



MONITORING & COMPLIANCE QUARTERLY REPORT

APRIL – JUNE 2016



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EXECUTIVE SUMMARY
BCJ- Quarterly Monitoring & Compliance Report
(April – June 2016)

During the period April – June 2016, eleven (11) Notices of Breach of Licence were issued to six (6) broadcast radio licensees, and five (5) to subscriber television licensees. No Notices of Breach were issued to broadcast television licensees. This represents an increase of six (6) Notices of breach when compared with the previous quarter, January – March 2016.

One hundred and thirteen (113) contacts were recorded for the period April – June 2016. Of this number, seven (7) were complaints which resulted in investigations of broadcast radio and television operators. One hundred and six (106) were queries and comments about other operational issues pertaining to licensed operators and the work of the Commission.

All seven (7) complaints were matters relating to content standards. This represents a decrease of five (5) when compared with the previous quarter, January – March 2016.

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, twenty one (21) subscriber television (STV) operators, or 45% of all licensees paid in full; thirteen (13) or 28% made partial payments and thirteen (13) or 27 % were non-compliant. There was an increase of two (2), in the number of full payments recorded when compared to the previous quarter. The number of licensees who made partial payments was increased by three (3) and there was decrease of three (3) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

One hundred and thirteen (113) contacts were recorded for the period, April – June 2016. There were seven (7) investigations and eleven (11) Notices of Breach of Licence.

BREAKDOWN OF CONTACTS

	April 2016	May 2016	June 2016	TOTAL
QUERIES, REQUESTS AND REPORTS:				
Complaints Received and Investigated	2	3	2	7
Application process	2	-	3	5
Poor technical Service- Subscriber Television	-	2	-	2
Poor Technical Service - Broadcast Television	-	1	2	3
Poor Technical Service – Broadcast Radio	-	5	-	5
Subscriber Television Billing Issues	2	-	5	7
Refusal to Provide Subscriber Television Service	-	-	3	3
Cable Box Problems	-	-	3	3
Other operational issues (with the exception of those indicated above)	30	26	22	78
TOTAL	36	37	40	113

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated seven (07) complaints relating to the broadcast of problematic content. This is a decrease of five (5) when compared to the preceding quarter January –March 2016.

Table 1 details the complaints investigated relating to programming standards from April to June 2016 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 2013.

Table 1

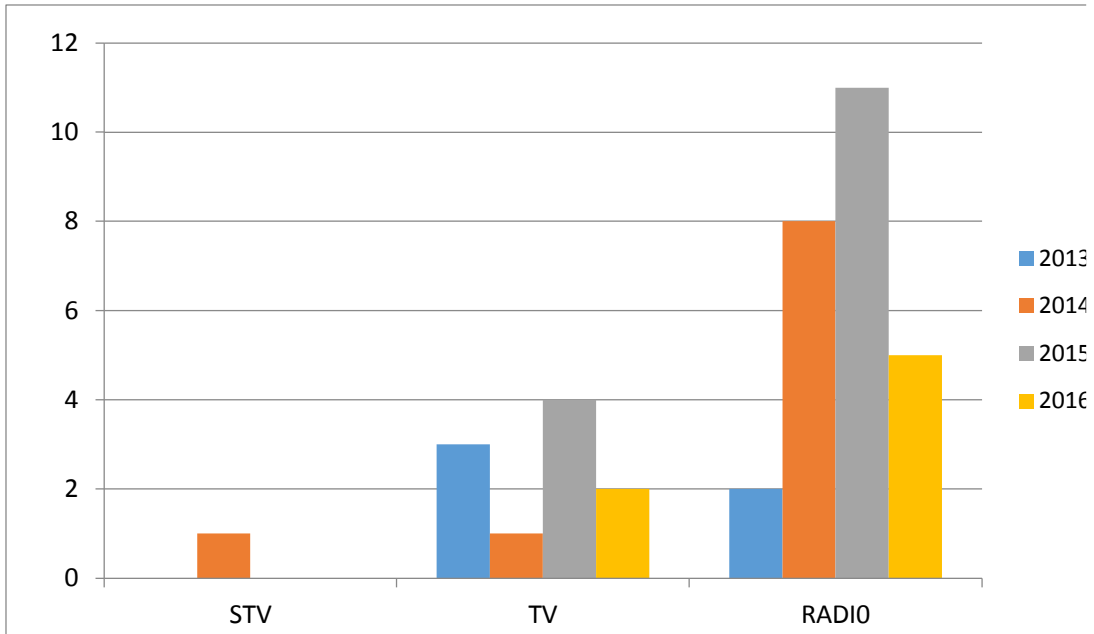
Content Standards Complaints Investigated: April – June 2016

