

Monitoring, Compliance and Customer Service
ANNUAL REPORT- 2008-2009

The telephone continued to be the public's preferred method of contacting the Commission and accounted for approximately ninety-five percent (95%) of the one thousand two hundred and eighty-nine (1289) contacts recorded during the period. As Table 1 shows below, there was an increase in contacts of twenty-four percent (24%) when compared to the previous year.

Table 1 - TOTAL CONTACTS RECORDED

APRIL '08'	-	JUNE '08'	429
JULY '08'	-	SEPTEMBER '08'	301
OCTOBER '08'	-	DECEMBER '08'	278
JANUARY '09'	-	MARCH '09'	281

TOTAL	1289
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The main concerns of the public were:

- zoning and contact information for subscriber television operators;
- the role and mandate of the Commission;
- Flow advertising on international channels; and
- the transmission of programmes acquired with exclusive rights (e.g. by TVJ & CVM)

Table 2 provides further details on the nature of contacts recorded.

Table 2
Breakdown of Contacts

	Apr-Jun 2008	Jul-Sep 2008	Oct-Dec 2008	Jan-Mar 2009	<i>TOTAL</i>
information Requested:	336	253	236	220	1045
<input type="checkbox"/> Zoning and contact information for subscriber television licensees					
<input type="checkbox"/> Procedure for acquiring licences (STV and Broadcast)					
<input type="checkbox"/> Purpose of "Take Responsibility" mailers					
<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>	42	24	29	33	128
Misdirected queries	-	-	-	-	-
Follow-up to complaints already lodged	6	2	5	4	17
Queries about Flow advertising on intl. channel	14	-	5	8	27
Concerns about number of radio stations offered by Flow	3	-			3
Concerns about Flow's billing	-		3		3
Concerns about children being placed in HIV adverts		6			6
Concerns about the transmission of programmes acquired by exclusive rights (TVJ & CVM)	-	16	-		16
Starcom/Flow matter	11			-	11
Telstar Billing issues	17			-	17
Support for BCJ directives					12
Volunteers to assist with BCJ's media monitor programme				12	
				4	4
<u>TOTAL</u>	429	301	278	281	1289

Complaints Received

Section 16 (f) of The Broadcasting and Radio Re-Diffusion Act requires the Commission to “*receive and investigate complaints in relation to any matter under the Act*”.

During the period under review, the Commission received one hundred and twenty-eight (128) complaints. This was an increase of five percent (5%) compared to the previous period. Table 3 is a breakdown of the reports on a quarterly basis while Table 4 details the nature of the complaints.

Table 3 - Quarterly breakdown of complaints received

April	-	June '08'	-	42
July	-	September '08'	-	24
October	-	December '08'	-	29
January	-	March '09'	-	33

Total	-		-	128
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Table 4

Complaints Received April 2008 - March 2009

	Apr-Jun 2008	Jul-Sep 2008	Oct-Dec 2008	Jan-Mar 2009	TOTAL	(%)
Subscriber						
Television						
▪ Technical	17	15	12	4	48	38%
▪ Customer Service	8	1	1	0	10	8%
▪ Content Standards	1	1	0	1	3	2%
▪ Unlicensed Service						
Broadcast Television						
▪ Technical	0	1	2	2	5	4%
▪ Content Standards	8	1	5	3	17	13%
Broadcast Radio						
▪ Content Standards	8	5	8	23	44	34%
▪ Technical			1		1	1%
Total	42	24	29	33	128	100%
Percentage (%)	33%	19%	23%	26%		100%

Complaints Investigated

Except for matters that fall outside of the Commission's mandate, all reports of possible breaches are investigated to determine whether there has been a contravention of the terms of licence, **The Television and Sound Broadcasting Regulations, the Broadcasting and Radio Re-diffusion Act** or the recent **Directives**

During the review period, the Commission investigated one hundred and seventy (170) complaints. One hundred and twenty-eight (128) of these arose during the period and forty two (42) investigations were carried over from the previous year, April 2007 to March 2008. The total number of complaints investigated was a thirty-six percent (36%) decrease over the number for the previous period.

