



# MONITORING & COMPLIANCE REPORT

APRIL – JUNE 2014

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**EXECUTIVE SUMMARY**  
**BCJ - Quarterly Monitoring & Compliance Report**  
**(April – June 2014)**

During the period April – June 2014, eight (8) notices of breach of licence were issued to one (1) broadcast radio licensee, two (2) to broadcast television licensees and five (5) to subscriber television licensees. There was an increase of one (1) over the previous period January – March 2014.

Two hundred and forty (240) contacts were recorded for the period April – June 2014. Of this number, twelve (12) were complaints, ten (10) of which resulted in investigations of broadcast radio and television operators. Two of the complaints did not warrant an investigation. The remaining two hundred and twenty eight (228) were queries and comments about other operational issues pertaining to licensed operators and the work of the Commission.

All of the ten (10) complaints investigations were about content standards. This represents an increase of fifty percent (50%) when compared with the previous period, January – March 2014.

Eight (8) 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, seventeen(17) subscriber television (STV) operators, or 44% of all licensees paid in full; seven (7) or 18% made partial payments and fifteen (15) or 38% were non-compliant. There was an increase of three (3) in the number of full payments recorded when compared to the previous quarter. However, the number of licensees who made partial payments changed by seven (7) and the number of non-compliant licensees increased by four (4).

## INTRODUCTION

### **Contacts with the Commission**

Two hundred and forty (240) contacts were recorded for the period, April - June 2014. Pursuant to those contacts, there were ten (10) investigations and eight (8) Notices of Breach of licence issued.

## BREAKDOWN OF CONTACTS

	April 2014	May 2014	June 2014	TOTAL
<b>Queries, Requests and Reports:</b>				
<b>Licenses Application process</b>	8	3	3	14
<b>Zoning and contact information for STV</b>		3		3
<b>Complaints Received and Investigated (NB: Of the twelve (12) complaints which were received, only ten(10) were investigated – two (2) did not warrant investigation)</b>	1	5	6	12
<b>Digital Converter Box Issues</b>			5	5
<b>Matters Concerning Exclusive Broadcast Rights</b>	4		4	8
<b>CVM Television Limited's Technical Capability and the Implications for coverage of the World Cup</b>			86	86
<b>Other operational issues (with the exception of those indicated above)</b>	25	19	68	112
<b>TOTAL</b>	<b>38</b>	<b>30</b>	<b>172</b>	<b>240</b>

## PROGRAMMING CONTENT COMPLIANCE

The Commission investigated ten (10) complaints relating to the broadcast of problematic content. This represented an increase of 50% when compared to the period January – March 2014.

**Table 1** details the investigations relating to programming standards between April to June 2014 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 2011.

**Table 1**

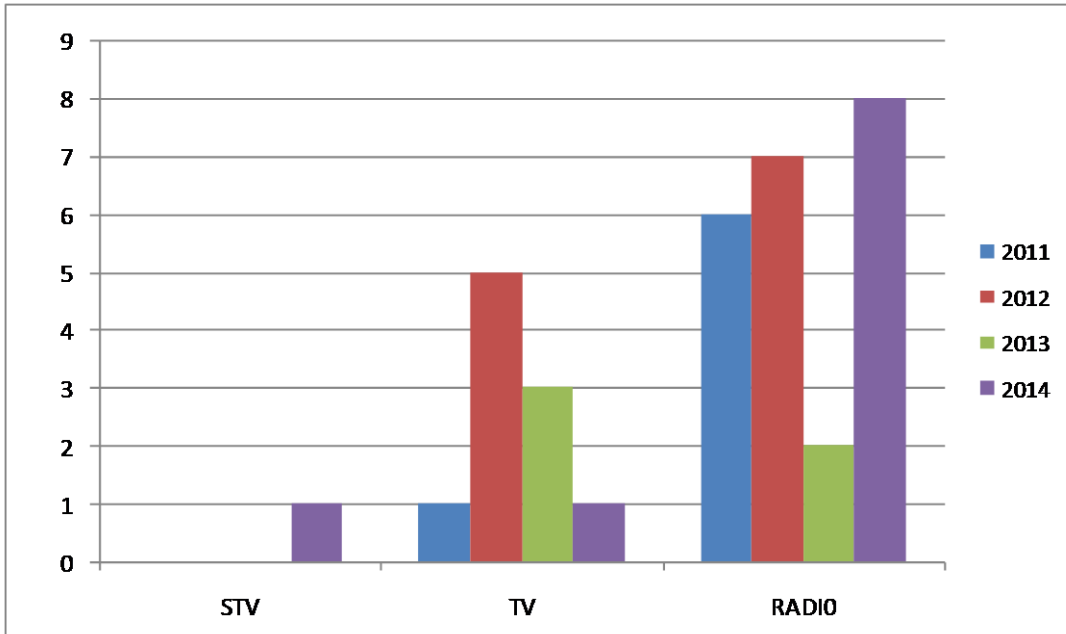
**Content Standards Complaints Investigated: April - June 2014**