	Transmitting material in breach of Scheduling Requirements	Transmitting advertisement about a tobacco product	Transmitting song with sexually suggestive lyrics	Transmitting content with profane language	TOTAL
CVM Television Limited	1				1
Cornwall Broadcasting Company (Mello FM)		1			1
Grove Broadcasting Company Ltd. (ZIP 103 FM)			1		1
Radio Jamaica Limited (FAME 95FM)				1	1
S&B Communications Limited (FYAH 105 FM)			1	1	2
Television Jamaica Limited				1	1
TOTAL	1	1	2	3	7

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

Figure 1:

CONTENT STANDARD COMPLAINTS INVESTIGATED
Trends for Quarter (April - June) from 2013 to 2016



	2013	2014	2015	2016
STV	0	1	0	0
TV	3	1	4	2
RADIO	2	8	11	5

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

Table 2: Technical Monitoring: April – June 2016

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1	Central Communications Services Limited	Regulations 17(4)(d) 17(4)(e) and 15(a)	By Letter dated August 5, 2016 Licensee was advised of breaches identified during inspection.
2	Gemini Cable Network Limited (Silly Video Cable)	Regulations 17(1)(a), 17(1)(b) & 17(1)(h) Breach of Licence to have an addressable system	By Letter dated July 28, 2016 Licensee was advised of breaches identified during inspection.
3	Linscom Network Limited	Regulations 17(4)(d) and 17(4)(e)	By Letter dated August 5, 2016 Licensee was advised of breaches identified during inspection.
4	Odyssey Cable Vision Limited	Regulations 17(4)(d) and 17(4)(e)	By Letter dated August 5, 2016 Licensee was advised of breaches identified during inspection.

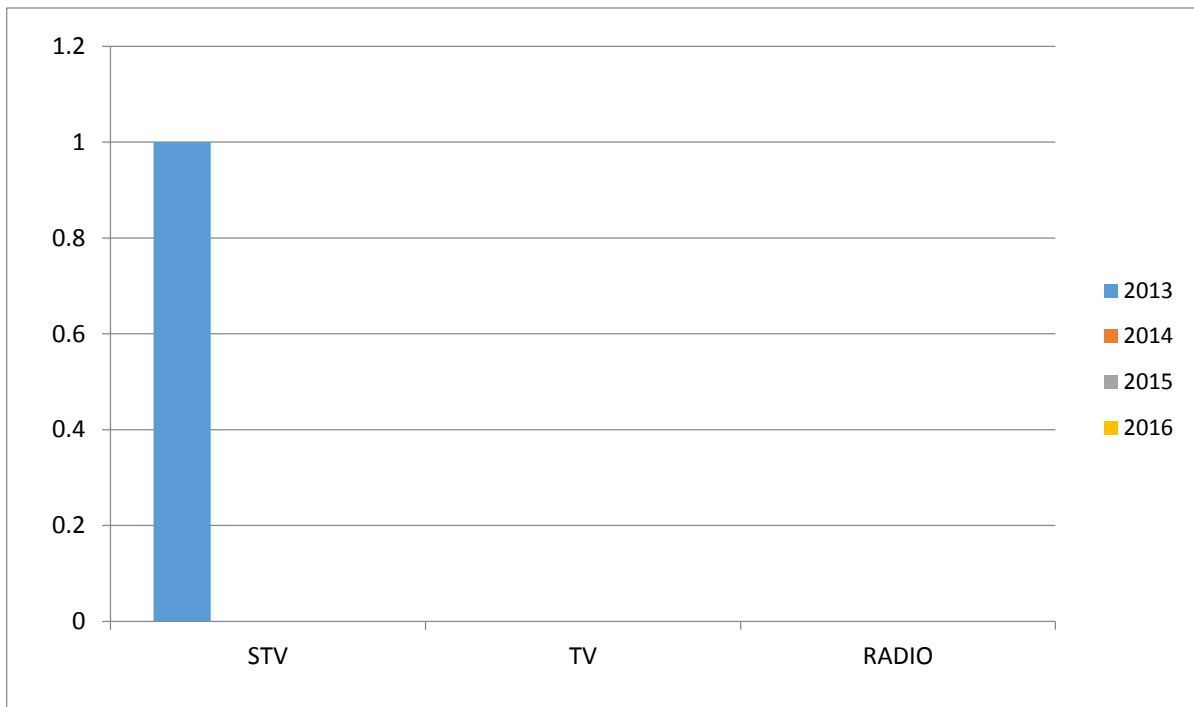
TECHNICAL COMPLAINTS INVESTIGATIONS

For the period under review, there was no complaint relating to the technical quality of subscriber television service. The preceding period, January–March 2016, also had no complaints.