Table 5 is a breakdown of the reports on a quarterly basis

Table 5
Complaints investigated for the period April 2008- March 2009

Complaints Investigated for the period April 2008- March 2009

April	-	June	-	45
July	-	September	-	37
October	-	December	-	53
January	-	March	-	35

Total	-	170
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Table 6 shows all complaints investigated, including those brought forward from the previous period, while **Tables 7 and 8** provide a breakdown of all complaints received relating to broadcast and subscriber television licensees respectively.

Table 6
Total Complaints Investigated
April 2008- March 2009

	Complaints Brought forward From April 07- March 2008	Complaints Received April 08-March 2009	Total
Subscriber Television	36	61	97
Broadcast Television	4	22	26
Broadcast Radio	2	45	47
TOTAL	42	128	170

Table 7**Complaints against Broadcast Licensees**

BROADCAST LICENSEES	NATURE OF COMPLAINTS RECEIVED													TOTAL		
	No service	Graphic Sexual Content	Interference	Graphic verbal expletives	Graphic Language	Graphic violent material	Improper scheduling of adult material	Failure to air adequate advisories	Defective Equipment	Offensive advertisements	Inappropriate remarks	Interference with other licensees broadcast signals	Problematic lyrics/content		Breach of Directive	Graphic visual content
CVM Communications Group (CVM TV)	1	4			1										1	7
Hot 102)		1								1						2
Roots FM		1														1
Grove Broadcasting Company Limited (IRIE FM)		1			1							1	1			4
Grove Broadcasting Company Limited (ZIP FM)		3			2				1	1		1	3			11
Radio Jamaica Limited (Radio 92 FM)		2											5			7
Radio Jamaica Limited (Radio 94 FM)																
Radio Jamaica Limited (FAME FM)												2	8			10
Television Jamaica Limited	3				3	1			1	1		3	1			13
Universal Media Company Limited (Newstalk 93 FM)								1				3	1			5
RJR Jamaica Limited (Nationwide)												1				1
Love TV	1															1
Kommerical Suit (Mega Jamz)			1													1
Yard Broadcasting												1				1
Kool FM												2				2
Klass FM												1				1
TOTAL																*67

***Complaints listed above may not have necessarily resulted in a finding of breach**

Table 8
Break down of STV Complaints Received

	Poor audio and video signals	Poor audio & video signal & frequent breaks	Problematic content	Loss of Service	Interference	Poor Customer service	Dissatisfaction with Programme line-up	Un-encrypted adult programming	Billing Issues	Transmitting illegal content	No notification of change in subscriber fees	No access to cable service in licensed zone	No programming permission acquired	Tampering with cable equipment	Slow pace of resolving complaints	Operating outside of licensed zone	TOTAL
Allied Cablevision Company Limited																	
Combined Communications	2																2
Cable One	2																2
Cornwall Communications Limited	1																1
Columbus Communications Ja. Ltd.	12		2			8		2	1	1							26
.Central Communications Ltd.	1																1
Oliver's Electronics				1													1
General Satellite Network Company Ltd	4																4
Guthrie's Communications Limited	3																3
Linscom Network	3																3
Jamaica Amalgamated Cable Systems																	
Jamaica Cablevision Limited	2	1															3
Logic One Limited	3																3
Mikes Electronics																	
Mega International Co. Jamaica Limited	2																2
North Eastern Satellite Limited	2																2
Omni Cable Limited	1																1
Telstar						1											1
St. Thomas Cable Network Limited	1																1
Starcom Cablevision Limited	1																1
Stars Cable Company Limited	2	1															3
Unique Vision																	
Venus Cable Services Limited																	
Wilson Electronics Limited	1																1
Wilson's Enterprises Limited																	
Westar Limited																	
TOTAL																	*61

***Complaints listed above may not have necessarily resulted in a finding of breach**

Complaints Resolution

One hundred and thirty-one (131) complaints were resolved during the period under review.

Table 9 shows the categories of complaints resolved while **Table 10** details the grounds on which the Commission was able to close those investigations.