	Transmission of content in breach of scheduling requirements of the Code.	Transmission of a song with an expletive	Transmission of a discussion focusing on sadomasochism and violence during a morning time programme.	Transmission of content with sexually suggestive lyrics/words.	Transmission of content containing violent lyrics.	Transmission of content with scantily clad women gyrating in a sexually graphic manner.	TOTAL
Columbus Communication Network (Flow)	1						1
FAME 95 FM	1	1	1				3
HITZ 92 FM				1			1
IRIE FM					1		1
News Talk 93 FM		1					1
RJR 94 FM				1			1
Television Jamaica Limited						1	1
ZIP 103 FM				1			1
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>10</b>

**\* 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 2011 to 2014**



	2011	2012	2013	2014
STV	0	0	0	1
TV	1	5	3	1
RADIO	6	7	2	8



## TECHNICAL COMPLIANCE

### TECHNICAL MONITORING

The facilities of eight (8) subscriber television operators were inspected to determine their compliance with the technical standards set out in law.

**Table 2-** lists the subscriber television licensees that were inspected and the areas of technical non-compliance identified.

**Table 2: Technical Monitoring: April – June 2014**

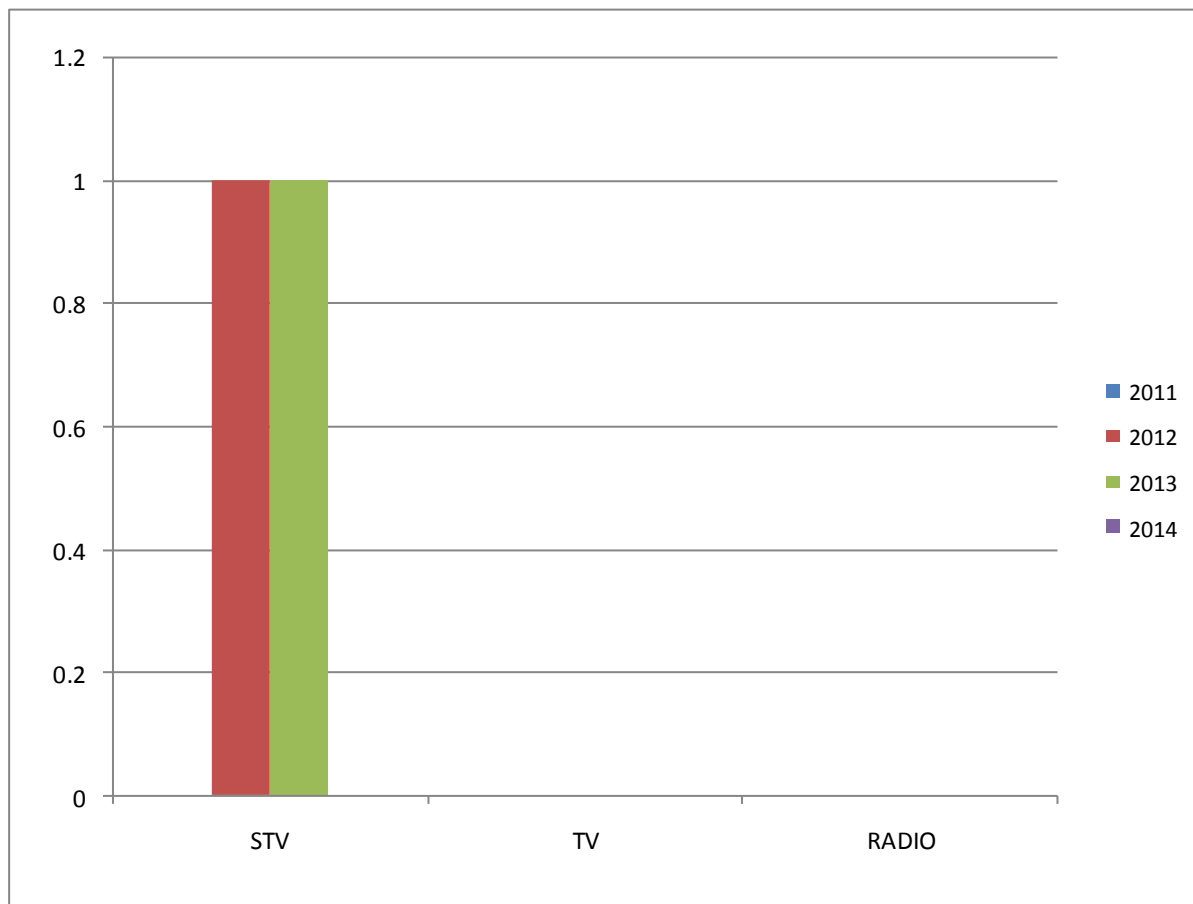
	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	First Choice Cable Service Limited	17(1)(b),17(4)(e), 17(1)(h), Breach of Licence [1]	\Breach letter dated May 7, 2014 sent to licensee with a three-month deadline to address breaches.
2.	Linscom Network Limited	15(a) and 17(4)(b)	Licensee contacted via telephone. Licensee addressed (15)(a) of the Regulations. Awaiting response from licensee concerning 17(4) (b) of the Regulations
3.	Starcom Cable Vision Limited	15(a),16(1),17(1)(b) 17(1)(h),17(4)(b), 17(4)(d) and 17(4)e	Breach letter dated June 18, 2014 sent to licensee with a three-month deadline to address breaches.
