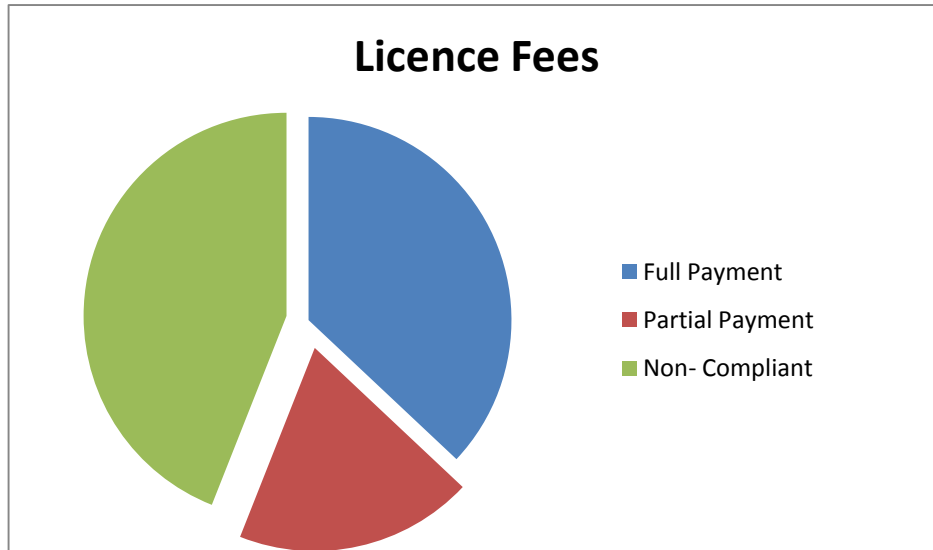
CATEGORY		TOTAL
Closed - resolved to complainant's satisfaction		
Subscriber Television	1	1
Broadcast Television	-	
Complied with required remedial action for breach of licence		
Subscriber Television	1	1
Broadcast Television	1	1
Broadcast Radio	7	7
Closed - Commission's investigation complete		
Subscriber Television	1	1
Broadcast Television	1	1
Broadcast Radio	-	-
Total	12	12

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	37%
Partial Payment	19%
Non- Compliant	44%

Table 7
STV LICENSEES FINANCIAL COMPLIANCE FOR PERIOD ENDED
SEPTEMBER 2010

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2005	2006	2007	2008	2009	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	n/a	n/a	yes	yes	no		✓	
2	Cable One Jamaica Ltd. yes	yes	yes	yes	no	no			✓
3	Cabletron Network Systems Ltd.	yes	yes	yes	no	no			✓
4	Central Communication Services Ltd.	yes	yes	yes	yes	yes			✓
5	Columbus Communications - FLOW	n/a	n/a	yes	yes	yes	✓		
6	Combined Communications Ltd.	yes	yes	yes	yes	no		✓	
7	Communicable Ltd.	yes	no	no	no	no		✓	
8	Cornwall Communications Ltd.	yes	yes	yes	yes	no	✓		
9	CTL Limited	yes	yes	yes	no	no			✓
10	Direct Cable Systems Ltd.	n/a	n/a	n/a	n/a	n/a			✓
10	First Choice Cable	yes	yes	yes	yes	no	✓		
11	General Satellite Network Company	yes	yes	yes	yes	yes	✓		
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	yes	no			✓
15	Linscom Network Limited	n/a	n/a	n/a	yes	yes	✓		
16	Logic One Limited	yes	yes	yes	yes	yes	✓		
17	Marimaxx Communications Ltd.	yes	yes	yes	yes	no			✓
18	Mars Cable Vision Ltd.	n/a	n/a	n/a	yes	yes	✓		
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	yes	yes	✓		
24	Odyssey Cable Vision Limited	n/a	n/a	yes	yes	no	✓		

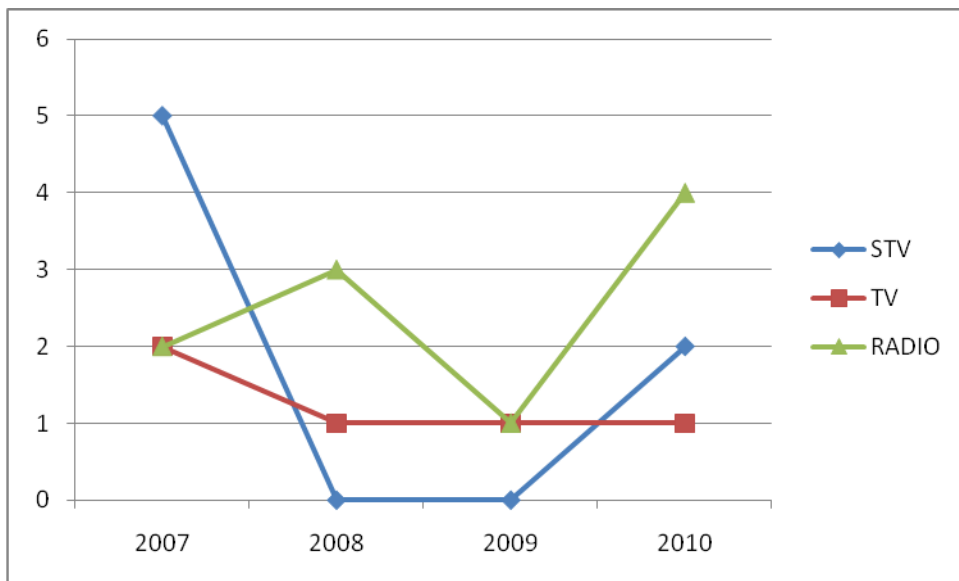
**Table 7 – contd.
STV LICENSEES FINANCIAL COMPLIANCE**

