

BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality



MONITORING & COMPLIANCE REPORT

OCTOBER - DECEMBER 2012

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EXECUTIVE SUMMARY

BCJ- Quarterly Monitoring & Compliance Report

(OCT-DEC 2012)

During the period October - December 2012, seventeen (17) notices of breach of licence were issued; fourteen (14) to broadcast licensees and three (3) to subscriber television operators. There was an increase of fourteen (14) or 467% in the number of notices of breach when compared to the previous quarter (July - September 2012).

Fifty-Seven (57) contacts were recorded for the period October - December 2012. Of this number, twelve (12) contacts resulted in investigations of broadcast radio, television operators and subscriber television operators. The remaining forty-five (45) 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 no change in content standard investigation when compared to the previous quarter. One contact was related to an illegal STV operation of a subscriber television operator.

Four (4) 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, eighteen (18) subscriber television (STV) operators, or 45% of all licensees paid in full; eight (8) or 20% made partial payments and fourteen (14) or 35% were non-compliant. There was no change in the number of full payments recorded when compared to the previous quarter. However, the number of non-compliant licensees increased from twelve (12) to fourteen (14).

INTRODUCTION

Contacts with the Commission

Fifty-Seven (57) contacts were recorded for the period, October – December 2012. ¹ There were twelve (12) investigations and seventeen (17) Notices of Breach of licence.

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

BREAKDOWN OF CONTACTS

	Oct 2012	Nov 2012	Dec 2012	TOTAL
Information Requested		5	24	29
Licenses Application process		1	1	2
Customer Service Issues – Flow			2	2
Zoning and contact information		3	1	4
Rebate Issues			2	2
Complaints received & investigated	9	3		12
Legality of Community Stations airing advertisements		2		2
STV service issues related to the passage of Hurricane Sandy		4		4
TOTAL	9	18	30	57

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated eleven (11) complaints in relation to the broadcast of problematic content. There was no increase in complaints investigated when compared to the period July – September 2012.

Table 1 details the complaints investigated relating to programming standards between October – December 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

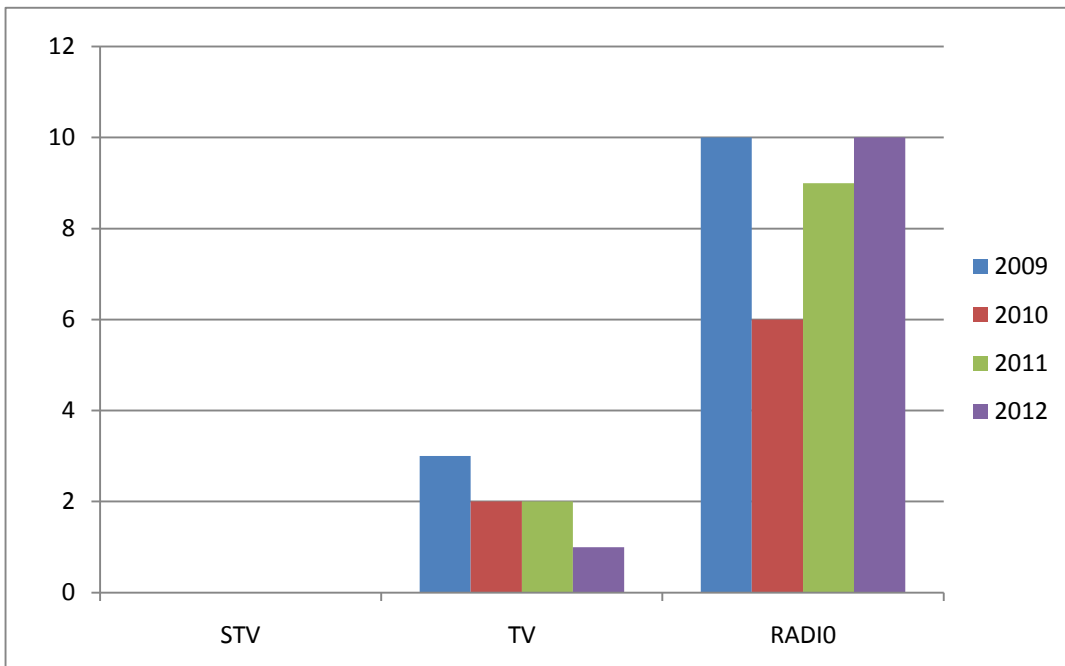
Content Standards Complaints Investigated: October –December 2012