4.	McKoy's Cable Television Company Limited	16(1),17(1)(h),17(4)(b), 17(4)(d),17(4)(e). Breach of Licence [1]	Breach letter dated June 18, 2014, sent to licensee with a three-month deadline to address breaches.
5.	Cabletron Network Limited	15(a) and 17(4)(b)	Licensee contacted via telephone, given until July 14, 2014 to address breaches.
6.	Wilson's Enterprises Limited.	15(a),17(4)(d),17(4)(e) and17(1)(h)	Breach letter dated July 30, 2014 sent to licensee with a three month deadline to address breaches.
7.	Summit Satellite Systems Limited	17(4)(b),17(4)(d), 17(4)(e)	Breach letter dated July 30, 2014 sent to licensee with a three month deadline to address breaches.
8.	Tru-Star Cable Television Network Limited	17(1) (h), 17(4)(d), 17(4)(e)	Breach letter dated July 30, 2014 sent to licensee with a three month deadline to address breaches.

## TECHNICAL INVESTIGATIONS

For the period under review, there was no complaint relating to the technical quality of subscriber television service. The preceding period, January – March 2014, saw just one such complaint.

**Figure 2** illustrates the trend in technical standard complaints received in similar reporting periods since 2011.

**Figure 2**  
**Technical Standards Report Trends for Quarters April- June 2011 to 2014**



	2011	2012	2013	2014
<b>STV</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>TV</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>RADIO</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## 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.

Nine (9) investigations were resolved between April- June 2014

**Table 3**  
Resolution of Complaints by Licensee

	No. of investigated complaints Resolved
Subscriber Television	-
Broadcast Television	3
Broadcast Radio	6
<b>Total</b>	<b>9</b>