Figure 2 illustrates the trend in technical standard complaints received in similar reporting periods since 2013.

Figure 2

TECHNICAL STANDARDS REPORT Trends for Quarter (April – June) from 2013-2016



	2013	2014	2015	2016
STV	1	0	0	0
TV	0	0	0	0
RADIO	0	0	0	0

COMPLAINTS RESOLUTION

Except for matters that fall outside of 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.

Three (3) investigations were resolved between April and June, 2016.

Table 3

Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television	-
Broadcast Television	3
Broadcast Radio	-
Total	3

Table 4
Resolution of Complaints by Category

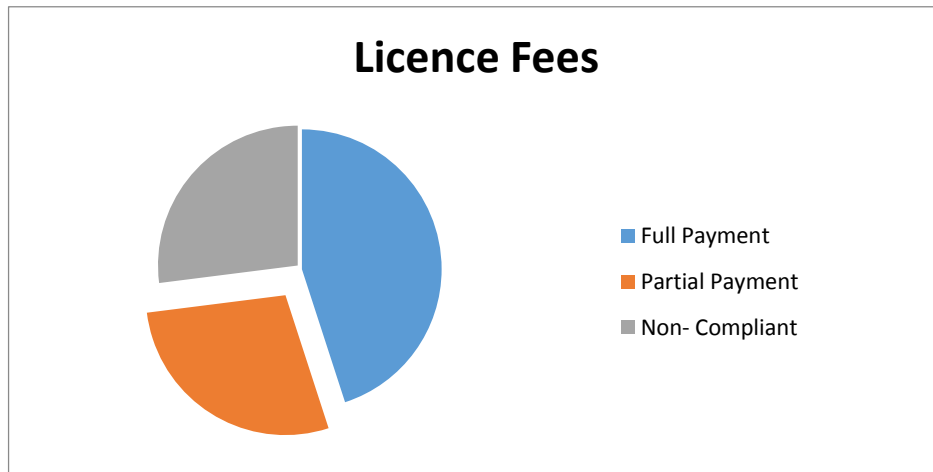
CATEGORY		TOTAL
<p>Closed – No Evidence of Breach</p> <ul style="list-style-type: none"> • Broadcast Television 	3	3
Total	3	3

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



Full Payment	-45%
Partial Payment	-28%
Non- Compliant	-27 %

STV Licensees Financial Compliance
For quarter ended June 30, 2016

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2011	2012	2013	2014	2015	Paid in Full	Partial Payment	Non-Compliant
1	Advance Cable Systems Ltd.	n/a	n/a	n/a	n/a	n/a	✓		
2	Astra Technology Ltd.	yes	yes	yes	yes	no	✓		
3	Cable One Jamaica Ltd. yes	yes	yes	yes	yes	no	✓		
4	Cabletron Network Systems Ltd.	yes	yes	yes	yes	no			✓
5	Central Clarendon Cable Ltd.	n/a	n/a	n/a	n/a	n/a			✓
6	Central Communication Services Ltd.	yes	yes	yes	yes	no	✓		
7	Columbus Communications - FLOW	yes	yes	yes	no	no	✓		
8	Combined Communications Ltd.	yes	yes	yes	yes	no		✓	
9	Communicable Ltd.	no	no	no	no	no			✓
10	Cornwall Communications Ltd.	yes	yes	yes	no	no		✓	
11	CTL Limited	yes	yes	yes	yes	no	✓		
12	Digicel Jamaica (formerly Telstar Cable Ltd)	yes	yes	yes	no	no	✓		
13	Direct Cable Systems Ltd.	yes	yes	yes	no	no			✓
14	First Choice Cable	yes	yes	yes	no	no		✓	
15	Gemini Cable Network (formerly Silly Video Cable Network Ltd)	yes	yes	yes	yes	no	✓		
16	General Satellite Network Company	yes	yes	yes	yes	no		✓	
17	Guthrie's Communications Ltd	yes	yes	yes	no	no			✓
18	Horizon Entertainment & Communication	n/a	n/a	n/a	n/a	n/a	✓		
19	Inntech Communications Ltd.	yes	yes	yes	yes	no	✓		
20	Jamaica Cablevision Ltd.	yes	yes	yes	no	no	✓		
21	Linscom Network Limited	yes	yes	yes	yes	no	✓		
22	Logic One Limited	yes	yes	yes	yes	no	✓		
23	Marimaxx Communications Ltd.	no	no	no	no	no		✓	