Table 9
Complaints Resolved April 2008 – March 2009 (By Service)

	No. of investigated complaints Resolved (including those brought forward)
Subscriber Television	86
Broadcast Television	22
Broadcast Radio	23
Total	131

Table 10

Complaints Resolved for April 2007- March 2008 (By Method)

CATEGORY	Apr-Jun 2008	Jul-Sep 2008	Oct-Dec 2008	Jan-Mar 2009	TOTAL
Closed - resolved to complainants' satisfaction					
Subscriber Television	21	10	13	10	54
Broadcast Television	1	-	-	3	4
Broadcast Radio	-	-	-	-	-
Closed – withdrawn by complainant					
Subscriber Television	1	-	-	-	1
Closed - no response from complainants					
Subscriber Television	4	2	1	1	8
Broadcast Television	-	-	-	-	-
Broadcast Radio	-	-	-	-	-
Closed – complainants no longer subscribe to licensees					
Subscriber Television	4	-	-	1	5
Closed – new subscriber television operator					
Subscriber Television	-	-	2	-	2
Closed - Complied with required remedial action for breach of licence					
Subscriber Television	3	-	-	-	3
Broadcast Television	2	-	1	-	3
Broadcast Radio	3	-	1	1	5
Closed – No evidence of breach of the Children's Code for Programming					
Subscriber Television	-	2	-	1	3
Broadcast Television	1	5	-	3	9
Broadcast Radio	-	6	1	2	9
Closed – No further remedial action required for breach of licence					
Subscriber Television	-	-	-	-	-
Broadcast Television	1	3	-	-	4
Broadcast Radio	-	1	1	5	7
Closed - New investigation to be pursued					
Subscriber Television	-	-	-	-	-
Broadcast Radio	-	-	-	-	-
Closed - No evidence of breach of technical standards found					
Broadcast Television	-	-	-	-	-
Closed - Commission's investigation complete					
Subscriber Television	4	2	-	3	9
Broadcast Television	1	-	-	-	1
Broadcast Radio	-	-	-	1	1
Complaints fall outside of Commission's mandate					
Subscriber Television	3	-	-	-	3
Total	49	31	20	31	131

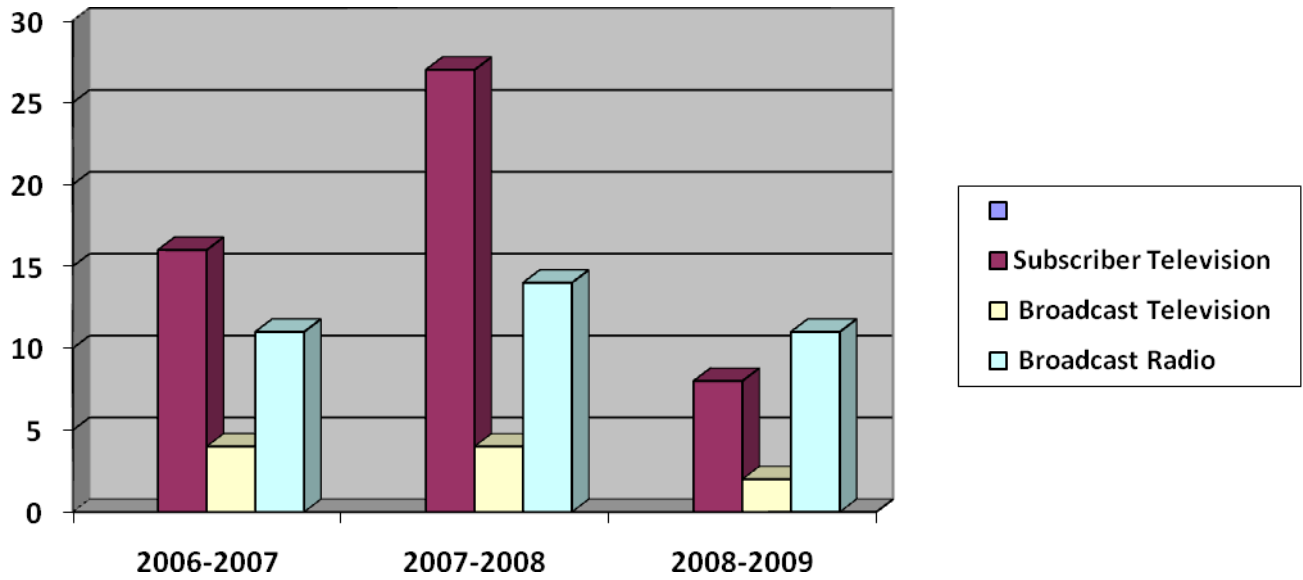
Breaches

During the period under review, twenty-one (21) Notices of Breach were issued to licensees.

Twelve (12) breach notices arose from contraventions of content standards; one (1) notice was issued for the transmission of a false and misleading news item and eight (8) were for failure to meet the technical standards.

