



**MONITORING**

**&**

**COMPLIANCE REPORT**

*OCTOBER - DECEMBER 2013*

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## **EXECUTIVE SUMMARY**

### **BCJ - Quarterly Monitoring & Compliance Report (OCT-DEC 2013)**

During the period October - December 2013, ten (10) notices of breach of licence were issued; six (6) to broadcast radio licensees, one (1) to a broadcast television licensee and three (3) to subscriber television operators. The number of notices of breach issued, when compared to the previous quarter, decreased by fifty-eight percent (58%) (July – Sep 2013).

One Hundred and forty-two (142) contacts were recorded for the period October - December 2013. Of this number, ten (10) contacts resulted in investigations of broadcast radio, television operators and subscriber television operators. The remaining One hundred and thirty-two (132) were queries and comments about the work of the Commission.

Nine (9) contacts resulted in investigations of complaints about content transmitted by broadcast radio and television operators representing little change in content standard investigation when compared to the previous quarter. One contact was related to poor audio and video signals from a subscriber television operator.

Five (5) 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 41% of all licensees paid in full; nine (9) or 23% made partial payments and fourteen (14) or 36% were non-compliant. There was an increase by one (1) in the number of full payments recorded when compared to the previous quarter. However, the number of licensees who made partial payments was decreased by one (1), while the number remained the same for non-compliant licensees.

## **INTRODUCTION**

### **Contacts with the Commission**

One hundred and forty-two (142) contacts were recorded for the period, October – December 2013. There were ten (10) investigations and ten (10) Notices of Breach of licence.

## BREAKDOWN OF CONTACTS

	Oct 2013	Nov 2013	Dec 2013	TOTAL
<u>Queries, Requests and Reports</u>				
Broadcast & STV Licensees Application Process	5	3	6	<b>14</b>
Exclusive Broadcast Rights Issues	25	5	9	<b>39</b>
Complaints Received & Investigated	3	5	2	<b>10</b>
Other Operational Issues	21	17	30	<b>68</b>
Digital Cable Box Issues	5		6	<b>11</b>
	<b>59</b>	<b>30</b>	<b>53</b>	<b>142</b>

## PROGRAMMING CONTENT COMPLIANCE

The Commission investigated nine (9) complaints in relation to the broadcast of problematic content. This represented a decrease of eighteen percent (18%), when compared to the period July – September 2013.

**Table 1** details the complaints investigated relating to programming standards between October – December 2013 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 2010.

Table 1

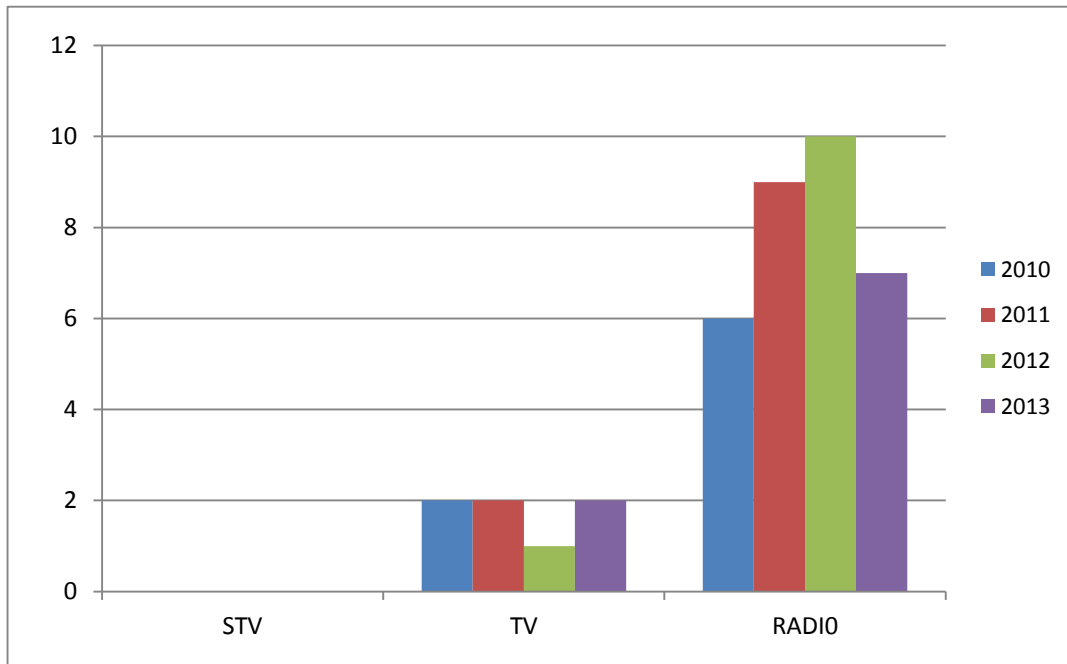
**Content Standards Complaints Investigated: October – December 2013**

