



MONITORING

&

COMPLIANCE REPORT

APRIL 1, 2013 - JUNE 30, 2013

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Executive Summary
BCJ – Quarterly Monitoring & Compliance Report

(April – June 2013)

During the period April – June 2013, Three (03) notices of breach were issued to broadcast radio licensees, two (02) to broadcast television licensees and fifteen (15) to subscriber television licensees, There was an increase of eleven (11) or one hundred and twenty two percent (122%) increase over the preceding quarter (January – March 2013).

One hundred and thirty six (136) contacts were recorded for the period April- June 2013. Of this number, twenty one (21) contacts resulted in investigations of broadcast radio and television operators and subscriber television operators. The remaining one hundred and fifteen (115) were queries and comments on the work of the Commission and other operational issues concerning licensees.

Of the twenty one (21) investigations, five (05) concerned content standards. This represents a decrease of thirty-eight (38%) percent when compared to the previous quarter, January-March, 2013. Fifteen (15) were related to breaches of the Copyright Act and one concerned technical standards.

Two (02) subscriber television licensees were inspected during the period under review, to determine their compliance with technical standards.

Regarding the matter of the payment of annual licence fee, seventeen (17) or forty two percent (42%) of the forty subscriber television licensees paid in full, eleven (11) or twenty eight percent (28%) made partial payments and twelve (12) or thirty percent (30%) were non-compliant. There was a decrease by two (02) in the number of full payments recorded, when compared to the previous quarter. The number of licensees making partial payment was increased by three (03), while the number of those who were non-compliant was decreased by one (01).

INTRODUCTION

Contacts with the Commission

One hundred and thirty six (136) contacts were recorded for the period, April 1, 2013 – June 30, 2013. Those contacts resulted in twenty (20) Notices of Breach of licence and twenty one (21) investigations. This represents an increase of fifty three contacts or sixty four percent (64%) over the previous quarter, January 1, 2013 – March 31, 2013.

BREAK DOWN OF CONTACTS

	April 2013	May 2013	June 2013	TOTAL
Information Requested:				
<input type="checkbox"/> Exclusive broadcast Rights	-	7	3	10
<input type="checkbox"/> Procedure for acquiring licences (STV and Broadcast)	-	5	2	7
<input type="checkbox"/> The usage of Addressable systems(converter boxes)by some STV licensees	6	-	-	6
<input type="checkbox"/> Commission's role in regulating cable subscription fees	3	2	-	5
<input type="checkbox"/> Poor Reception from Stars Cable	-	-	10	10
<input type="checkbox"/> Complaints Received & Investigated	2	17	2	21
<input type="checkbox"/> Other Operational issues (apart from those indicated above)	28	17	32	77
TOTAL	39	48	49	136

PROGRAMMING CONTENT COMPLIANCE

The Commission received five (05) complaints pertaining to the broadcast of problematic content. This represents a decrease by three (03) or thirty-eight percent (38%) over the preceding period, January – March 2013

Table 1 details the complaints received relating to programming standards between April 2013 and June 2013 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 2010.

Table 1

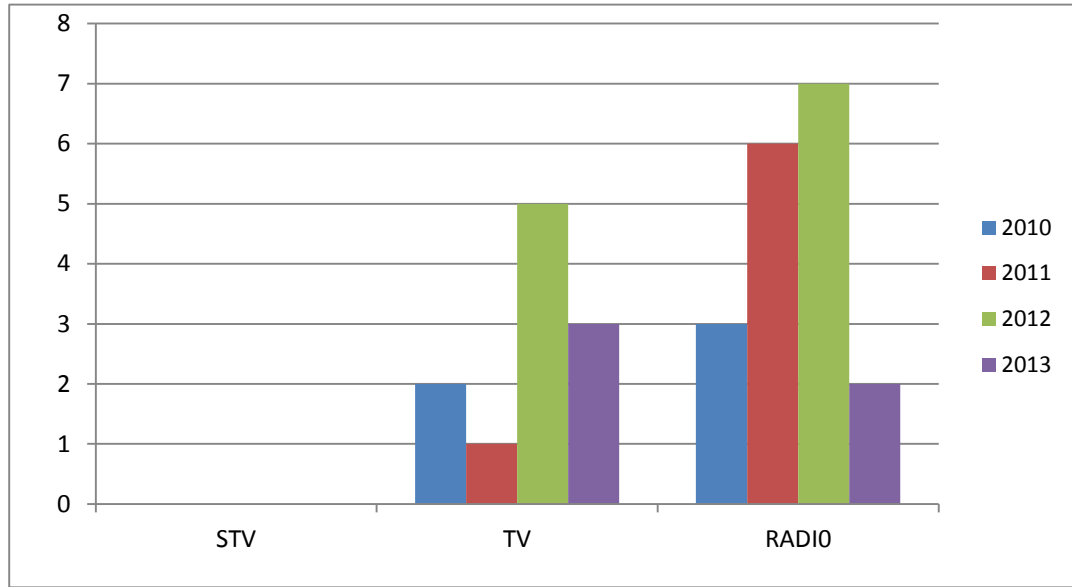
Content Standards Reports: April – June 2013