STV Licensees Financial Compliance

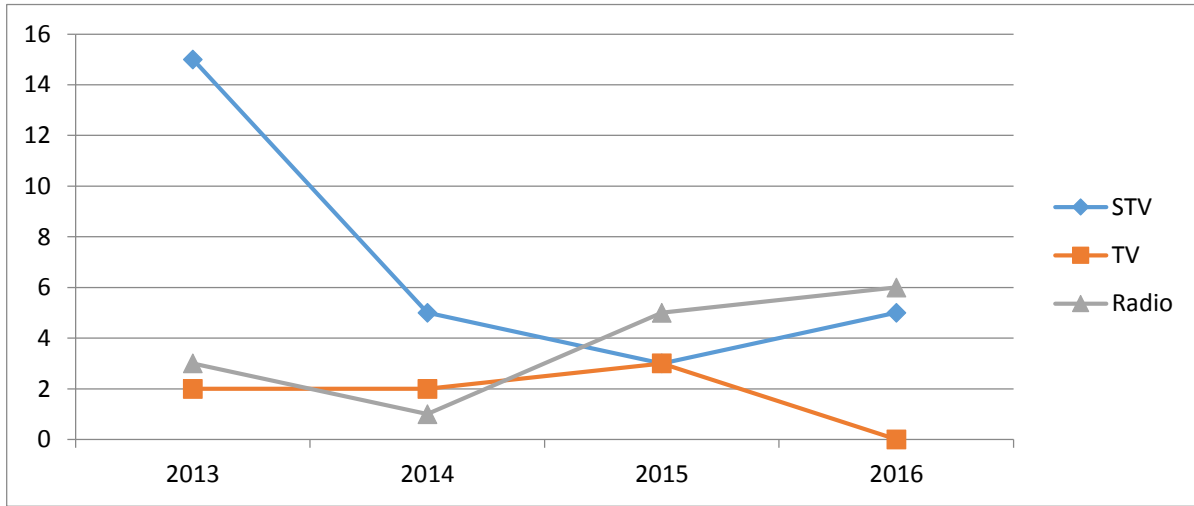
LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2011	2012	2013	2014	2015	Paid in Full	Partial Payment	Non-Compliant
24	Mars Cable Vision Ltd.	yes	yes	yes	yes	no		✓	
25	McKoy Cable Television Co. Ltd.	no	yes	yes	yes	no			✓
26	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓
27	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	no	✓		
28	Nems Electrical & Satellite Ltd.	n/a	n/a	n/a	n/a	n/a		✓	
29	Network Cable Service	n/a	n/a	n/a	no	no	✓		
30	Odyssey Cable Vision Limited	yes	no	yes	yes	no	✓		
31	Procables Network Limited	n/a	n/a	n/a	n/a	n/a	✓		
32	QES 46 Limited	yes	yes	yes	no	no		✓	
33	Quality Cable Service	n/a	n/a	no	no	no			✓
34	Rural Cable Company Limited	n/a	n/a	n/a	n/a	n/a	✓		
35	Santastic Cable Systems Ltd.	yes	yes	yes	no	no	✓		
36	Somane Pesole Communications Ltd.	n/a	n/a	n/a	n/a	n/a	✓		
37	Starcom Cablevision Ltd.	yes	yes	yes	no	no			✓
38	Stars Cable Company Ltd.	yes	yes	yes	no	no	✓		
39	St. Thomas Cable Network Limited	yes	yes	yes	no	no		✓	
40	Summit Satellite Systems Limited	yes	yes	yes	no	no			✓
41	Total Cable	no	yes	yes	no	no		✓	
42	Tru Star Cable Television Network	yes	yes	yes	yes	no		✓	
43	Unique Vision Cable Co. Ltd.	no	no	no	no	no		✓	
44	Venus Cable Services	no	no	no	no	no			✓
45	Vere Cable Network Limited	n/a	n/a	n/a	n/a	n/a			✓
46	Westar Communications Limited	no	no	no	no	no		✓	
47	Wilson Enterprises Limited	yes	yes	yes	no	no			✓

NOTICES OF BREACH

During the period under review, eleven (11) Notices of Breach were issued to licensees, six (6) of these notices arose from contravention of Content Standards and five (5) arose from contravention of Technical Standards.