	Transmission of content containing sexually suggestive material	Transmission of song with excessive sexual content.	Transmission of advertisement in breach of laws of Jamaica.	Transmission of profane language.	Transmission of song Not Fit for Air Play	Transmission of song with violent content.	Transmission of content in breach of the scheduling requirement of the Code	TOTAL
CVM Television Ltd			1					1
Nationwide News Network (NNN)	1							1
FAME 95 FM						1		1
IRIE 107.5 FM				2				2
ZIP 103 FM		1				3	1	5
Mega Jamz		1						1
TOTAL	1	2	1	2	0	4	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 October – December 2009 to 2012.**



	2009	2010	2011	2012
STV	0	0	0	0
TV	3	2	2	1
RADIO	10	6	9	10

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of four (4) 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 2012.

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	MARS CABLE VISION LTD	17(4)(d), 17(1)(h), 17(4)(e), 19(1)(b), Breach of Licence (1)	Breach letter dispatched to licensee on January 11, 2013
2.	ST. THOMAS CABLE NETWORK LIMITED	17(4)(d), 17(1)(h), 17(1)(b), 17(4)(b), 15(a), 15(b), 17(1)(f), 17(4)(e), Breach of Licence (2)	Breach letter dispatched to licensee on January 11, 2013
3.	STARCOM CABLE VISION LIMITED	17(4)(b), 17(1)(h), 17(4)(d), 17(4)(e), 17(1)(b), 15(a), 16(1)	Breach letter was dispatched to licensee on January 31, 2013
4.	McKOYS CABLE TELEVISION LIMITED	15(a), 17(1)(d), 17(1)(f), 17(1)(h), 17(4)(b), 17(4)(d), 17(4)(e), Breach of Licence (1)	Breach letter was dispatched to licensee on January 31, 2013

For the period under review there was one complaint relating to the illegal provision of STV service.

Table 3 relates to an investigation of unauthorized service conducted in the period October – December.

Table 3
Unauthorized Service Investigation
October - December 2012

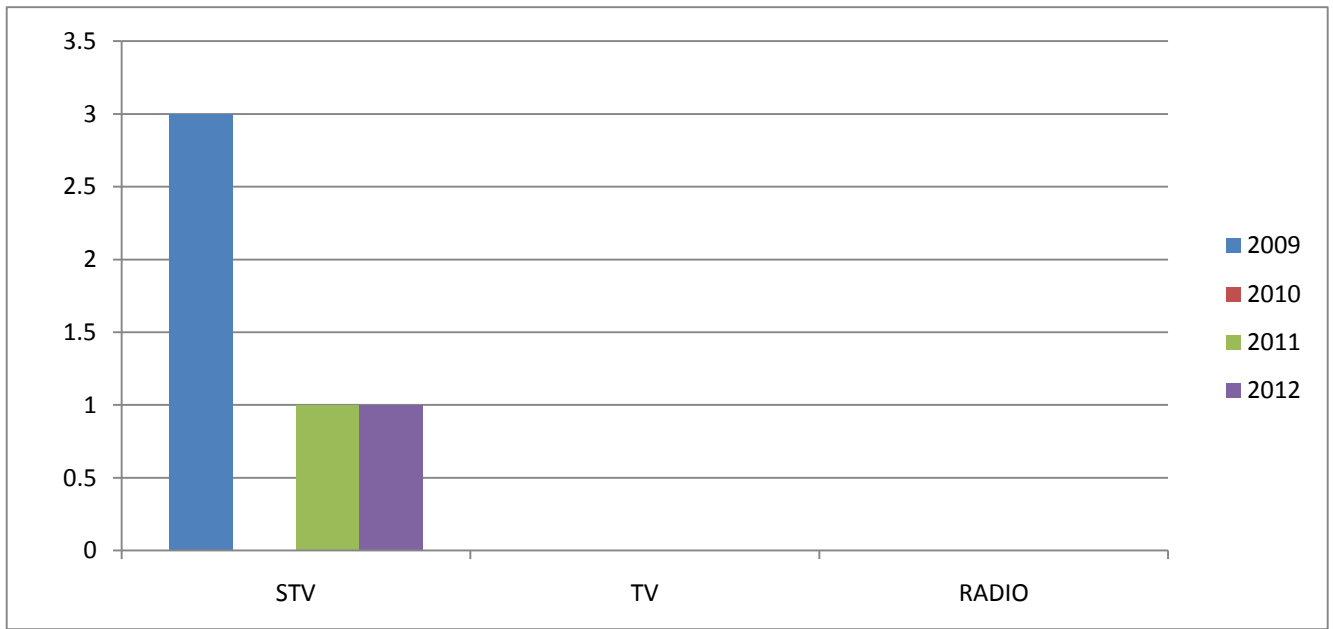
	Unauthorized Investigation STV	TOTAL
Cabletron	1	1
TOTAL	1	*1