	Transmission of violent lyrics in song	Racial profiling during newscast	Transmission of Sexually suggestive Content	Transmission of Violent content	Airing of expletives during a sitcom			TOTAL
Grove Broadcasting Company Ltd (Zip 103 FM)	1							1
Independent Radio Company (Music 99 FM)		1						1
CVM Television Limited			1					1
Television Jamaica				1	1			2
TOTAL	1	1	1	1	1			5

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

Figure 1:

**Content Standards Complaints Investigated
Trends for Quarters April-June 2010 to 2013**



	2010	2011	2012	2013
STV	0	0	0	0
TV	2	1	5	3
RADIO	3	6	7	2

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of two (02) 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: April – June 2013

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Stars Cable Company Limited	15(b), 17(1)(f), 17(1)(h), 17(4)(b), 17(4)(d), 17(4)(e)	Breach Letter was dispatched to licensee on July 17, 2013
2.	Astra Technology Limited	15(a), 17(1)(b), 17(1)(h), 17(4)(d), 17(4)(e) – Breach of licence – Operating a non-addressable system	Awaiting outcome of renewal of licence which is currently before the Minister

TEHKNICAL INNVESTIGATIONS

During the review period, the Commission received one technical complaint, about the poor audio and video signals and frequent breaks in transmission by a cable operator. There was no change in the number of technical complaints received when compared to the previous period, January - March 2013.

Table 3

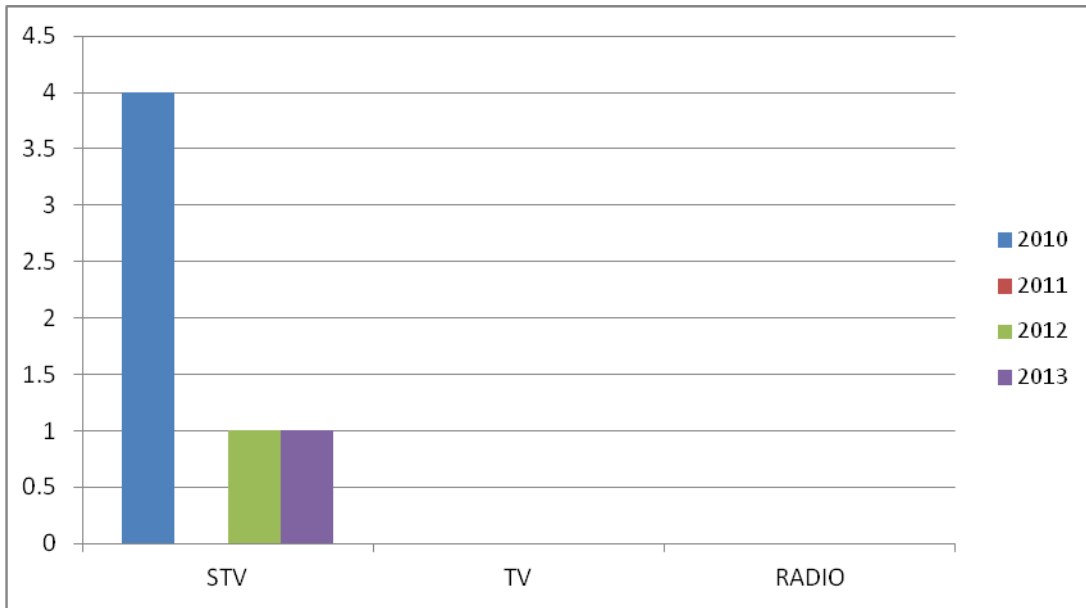
**Technical Standards Complaints
April – June 2013**

	Poor audio and video signals and frequent breaks in transmission	TOTAL
Stars Cable Company Limited	1	1
TOTAL	1	1

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

Figure 2 illustrates the trend in technical investigations received in similar reporting periods since 2010.