Chart 1 shows the trend in breaches, by service, over the last three years.

Chart 1
Trend in Breaches Committed By Service



	<u>2006-2007</u>	<u>2007-2008</u>	<u>2008-2009</u>
Subscriber Television	16	27	8
Broadcast Television	4	4	2
Broadcast Radio	11	14	11

BREACHES COMMITTED BY BROADCAST RADIO LICENSEES

Grove Broadcasting Company Limited (IRIE FM)

DATE OF BREACH: 24-Apr-08**
COMPLAINT NUMBERS: 08/03/10/1014-001
NATURE OF COMPLAINT: Transmission of verbal expletives
MATERIAL AIRED: “. . . ghetto yout doan bow doan fuck nuuh batty’
NATURE OF BREACH: Transmission of verbal expletives
COMMISSION DECISION: Licensee cited for breach of the Children’s Code for Programming
REMEDIAL ACTION: Licensee directed to transmit apology and disciplinary action taken against presenter
STATUS: Commission investigation complete

DATE OF BREACH: 21-Nov-08**
COMPLAINT NUMBER: 08/10/06/1020-001
NATURE OF COMPLAINT: Transmission of song containing mildly violent lyrics
MATERIAL AIRED: “somebody come get me before a kill dis man, somebody Come get me come get di knife out a mi han””
NATURE OF BREACH: Transmission of material containing mildly violent lyrics
COMMISSION DECISION: Licensee in breach of Children’s Code for Programming.
REMEDIAL ACTION: Licensee directed to apologize, apology aired,
STATUS: Complied with required remedial action. Investigation Closed.

Grove Broadcasting Company Limited (Zip 103FM)

DATE OF BREACH: 17-oct. 08.**
COMPLAINT NUMBER: 09/09/12.1014-001
NATURE OF COMPLAINT: Transmission of song containing verbal expletive
MATERIAL AIRED: “Mi fuck har twice a day”
NATURE OF BREACH: Transmission of material containing verbal expletive language
COMMISSION DECISION: Licensee cited for breach of Children’s Code for Programming
REMEDIAL ACTION: Apology aired by licensee during prime time spots, internal measures implemented, disciplinary action taken against employee
STATUS: Commission accepted licensee’s internal measures. Investigation closed.

DATE OF BREACH: 30-Jan-09.**
COMPLAINT NUMBER: 08/12/04/1014-001 & 08/12/04/1016-001
NATURE OF COMPLAINT: Transmission of song containing verbal sexual expletive
MATERIAL AIRED: “but me fuck dem till dem pussy run red”
NATURE OF BREACH: Transmission of material containing verbal sexual expletive
COMMISSION DECISION: Licensee cited for breach of Children’s Code for Programming
REMEDIAL ACTION: Apology aired by licensee during prime time spots, internal measures implemented, disciplinary action taken against employee
STATUS: Commission accepted licensee’s internal measures. Investigation closed.

RJR Communications Group (HITZ 92 FM)

DATE OF BREACH: 20-Mar-09**
COMPLAINT NUMBERS: 08/12/22/1020-001

NATURE OF COMPLAINT: Transmission of song containing expletive
MATERIAL AIRED: “. . baby all mi want a fi fuck yuh mek yuh bawl an sleep’.

NATURE OF BREACH: Transmission of material containing an expletive
COMMISSION DECISION: Licensee cited for breach of the **Children’s Code for Programming**

REMEDIAL ACTION **Apology aired by licensee during prime time spots, internal measures implemented disciplinary action taken against employee**

STATUS: Investigation Completed and file closed.

RJR Communications Group (FAME 95)

DATE OF BREACH: 20-Mar-09**
COMPLAINT NUMBERS: 09/01/19/1014-002

NATURE OF COMPLAINT: Transmission of material containing expletives
MATERIAL AIRED: “It’s time for a nigga get on the mic, and this motha-fuckin party hype”
NATURE OF BREACH: Transmission of material containing expletives
COMMISSION DECISION: Transmission in breach of Children’s Code of Programming
REMEDIAL ACTION: No remedial action. Breach occurred before Directives were issued.

STATUS: Investigation complete and file closed.