**Table 4**  
**Resolution of Complaints by Category**

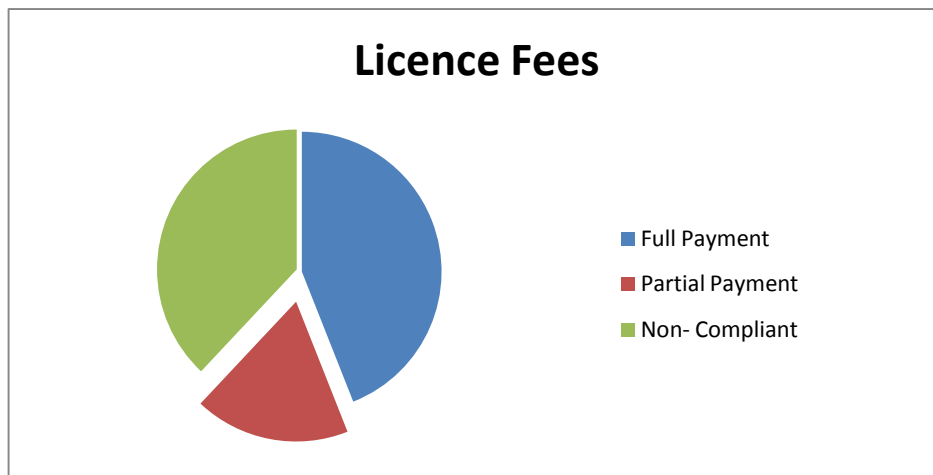
CATEGORY	TOTAL
<b>Closed - Complied with required remedial action for breach of licence</b> <ul style="list-style-type: none"> <li>• <b>Broadcast Radio</b></li> <li>• <b>Broadcast Television</b></li> </ul>	 3 2
<b>Closed – No Evidence of Breach</b> <ul style="list-style-type: none"> <li>• <b>Broadcast Radio</b></li> <li>• <b>Broadcast Television</b></li> </ul>	 3 1
<b>Total</b>	<b>9</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 3**

**Figure 3**



<b>Full Payment</b>	<b>44%</b>
<b>Partial Payment</b>	<b>18%</b>
<b>Non- Compliant</b>	<b>38%</b>

**Table 5 - STV Licensees Financial Compliance  
For quarter ended June 30, 2014**

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2009	2010	2011	2012	2013	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	yes	yes	yes	no	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	yes	yes	yes	yes	no	✓		
6	Combined Communications Ltd.	no	no	yes	yes	no	✓		
7	Communicable Ltd.	no	no	no	no	no		✓	
8	Cornwall Communications Ltd.	yes	yes	no	no	no	✓		
9	CTL Limited	no	no	no	yes	no	✓		
10	Digital Media & Entertainment Ltd. (Not Operational at this time)	n/a	n/a	no	no	no			
11	Direct Cable Systems Ltd.	n/a	no	no	no	no	✓		
12	First Choice Cable	yes	yes	yes	no	no	✓		
13	General Satellite Network Company	yes	yes	yes	no	no			✓
14	Guthrie's Communications Ltd	yes	yes	yes	no	no			✓
15	Inntech Communications Ltd.	no	no	no	no	no	✓		
16	Jamaica Cablevision Ltd.	yes	yes	yes	no	no	✓		
17	Linscom Network Limited	yes	yes	no	yes	no	✓		
18	Logic One Limited	yes	yes	yes	yes	no	✓		
19	Marimaxx Communications Ltd.	no	no	no	no	no		✓	
20	Mars Cable Vision Ltd.	yes	yes	yes	yes	no			✓
21	McKoy Cable Television Co. Ltd.	n/a	no	no	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	no	✓		