Figure 2
Technical Standards Report Trends for
April-June 2010 to 2013



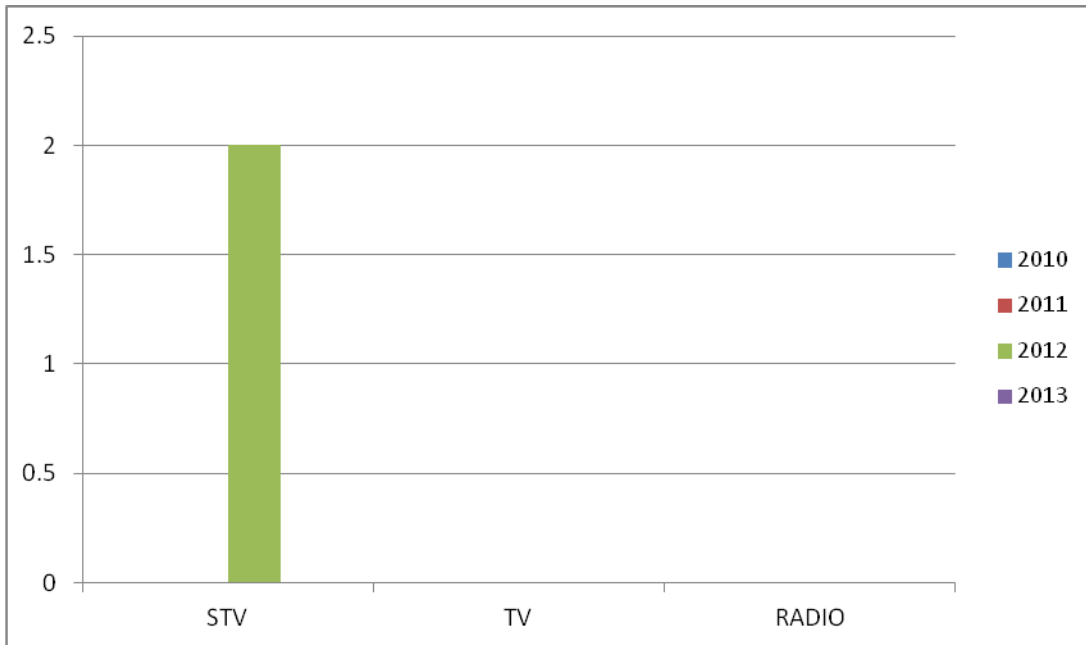
	2010	2011	2012	2013
STV	4	0	1	1
TV	0	0	0	0
RADIO	0	0	0	0

CUSTOMER SERVICE COMPLAINTS

There were no customer service complaints 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 for
April-June 2010 to 2013



	2010	2011	2012	2013
STV	0	0	2	0
TV	0	0	0	0
RADIO	0	0	0	0

COMPLAINTS RESOLUTION AND CLOSURE

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 and June 2013.

Please see Table 4.

Table 4
Resolution of Complaints by Licensee

	No. of investigated complaints Resolved
Subscriber Television	2
Broadcast Television	2
Broadcast Radio	4
Total	8