	Transmission of Expletives	Transmission of profanity	Transmission of song with sexually graphic lyrics	Airing song suggestive of sadomasochism	Transmission of sexually suggestive content	TOTAL
<b>CVM Television Ltd</b>	2					2
<b>ZIP 103 FM</b>		1				1
<b>Alliance Francaise</b>		1				1
<b>FAME 95FM</b>		1				1
<b>Sun City Radio</b>					1	1
<b>RJR 94FM</b>		1				1
<b>St Bess FM</b>			1			1
<b>Fyah 105 FM</b>				1		1
<b>TOTAL</b>	2	4	1	1	1	9

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

**Figure 1:**

**Content Standard Complaints Investigated  
Trends for Quarters October – December 2010 to 2013.**



	2010	2011	2012	2013
STV	0	0	0	0
TV	2	2	1	2
RADIO	6	9	10	7



## TECHNICAL COMPLIANCE

### TECHNICAL MONITORING

The facilities of five (5) 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: October – December 2013**

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	CTL CABLE LIMITED	17(4)(b)17(4)(d),17(4)(e)	Breach letter dispatched to licensee on January 22, 2014
2.	COMMUNICABLE LIMITED	No breach detected	Closure letter dispatched to licensee on March 12, 2014
3.	GUTHRIE'S COMMUNICATIONS LIMITED	17(1)(h),17(4)(d)17(4)(e),17(4)(b) Breach of Licence(2)	Breach letter was dispatched to licensee on January 22, 2014
4.	TELSTAR CABLE LIMITED	17(4)(d),17(4)(e) 17(4)(b),17(1)(h)	Breach letter was dispatched to licensee on November 26, 2013
5.	TOTAL CABLE LIMITED	17(1)(h),17(4)(e)17(4)(d),17(4)(b)	Breach letter was dispatched to licensee on January 22, 2014

For the period under review, there was one (1) complaint relating to the poor video signals of a subscriber television operator.