WESTERN BROADCASTING LIMITED

HOT 102 FM

DATE OF BREACH: 18-Aug-08**
COMPLAINT NUMBER: 08/04/28/1014-001

NATURE OF COMPLAINT: Transmission of graphic language
MATERIAL AIRED: ..”nuh chat wid dem likkle stink mout’
NATURE OF BREACH: Transmission of graphic language
COMMISSION DECISION: Licensee cited for breach of Children’s Code for Programming
REMEDIAL ACTION: Licensee directed to apologize. . Apology aired.
STATUS: Complied with required remedial action. Investigation closed.

MUSTARD SEED COMMUNITIES

ROOTS FM

DATE OF BREACH: 18-Aug-08**
COMPLAINT NUMBER: 08/06/06/1014-001

NATURE OF COMPLAINT: Transmission of verbal expletive
MATERIAL AIRED: ” tanks to mi parents who conceive me everybody else
can go dem fucking ways and leave me

NATURE OF BREACH: Transmission of verbal expletive
COMMISSION DECISION: Licensee cited for breach of Children’s Code for Programme
REMEDIAL ACTION: Internal remedial action taken by licensee to include an apology,
Presenter fined and suspended.
STATUS: Investigation closed..

UNIVERSAL MEDIA COMPANY

NEWSTALK 93 FM

DATE OF BREACH: 17-Oct-08**
COMPLAINT NUMBER: 08/09/15/1014-002
NATURE OF COMPLAINT: Transmission of material containing adult language
MATERIAL AIRED: Discussions included content on whether vagina was cleaner than the mouth and other conversation with a caller about penis size.

NATURE OF BREACH: Breach of the scheduling requirement of the Code for transmission of adult material.
COMMISSION DECISION: Licensee cited for breach of Children's Code for Programming
REMEDIAL ACTION: Licensee directed to apologize. . Apology aired.
STATUS: Complied with required remedial action. Investigation closed.

DATE OF BREACH: 09-Jan-09**
COMPLAINT NUMBER: 08/12/09/1014-001
NATURE OF COMPLAINT: Transmission of material which was contemptuous, derogatory and inciting violence
MATERIAL AIRED: Transmission of extended contemptuous coarse and insulting words by the programme host.
NATURE OF BREACH: Breach of the Regulation and Children's Code for Programming
COMMISSION DECISION: Licensee in breach of Regulation 30 (c) and Children's Code for Programme
REMEDIAL ACTION: Licensee directed to air apology and place a full page advertisement in the Sunday Gleaner.
STATUS: Complied with required remedial action.

DATE OF BREACH: 12-Jan-09**
COMPLAINT NUMBER: 08/11/04/1014-001
NATURE OF COMPLAINT: Failure to provide slow tapes
MATERIAL AIRED:
NATURE OF BREACH: Failure to provide slow tapes
COMMISSION DECISION: Breach of Regulation 11 (3)
REMEDIAL ACTION: Licensee directed to air apology
STATUS: Complied with required remedial action.

BREACHES COMMITTED BY BROADCAST TELEVISION LICENSEES

Television Jamaica Limited

DATE OF BREACH: 12-Jan-09**
COMPLAINT NUMBER: 08/10/31/1042-001
NATURE OF COMPLAINT: Alleged transmission of material in breach of programming standards aired during prime time news
MATERIAL AIRED: Minister Grange stumbled through the announcement and subsequent questions And this caused giggles from her senior advisor"
NATURE OF BREACH: Transmission of false and misleading news item)
COMMISSION DECISION: Licensee in breach of Regulation30 (f)
REMEDIAL ACTION: Licensee instructed to air apology)
STATUS : Commission awaiting audio recordings of the apologies from licensee

CVM Television Limited

DATE OF BREACH: 23-Mar-09**
COMPLAINT NUMBER: 09/01/15/1016-001
NATURE OF COMPLAINT: Transmission of extracts of edited music videos
MATERIAL AIRED: Transmission of extract of 'daggerin' songs and 'Ramping Shop '
NATURE OF BREACH: Breach of Television & Sound Broadcasting Regulation & Children's Code for Programming
COMMISSION DECISION: Breach of Television & Sound Broadcasting Regulations & Children's Code for Programming.
REMEDIAL ACTION: Licensee instructed to take immediate steps to either reformat the programme to ensure suitability of content for the time of day it is scheduled to be transmitted..
STATUS : Commission investigation complete.

****“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.**