Figure 4

TREND IN BREACHES COMMITTED (BY SERVICE)



	2013	2014	2015	2016
STV	15	5	3	5
TV	2	2	3	0
RADIO	3	1	5	6

Table 6

BREACHES BY LICENSEES

BREACHES BY BROADCAST RADIO LICENSEES

GROVE BROADCASTING CO.LIMITED (IRIE FM)

DATE OF BREACH: May 16, 2016
COMPLAINT NUMBER: 2016030703
NATURE OF COMPLAINT: Transmission of sexually suggestive lyrics in breach of the scheduling requirements of the Code
NATURE OF BREACH: Breach of the Code.
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied
STATUS: Closed.

RADIO JAMAICA LIMITED (RJR 94 FM)

DATE OF BREACH: May 16, 2016
COMPLAINT NUMBER: 2016030200
NATURE OF COMPLAINT: Transmission of song with profane lyrics.
NATURE OF BREACH: Breach of the TSBR & the Code.
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied.
STATUS: Closed.

KOMMERCIAL SUITES LIMITED (MEGA JAMZ 98FM)

DATE OF BREACH: May 16, 2016
COMPLAINT NUMBER: 2016030300
NATURE OF COMPLAINT: Transmission of song with profane lyrics & not having required off-air recording facility
NATURE OF BREACH: Breach of regulations 30 (d) &11(3) of TSBR & the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: To transmit apology as prescribed by the Commission. Commission is satisfied that the licensee is equipped with a functional logger and delay mechanisms.
STATUS: Closed.

UNIVERSAL MEDIA COMPANY LIMITED (NEWS TALK 93FM)

DATE OF BREACH: May 16, 2016
COMPLAINT NUMBER: 2016030400
NATURE OF COMPLAINT: Transmission of profanity during talk show programme.
NATURE OF BREACH: Breach of Regulation 30(d) of the TSBR & the Code
COMMISSION DECISION: Breach of licence
REMEDIAL ACTION: To transmit apology prescribed by the Commission. Licensee complied.
STATUS: Closed

S & B COMMUNICATIONS LIMITED (FYAH 105 FM))

DATE OF BREACH: May 17, 2016
COMPLAINT NUMBER: 2016030201
NATURE OF COMPLAINT: Transmission of song with sexually-themed lyrics
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied.
STATUS: Closed

DATE OF BREACH: May 17, 2016
COMPLAINT NUMBER: 2016030202
NATURE OF COMPLAINT: Transmission of song with sexually-themed lyrics.
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied.
STATUS: Closed.

DATE OF BREACH: May 17, 2016
COMPLAINT NUMBER: 2016030702
NATURE OF COMPLAINT: Transmission of song with sexually themed lyrics
NATURE OF BREACH: Breach of scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee to transmit apology as required. Licensee complied.
STATUS: Closed.

MOTHER IN CRISIS (SUN CITY RADIO)

DATE OF BREACH: May 17, 2016
COMPLAINT NUMBER: 2016030700
NATURE OF COMPLAINT: Transmission of song with violent lyrics
NATURE OF BREACH: Breach of Regulation 30(k) of the TSBR & the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied.
STATUS: Closed

BREACHES BY SUBSCRIBER TELEVISION LICENSEES

SUMMIT SATELLITE SYSTEMS LIMITED

DATE OF BREACH: April 6, 2016
MAURE OF BREACH; Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

COMBINED COMMUNICATIONS LIMITED

DATE OF BREACH: May 27, 2016
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

HORIZON ENTERTAINMENT & COMMUNICATIONS COMPANY LIMITED

DATE OF BREACH: May 27, 2016
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

MARIMAXX COMMUNICATIONS LIMITED

DATE OF BREACH: May 27, 2016
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

SOMANE PESOLE COMMUNICATIONS LIMITED

DATE OF BREACH: May 27, 2016
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.