**Table 3** displays the nature of Technical Standards complaints investigated for the Period October – December 2013.

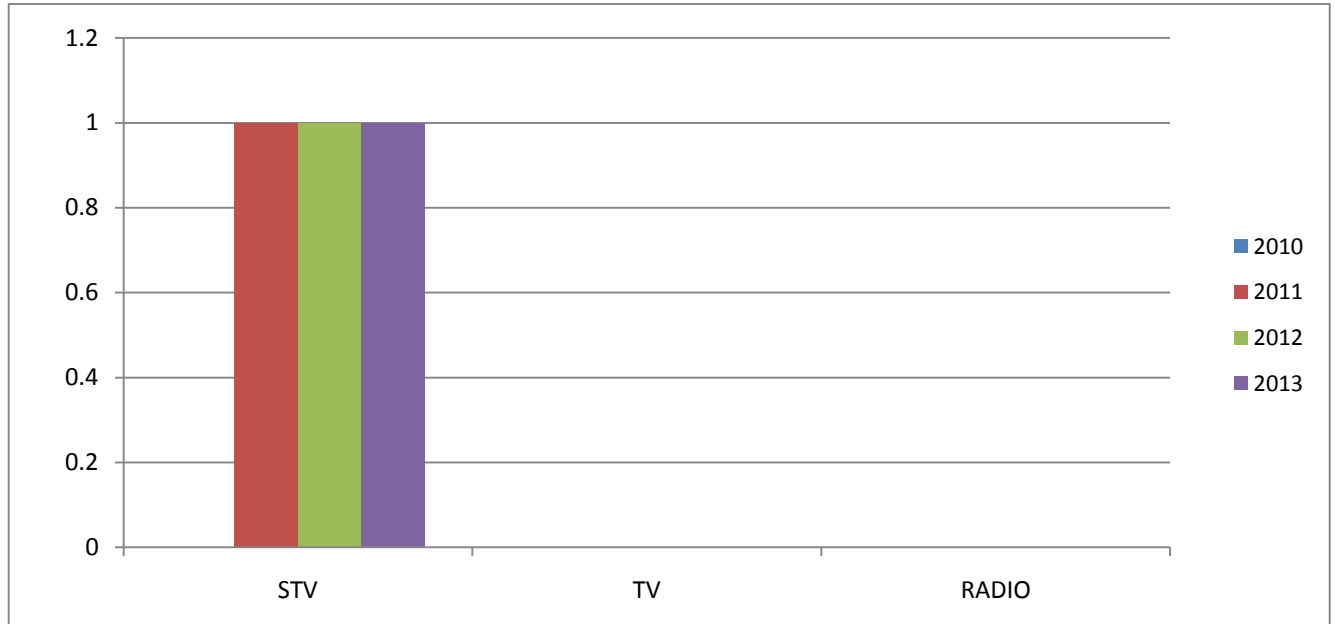
**Table 3**  
**Technical Standards Complaint**  
**October – December 2013**

	Poor Video Signals	TOTAL
Columbus Communications Limited (FLOW)	1	1
<b>TOTAL</b>	<b>1</b>	<b>1</b>

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

**Figure 2**

**Technical Investigation Report Trends for Quarters October – December 2010 to 2013.**



	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>STV</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</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>

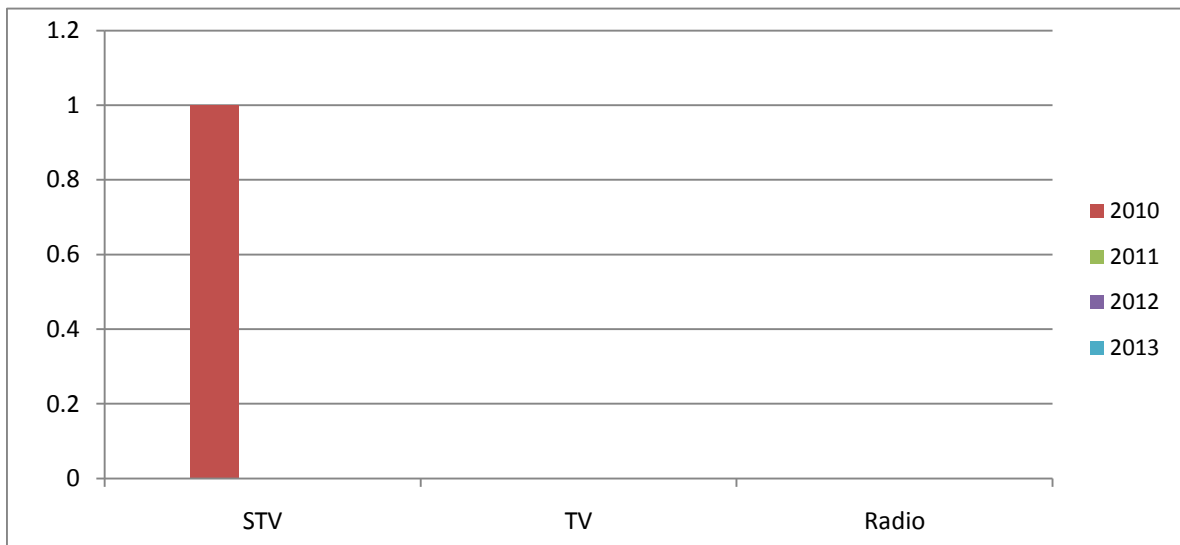
## CUSTOMER SERVICE COMPLAINTS

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 2010.

**Figure 3**

### Customer Service Complaints Report Trends Quarters October – December 2010 to 2013.



	2010	2011	2012	2013
STV	1	0	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.