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

Figure 2 illustrates the trend in technical investigation received in similar reporting periods since 2009.

Figure 2

Technical Investigation Report Trends for Quarters October – December 2009 to 2012.



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

CUSTOMER SERVICE COMPLAINTS

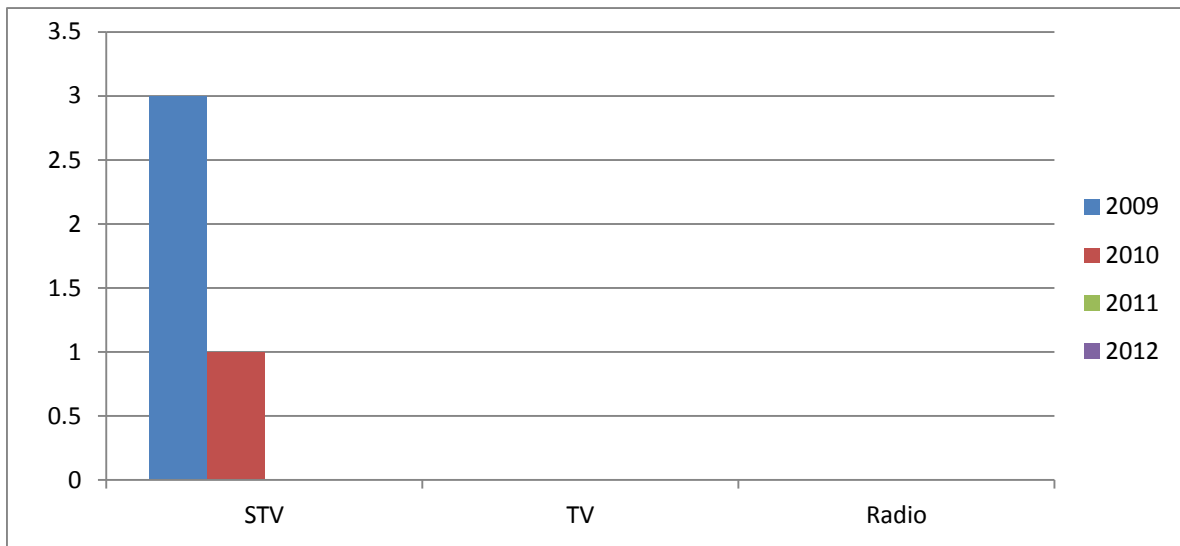
There was no customer service complaint that resulted in an investigation for the period under review.

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

Figure 3

Customer Service Complaints Report Trends

Quarters October – December 2009 to 2012.