Table 5
Resolution of Complaints by Category

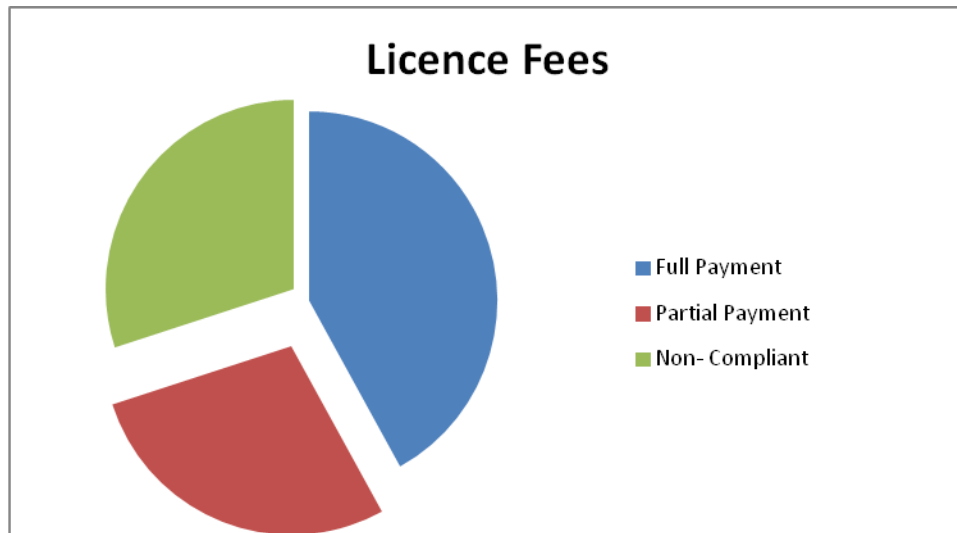
CATEGORY		TOTAL
Closed – No further remedial action required Broadcast Radio	1	1
Complied with required remedial action for breach of licence Broadcast Television Broadcast Radio	1	1
Closed – No evidence of breach Broadcast Radio Broadcast Television	3 1	3 1
Resolved to complainant's satisfaction Subscriber Television	1	1
Commission investigation complete Subscriber Television	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	42%
Partial Payment	28%
Non- Compliant	30%

Table 6
STV LICENSEES FINANCIAL COMPLIANCE FOR QUARTER
ended June 2013

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2008	2009	2010	2011	2012	Paid in Full	Partial Payment	Non-Compliance
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	no	no		✓	
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.	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	no	no	no	no	no	✓		
16	Jamaica Cablevision Ltd.	yes	yes	yes	yes	no	✓		
17	Linscom Network Ltd.	yes	yes	yes	no	yes	✓		
18	Logic One Ltd.	yes	yes	no	no	no	✓		
19	Marimaxx Communications Ltd.	yes	no	no	no	no		✓	
20	Mars Cable Vision Ltd,	yes	yes	yes	yes	yes		✓	
21	McKoy's Cable Television Co. Ltd.	n/a	n/a	no	no	no			✓
22	Mega International Co.Ltd.	no	no	no	no	no			✓
23	Mike's Electronics & Cable Network Ltd.	no	no	no	no	no	✓		✓
24	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	no	✓		
25	Odyssey Cable Vision Limited	yes	yes	yes	yes	no			✓

**Table 6 – contd.
STV LICENSEES FINANCIAL COMPLIANCE**

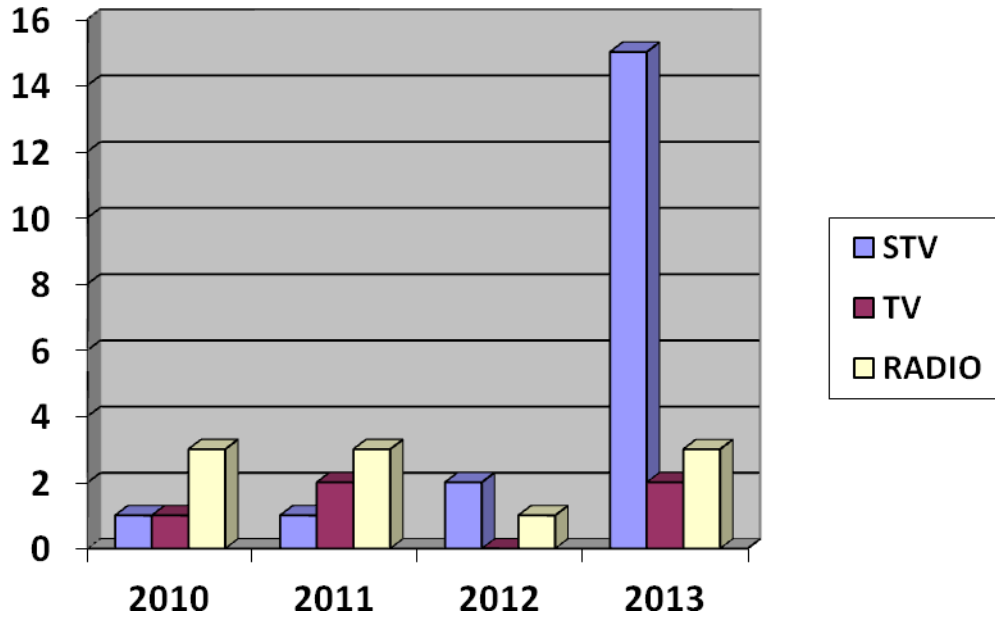
LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2008	2009	2010	2011	2012	Paid in Full	Partial Payment	Non-Compliant
26	Oliver Electronics Engineering Ltd.	yes	no	no	no	no		✓	
27	QES 46 Limited	yes	yes	no	no	no			✓
28	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes	✓		
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, twenty (20) Notices of Breach were issued to licensees. Five (5) breach notices arose from contraventions of content standards, while fifteen (15) were related to breaches of the Copyright Act