Eight (8) investigations were resolved between October – December 2013.

**Table 4**

### Resolution of Complaints by Licensee

	No. of investigated complaints Resolved			
	OCT	NOV	DEC	TOTAL
Subscriber Television	0	0	0	0
Broadcast Television	0	1	0	1
Broadcast Radio	0	7	0	7
<b>Total</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>8</b>

**Table 5**

**Resolution of Complaints by Category**

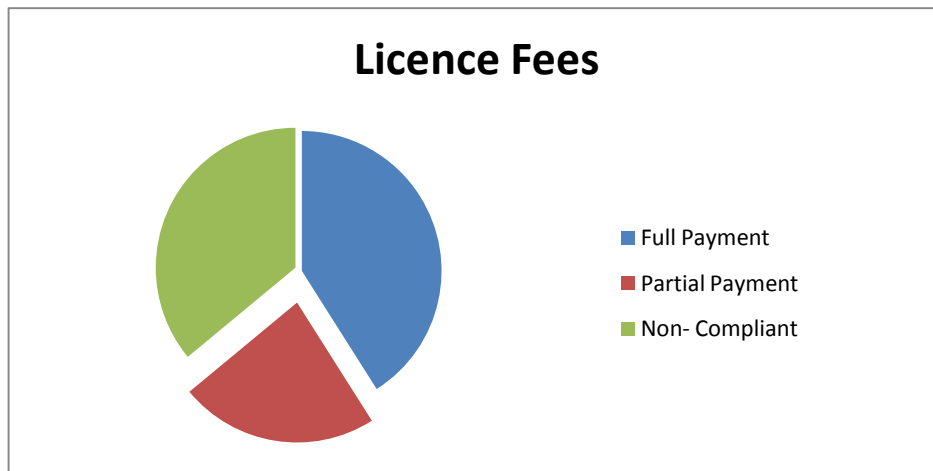
CATEGORY		TOTAL
<b>Closed – Complied with required remedial action for breach of licence</b>		
Broadcast Radio	3	3
Broadcast Television	1	1
<b>Closed – No evidence of breach</b>		
Broadcast Radio	4	4
<b>Total</b>	<b>8</b>	<b>8</b>

## FINANCIAL COMPLIANCE

Subscriber Television 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>41%</b>
<b>Partial Payment</b>	<b>23%</b>
<b>Non- Compliant</b>	<b>36%</b>

**Table 6 - STV Licensees Financial Compliance**  
**For quarter ended December 31, 2013**

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2008	2009	2010	2011	2012	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	yes	yes	yes	yes	no	✓		
2	Cable One Jamaica Ltd. yes	no	yes	yes	yes	no			✓
3	Cabletron Network Systems Ltd.	no	yes	yes	yes	no		✓	
4	Central Communication Services Ltd.	yes	yes	yes	yes	no	✓		
5	Columbus Communications - FLOW	yes	yes	yes	yes	yes	✓		
6	Combined Communications Ltd.	yes	no	no	yes	yes			✓
7	Communicable Ltd.	no	no	no	no	no			✓
8	Cornwall Communications Ltd.	yes	yes	yes	no	no	✓		
9	CTL Limited	no	no	no	no	yes	✓		
10	Digital Media & Entertainment Ltd. (Not operating)	n/a	n/a	n/a	no	no			
11	Direct Cable Systems Ltd.	n/a	n/a	no	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	yes	no			✓
15	Inntech Communications Ltd.	no	no	no	no	no	✓		
16	Jamaica Cablevision Ltd.	yes	yes	yes	yes	no	✓		
17	Linscom Network Limited	yes	yes	yes	no	yes		✓	
18	Logic One Limited	yes	yes	yes	yes	yes	✓		
19	Marimaxx Communications Ltd.	yes	no	no	no	no		✓	
20	Mars Cable Vision Ltd.	yes	yes	yes	yes	yes		✓	
21	McKoy Cable Television Co. Ltd.	n/a	n/a	no	no	no			✓
22	Mega International Co. Ja. Ltd.	no	no	no	no	no			✓