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR 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	yes	yes			✓
27	Quality Cable Services	n/a	n/a	n/a	n/a	n/a			✓
28	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes	✓		
29	Silly Video Cable Network Limited	yes	yes	yes	yes	yes	✓		
30	Starcom Cablevision Ltd.	yes	yes	yes	yes	yes			✓
31	Stars Cable Company Ltd.	yes	yes	yes	no	yes	✓		
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	yes		✓	

NOTICES OF BREACH

During the period under review, eight (8) Notices of Breach were issued to licensees. Five (5) breach notices arose from contraventions of content standards, and three (3) from failure to meet technical standards.

Figure 5
TREND IN BREACHES COMMITTED BY SERVICE



	2007	2008	2009	2010
STV	5	0	0	2
TV	2	1	1	1
RADIO	2	3	1	4

Table 8

BREACHES BY BROADCAST RADIO LICENSEES

GROVE BROADCASTING COMPANY LIMITED (ZIP 103FM)

DATE OF BREACH: 12-Aug-10**
COMPLAINT NUMBER; 10/07/15/1014-001
NATURE OF COMPLAINT: Transmission of sexually explicit content
NATURE OF BREACH: Breach of the Television and Sound Broadcasting Regulations
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to publish apology in widely circulated newspaper.
STATUS: Licensee complied with required remedial action; file closed

RADIO JAMAICA LIMITED-FAME 95 FM

DATE OF BREACH: 12-Aug-10**
COMPLAINT NUMBER; 10/05/12/1014-001
NATURE OF COMPLAINT: Transmission of song with sexual references and overtones
NATURE OF BREACH: Breach of scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology and publish apology in newspaper
STATUS: Licensee complied with required remedial action; file closed

DATE OF BREACH: 12-Aug-10**
COMPLAINT NUMBER; 10/06/28/1014-001
NATURE OF COMPLAINT: Transmission of song with sexual overtone
NATURE OF BREACH: Breach of scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology and publish apology in newspaper
STATUS: File closed

UNIVERSAL MEDIA COMPANY LIMITED (NEWS TALK 93 FM)

DATE OF BREACH: 12-Aug-10**
COMPLAINT NUMBER; 10/04/27/1020-001
NATURE OF COMPLAINT: Extended sexually suggestive dialogue between host and caller
NATURE OF BREACH: Breach of scheduling requirement of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to air apology
STATUS: Licensee complied with required remedial action; file closed

Table 8-contd

BREACHES COMMITTED BY BROADCAST TELEVISION LICENSEES

TELEVISION JAMAICA LIMITED (TVJ)

DATE OF BREACH:	12-Aug-10**
COMPLAINT NUMBER;	10/05/11/1014-001
NATURE OF COMPLAINT:	Transmission of abusive and derogatory language in song
NATURE OF BREACH:	Breach of the Television and Sound Broadcasting Regulations
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	No further punitive measures applied as Commission accepted licensees internal remedial actions.
STATUS:	File closed

TABLE 8- contd

BREACHES COMMITTED BY SUBSCRIBER TELEVISION OPERATORS

TRU-STAR CABLE TELEVISION NETWORK LIMITED

DATE OF BREACH: 30-Jul-10**
NATURE OF BREACH: Failure to maintain technical standards – Technical Inspection
COMMISSION DECISION: Licensee in breach of license
REMEDIAL ACTION REQD: Licensee directed to implement corrective measures
STATUS: Open

CABLETRON NETWORK SYSTEMS LIMITED

DATE OF BREACH: 17-Sep-10**
NATURE OF BREACH: Failure to maintain technical standards – Technical Inspection
COMMISSION DECISION: Licensee in breach of license
REMEDIAL ACTION REQD: Licensee directed to implement corrective measures
STATUS: Open

UNIQUE VISION CABLE COMPANY LTD

DATE OF BREACH: 10-Dec-10**
NATURE OF BREACH: Failure to maintain technical standards – Technical Inspection
COMMISSION DECISION: Licensee in breach of license
REMEDIAL ACTION REQD: Licensee directed to implement corrective measures
STATUS: 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.**