	2009	2010	2011	2012
STV	3	1	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 2012.

Table 4

Resolution of Complaints by Licensee

	No. of investigated complaints Resolved			
	OCT	NOV	DEC	TOTAL
Subscriber Television	0	1	-	1
Broadcast Television	1	3	2	6
Broadcast Radio	3	4	4	11
Total	4	8	6	18

Table 5
Resolution of Complaints by Category

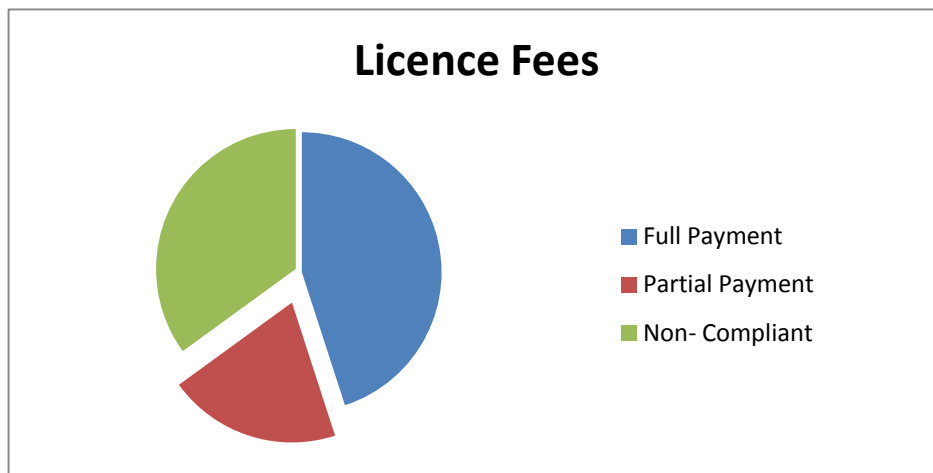
CATEGORY		TOTAL
Closed – Complied with required remedial action for breach of licence		
Subscriber Television	1	1
Broadcast Radio	3	3
Broadcast Television	3	3
Closed – Commission’s investigation complete		
Broadcast Radio	4	4
Broadcast Television	1	1
Closed – No evidence of breach		
Broadcast Television	2	2
Broadcast Radio	4	4
Total	18	18

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	20%
Non- Compliant	35%

**STV Licensees Financial Compliance
for quarter ended December 31, 2012**

Table 6

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2007	2008	2009	2010	2011	Paid in Full	Partial Payment	Non- Compliance
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

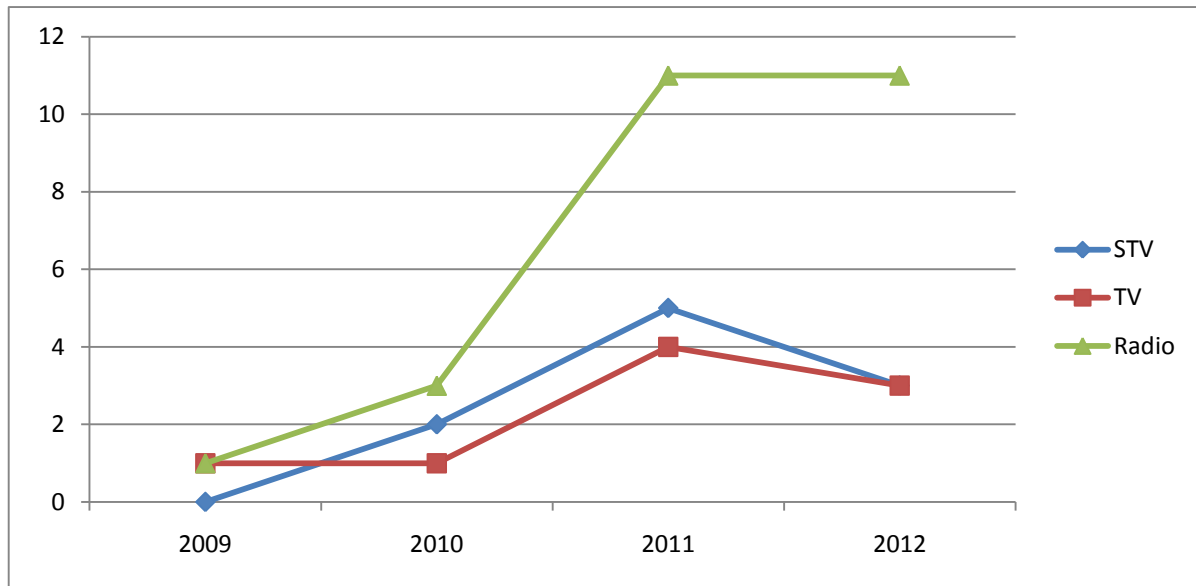
LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2007	2008	2009	2010	2011	Paid in Full	Partial Payment	Non-Compliant
25	Odyssey Cable Vision Limited	yes	yes	yes	yes	yes	✓		
26	Oliver Electronics Engineering Ltd.	yes	yes	no	no	no		✓	
27	QES 46 Limited	n/a	yes	yes	no	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, seventeen (17) Notices of Breach were issued to licensees. These notices arose from contraventions of Content and Technical Standards, Unauthorized STV operation and Unauthorized transmission of channel.