**STV Licensees Financial Compliance**

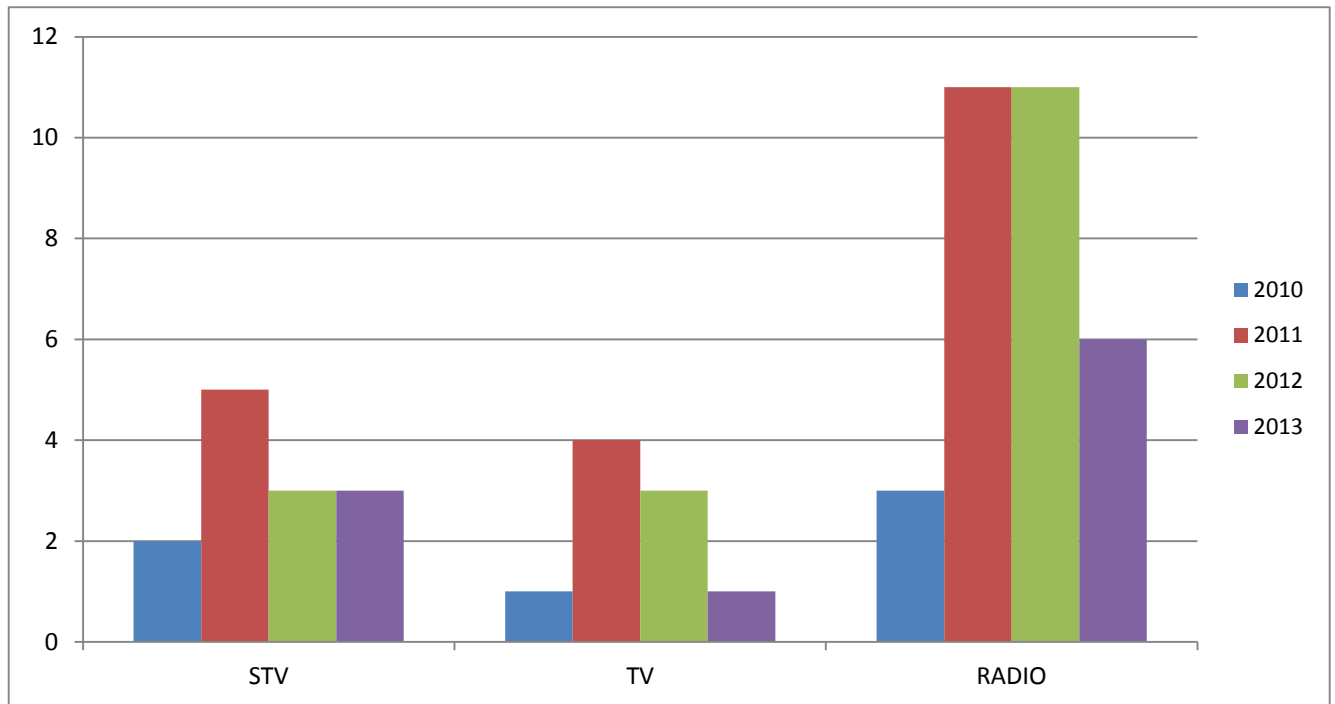
LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2008	2009	2010	2011	2012	Paid in Full	Partial Payment	Non-Compliant
23	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no	✓		
24	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	yes	✓		
25	Odyssey Cable Vision Limited	yes	yes	yes	yes	no	✓		
26	Oliver Electronics Engineering Ltd.	yes	no	no	no	no		✓	
27	QES 46 Limited	yes	yes	no	no	no		✓	
28	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes	✓		
29	Silly Video Cable Network Limited	yes	yes	no	yes	yes	✓		
30	Starcom Cablevision Ltd.	yes	yes	no	no	no			✓
31	Stars Cable Company Ltd.	no	yes	no	no	no		✓	
32	St. Thomas Cable Network Limited	no	no	no	yes	no			✓
33	Summit Satellite Systems Limited	yes	yes	yes	no	no	✓		
34	Telstar Cable Limited	yes	yes	no	no	no			✓
35	Total Cable	yes	yes	yes	no	no			✓
36	Tru Star Cable Television Network	n/a	no	no	no	no			✓
37	Unique Vision Cable Co. Ltd.	yes	no	no	no	no		✓	
38	Venus Cable Services	no	no	no	no	no			✓
39	Westar Communications Limited	yes	no	no	no	no		✓	
40	Wilson Enterprises Limited	yes	yes	yes	no	no			✓