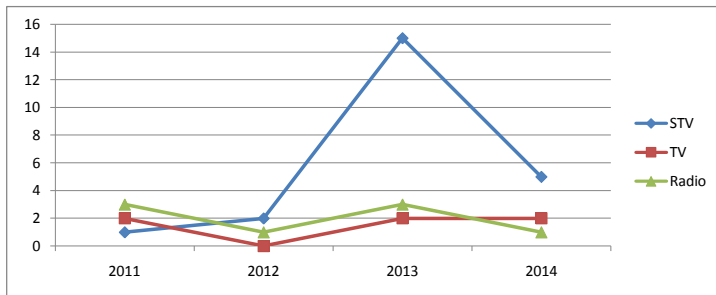
**STV Licensees Financial Compliance**

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2009	2010	2011	2012	2013	Paid in Full	Partial Payment	Non-Compliant
25	Network Cable Service	n/a	n/a	n/a	n/a	n/a	✓		
26	Odyssey Cable Vision Limited	yes	yes	yes	no	no	✓		
27	QES 46 Limited	yes	no	no	no	no		✓	
28	Santastic Cable Systems Ltd.	yes	yes	yes	yes	no	✓		
29	Silly Video Cable Network Limited	yes	no	yes	yes	no	✓		
30	Starcom Cablevision Ltd.	yes	no	no	no	no		✓	
31	Stars Cable Company Ltd.	yes	no	no	no	no			✓
32	St. Thomas Cable Network Limited	no	no	yes	no	no			✓
33	Summit Satellite Systems Limited	yes	yes	no	no	no			✓
34	Telstar Cable Limited	yes	no	no	no	no			✓
35	Total Cable	yes	yes	no	no	no			✓
36	Tru Star Cable Television Network	no	no	no	no	no			✓
37	Unique Vision Cable Co. Ltd.	no	no	no	no	no		✓	
38	Venus Cable Services	no	no	no	no	no			✓
39	Westar Communications Limited	no	no	no	no	no			✓
40	Wilson Enterprises Limited	yes	yes	no	no	no			✓

## NOTICES OF BREACH

During the period under review, eight (8) Notices of Breach were issued to licensees, three (3) of these notices arose from contraventions of Content Standards and five (5) arose from contraventions of Technical Standards.

**Figure 4**  
TREND IN BREACHES COMMITTED BY SERVICE



	2011	2012	2013	2014
STV	1	2	15	5
TV	2	0	2	2
RADIO	3	1	3	1



## Table 6

### BREACHES BY BROADCAST TELEVISION LICENSEE

#### TELEVISION JAMAICA LIMITED

**DATE OF BREACH:** April 2, 2014  
**COMPLAINT NUMBER:** 2014021000  
**NATURE OF COMPLAINT:** Transmission of expletive during newscast  
**NATURE OF BREACH:** Breach of Regulation 30 (d) of the TSBR and L3 of the Code  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to transmit apology; Licensee complied.  
**STATUS:** Closed

**DATE OF BREACH:** June 2, 2014  
**COMPLAINT NUMBER:** 2014050600  
**NATURE OF COMPLAINT:** Transmission of images of male and female revellers gyrating against each other in a sexually suggestive manner.  
**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

### BREACH BY BROADCAST RADIO LICENSEE

#### FAME 95 FM

**DATE OF BREACH:** April 14, 2014  
**COMPLAINT NUMBER:** 2014012200  
**NATURE OF COMPLAINT:** Transmission of song with inappropriate lyrics  
**NATURE OF BREACH:** Breach of Regulation 11(3) of the TSBR and S2 of the Code  
**COMMISSION DECISION:** Breach of Licence  
**REMEDIAL ACTION:** Licensee directed to transmit apology. Licensee complied.  
**STATUS:** Closed

## TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES

### UNIQUE VISION

**DATE OF BREACH:** April 1, 2014  
**NATURE OF BREACH:** Failure to maintain technical standards  
**COMMISSION DECISION:** Licence in breach  
**REMEDIAL ACTION:** Licensee given deadline to address breaches  
**STATUS:** Open

### FIRST CHOICE CABLE SERVICES LIMITED

**DATE OF BREACH:** May 7, 2014  
**NATURE OF BREACH:** Failure to maintain technical standards  
**COMMISSION DECISION:** Licence in breach  
**REMEDIAL ACTION:** Licensee given deadline to address breaches  
**STATUS:** Open

### SILLY VIDEO CABLE NETWORK LIMITED

**DATE OF BREACH:** May 7, 2014  
**NATURE OF BREACH:** Failure to maintain technical standards  
**COMMISSION DECISION:** Licence in breach  
**REMEDIAL ACTION:** Licensee given deadline to address breaches  
**STATUS:** Open

### McKOY'S CABLE TELEVISION COMPANY LIMITED

**DATE OF BREACH:** June 18, 2014,  
**NATURE OF BREACH:** Failure to maintain technical standards  
**COMMISSION DECISION:** Licence in breach  
**REMEDIAL ACTION:** Licensee given deadline to address breaches  
**STATUS:** Open

**STARCOM CABLEVISION LIMITED**

**DATE OF BREACH:** June 18, 2014  
**NATURE OF BREACH:** Failure to maintain technical standards  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee given deadline to address breaches  
**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.**