Figure 5

TREND IN BREACHES COMMITTED BY SERVICE



	2009	2010	2011	2012
STV	0	2	5	3
TV	1	1	4	3
RADIO	1	3	11	11

Table 7

BREACHES BY BROADCAST RADIO LICENSEES

FAME 95 FM

DATE OF BREACH: 08-Oct-2012**
COMPLAINT NUMBER: 201208220001
NATURE OF COMPLAINT: Transmission of song inciting criminal activity
NATURE OF BREACH: Breach of Regulation 30(k) of TSBR Licensee in breach
REMEDIAL ACTION: Commission accepted licensee's internal remedial action
STATUS: Closed

DATE OF BREACH: 08-Oct-2012**
COMPLAINT NUMBER: 201208140000
NATURE OF COMPLAINT: Transmission of song containing mild sexual content.
NATURE OF BREACH: Licensee in breach of scheduling requirements
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed apology.
STATUS: Closed

DATE OF BREACH: 05-Nov-2012
COMPLAINT NUMBER: 201209130000
NATURE OF COMPLAINT: Transmission of song containing mild violent content
NATURE OF BREACH: Licensee in breach of scheduling requirements
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed apology.
STATUS: Closed

DATE OF BREACH: 06-Dec-2012
COMPLAINT NUMBER: 201210170000
NATURE OF COMPLAINT: Transmission of song containing excessive language
NATURE OF BREACH: Breach of V4 of the Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: In light of the age of the song Commission has refrained from applying any sanctions
STATUS: Closed

GROVE BROADCASTING Company Limited

_IRIE FM

DATE OF BREACH: 05-Nov-2012
COMPLAINT NUMBER: 201210010000
NATURE OF COMPLAINT: Transmission of song containing expletive
NATURE OF BREACH: Breach of Regulation 30(d) of TSBR and L3 of Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed apology.
STATUS: Closed.

DATE OF BREACH: 06-Dec-2012
COMPLAINT NUMBER: 201210030000
NATURE OF COMPLAINT: Transmission of song containing expletive
NATURE OF BREACH: Breach of L3 of the Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: In light of the age of the song Commission has refrained from applying and sanctions
STATUS: Closed

ZIP 103 FM

DATE OF BREACH: 06-Dec-2012
COMPLAINT NUMBER: 201210290000
NATURE OF COMPLAINT: Transmission of song glorifying the use of offensive weapons.
NATURE OF BREACH: Breach of February 2009 Directive for lyrics promoting and glorifying the use of offensive weapons
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed
STATUS: Closed

DATE OF BREACH: 06-Dec-2012
COMPLAINT NUMBER: 201210180000
NATURE OF COMPLAINT: Transmission of content containing excessive language
NATURE OF BREACH: Breach of Regulation 30(1) of TSBR and V4 of the Code

COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed apology
STATUS: Closed

DATE OF BREACH: 06-Dec-2012
COMPLAINT NUMBER: 201210180000
NATURE OF COMPLAINT: Transmission of content containing mild
offensive language
NATURE OF BREACH: Breach of L1 of the Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: In light of age of song Commission has
refrained from applying any sanctions.
STATUS: Closed

MEGA JAMZ FM

DATE OF BREACH: 06-Dec-2012
COMPLAINT NUMBER: 201210220000
NATURE OF COMPLAINT: Transmission of song containing excessive
content
NATURE OF BREACH: Breach of S3 of Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: In light of age of song Commission has
refrained from applying any sanctions
STATUS: Closed

SUNCITY RADIO

DATE OF BREACH: 05-Nov-2012
COMPLAINT NUMBER: 201208090001
NATURE OF COMPLAINT: Transmission of containing profanity
NATURE OF BREACH: Breach of Regulation 30(d) of TSBR and L3 of
the Code.
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed apology.
STATUS: Closed

DATE OF BREACH: 05-Nov-2012
COMPLAINT NUMBER: 201208220000
NATURE OF COMPLAINT: Failure to supply slow tape.
NATURE OF BREACH: Breach of Regulation 11(3) of TSBR

COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Licensee to supply technical specifications of its Delay/Dump Device and Logger System.
STATUS: Closed

BREACHES BY BROADCAST TELEVISION LICENSEES

CVM TELEVISION

DATE OF BREACH: 06, Dec -2012
COMPLAINT NUMBER: 201209240000
NATURE OF COMPLAINT: Transmission of music video containing sexual content
NATURE OF BREACH: Breach of S2 of the Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed apology
STATUS: Closed

DATE OF BREACH: 06-Dec-2012
COMPLAINT NUMBER: 201210050000
NATURE OF COMPLAINT: Transmission of advertisement in breach of Food & Drug Act & Regulation (8) (b) of the TSBR
NATURE OF BREACH: Breach of the Regulation 8(1) (b) of the TSBR
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: The licensee immediately ceased airing of the Ad upon receipt of the BCJ's letter
STATUS: Closed

TELEVISION JAMAICA LIMITED

DATE OF BREACH: 05-Nov-2012
COMPLAINT NUMBER: 201208310000
NATURE OF COMPLAINT: Transmission of content containing sexual paraphernalia in breach of scheduling requirement of the Code
NATURE OF BREACH: Breach of S2 of Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Transmission of prescribed apology
STATUS: Closed

TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES

FIRST CHOICE CABLE SERVICES

DATE OF BREACH:	31-Oct-2012
NATURE OF BREACH:	Breach of Technical standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee given deadline to address breaches
STATUS:	Open

UNAUTHORIZED STV OPERATION

CABLETRON NETWORK SYSTEMS LIMITED

DATE OF BREACH:	06-Dec-2012
COMPLAINT NUMBER:	201210090000
NATURE OF COMPLAINT:	Provision of service beyond their authorized zones
COMMISSION DECISION:	Licensee in breach.
REMEDIAL ACTION:	Breach letter issued to Licensee, prescribed notice to be placed on licensee's Community Channel and service to be discontinued.
STATUS:	Closed

UNAUTHORIZED TRANSMISSION OF CHANNEL

FLOW

DATE OF BREACH:	05-Nov-2012
COMPLAINT NUMBER:	201210030000
NATURE OF COMPLAINT:	Transmission of channel without authorization from rights holder
NATURE OF BREACH:	Breach of Regulation 30(a) of the TSBR and clause 11.2 of its STV Licence
COMMISSION DECISION:	Licensee in breach and licensee to remove channel
REMEDIAL ACTION:	Commission accepted licensee's remedial action
STATUS:	Commission acknowledges the licensee's remedial actions and refrains from imposing any further sanctions. Investigation is 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**