Figure 5

TREND IN BREACHES COMMITTED BY SERVICE



	2010	2011	2012	2013
STV	1	1	2	15
TV	1	2	0	2
RADIO	3	3	1	3

TABLE 7

BREACHES COMMITTED BY LICENSEES

BROADCAST RADIO LICENSEES

**Cornwall Broadcasting Company Limited
(Mello FM)**

Date of Breach: 02-April-2013
Complaint Number: 2013030100
Nature of Complaint: Transmission of mild sexual explicit lyrics in a song
Nature of Breach: Breach of the Code
Commission's Decision: No sanctions applied because of the age of the song.
Status: Closed

**Grove Broadcasting Company Limited
(ZIP 103FM)**

Date of Breach: 04-June-2013
Complaint Number: 2013032100
Nature of Complaint: Transmission of material in breach of the scheduling requirement of the code.
Nature of Breach: Breach of the Code
Commission Decision: Licensee in Breach
Remedial Action: Licensee directed to air apology.
Status: Closed

**S & B Communications Limited
(FYAH 105 FM)**

Date of Breach: 02-April-2013
Complaint Number: 2013021901
Nature of Complaint: Transmission of sexually themed song
Nature of Breach: Breach of the Code
Commission Decision: No sanctions applied because of song's age. Licensee to meet with Commission for update on its operations
Status: Meeting Pending.

BROADCAST TELEVISION LICENSEES

CVM Television Limited

Date of Breach: 04-June-2013
Complaint Number: 2013050600
Nature of Complaint: Transmission of song with sexually explicit & offensive lyrics
Nature of Breach: Breach of the Code
Commission Decision: Licensee found in breach
Remedial Action: Licensee directed to air apology.
Status: Closed

Television Jamaica Limited

Date of Breach: 02-April-2013
Complaint Number: 2013020500
Nature of Complaint: Transmission of adult dialogue during a morning time programme
Nature of Breach: Breach of Code
Commission Decision: Licensee in Breach
Remedial Action: Licensee directed to air apology
Status: Closed.

SUBSCRIBER TELEVISION LICENSEES

FAILURE TO COMPLY WITH COMMISSION'S DIRECTIVE

Cable One Jamaica Limited
CTL Cable Limited
Communicable Limited
Marimaxx Communications
Mega International Jamaica Limited
Modern Re-broadcasting
Odyssey Cable Vision Limited
QES 46 Limited
Starcom Cablevision Limited
Stars Cable Limited
Summit Satellite Systems
Tru-Star Cablevision Limited
Unique Vision Cable Company
Westar Communications
Wilson's Enterprises

Date of Breaches:	06-June-2013
Nature of Complaints:	Licensees were requested by email dated March06, 2013 to submit copyright information, to include channel listing accompanied by supporting documents demonstrating permission to transmit channels. Licensees were given thirty (30) days (April 06, 2013) to submit requested information.
Nature of Breaches:	Failure to provide channel listing and documentation evidencing permission to transmit channels on their subscriber television service.
Commission Decision:	Licensees found in breach
Status:	Licensees given thirty (30) days to respond.

**** '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.**