## NOTICES OF BREACH

During the period under review, ten (10) Notices of Breach were issued to licensees. Seven (7) of these notices arose from contraventions of Content Standards and three (3) arose from contraventions of Technical Standards,

**Figure 5**

### TREND IN BREACHES COMMITTED BY SERVICE



	2010	2011	2012	2013
STV	2	5	3	3
TV	1	4	3	1
RADIO	3	11	11	6

**Table 7**

**BREACHES BY BROADCAST RADIO LICENSEES**

**IRIE FM**

DATE OF BREACH:	02-Oct-2013**
COMPLAINT NUMBER:	2013082600
NATURE OF COMPLAINT:	Broadcast of song with graphic sexual content
NATURE OF BREACH:	Breach of scheduling requirements of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Transmission of prescribed apology
STATUS:	Closed

**ROOTS FM**

DATE OF BREACH:	02-Oct-2013**
COMPLAINT NUMBER:	2013070800
NATURE OF COMPLAINT:	Transmission of song with profane language
NATURE OF BREACH:	Licensee in breach of Regulation 30(d) of the TSBR and L3 of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Transmission of prescribed apology
STATUS:	Closed

DATE OF BREACH:	07-Nov-2013
COMPLAINT NUMBER:	2013091000
NATURE OF COMPLAINT:	Airing remarks tacitly approving physical abuse of women
NATURE OF BREACH:	Breach of Regulation 30(l) of the TSBR
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Transmission of prescribed apology
STATUS:	Closed

## **FAME 95FM**

DATE OF BREACH: 02-Oct-2013  
COMPLAINT NUMBER: 2013090300  
NATURE OF COMPLAINT: Transmission of song with poorly edited expletive  
NATURE OF BREACH: Licensee in breach of scheduling requirements of the Code  
COMMISSION DECISION: Licensee in breach.  
REMEDIAL ACTION: Transmission of prescribed apology.  
STATUS: Closed

## **ALLIANCE FRANCAISE DE LA JAMAIQUE**

DATE OF BREACH: 29-Nov-2013  
COMPLAINT NUMBER: 2013101700  
NATURE OF COMPLAINT: Transmission of song containing expletive  
NATURE OF BREACH: Breach of Regulation 30(d) of the TSBR and L3 of the Code  
COMMISSION DECISION: Licensee in breach  
REMEDIAL ACTION: Transmission of prescribed apology  
STATUS: Closed

## **S & B COMMUNICATIONS**

### **(Fyah 105FM)**

DATE OF BREACH: 29-Nov-2013  
COMPLAINT NUMBER: 2013101400  
NATURE OF COMPLAINT: Transmission of song suggestive of sadomasochism  
NATURE OF BREACH: Breach of Scheduling Requirements of the Code.  
COMMISSION DECISION: Licensee in breach  
REMEDIAL ACTION: Transmission of prescribed apology  
STATUS: Closed

## **BREACHES BY BROADCAST TELEVISION LICENSEES**

### **TELEVISION JAMAICA LIMITED**

DATE OF BREACH:	02-Oct-2013
COMPLAINT NUMBER:	2013081600
NATURE OF COMPLAINT:	Transmission of song containing excessive language
NATURE OF BREACH:	Breach of Regulation 30(d) of the TSBR & L3 of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Transmission of prescribed apology
STATUS:	Closed

## **TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES**

### **Direct Cable Systems Limited**

DATE OF BREACH:	10-Oct-2013
NATURE OF BREACH:	Breach of Technical standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee given deadline to address breaches
STATUS:	Open

### **Logic One Limited**

DATE OF BREACH:	31-Oct-2013
NATURE OF BREACH:	Breach of Technical Standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee given deadline to address breaches
STATUS:	Open

## Telstar Cable Limited

DATE OF BREACH:	26-Nov-2013
NATURE OF BREACH:	Breach of 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**