



MONITORING & COMPLIANCE REPORT

JULY – SEPTEMBER 2015



TABLE OF CONTENTS

Executive Summary	1
Introduction	2
Breakdown of Contacts	2
Programming Content Compliance	3
Technical Compliance	6
Technical Investigations	7
Complaints Resolution	8
Financial Compliance	10
Notices of Breach	13

Tables:

Table 1 - Content Standards Report	4
Table 2 - Technical Monitoring	6
Table 3 - Resolution of Complaints by Licensee Type	8
Table 4 - Resolution of Complaints by Category	9
Table 5 - STV Financial Compliance	11-12
Table 6 - Breaches	14-17

Charts:

Figure 1 - Content Standards Reports Trends: 2012-2015	5
Figure 2 - Technical Standards Reports Trends: 2012-2015	7
Figure 3 - STV Licence Fee Payment	10
Figure 4 - Trend in Total Breaches, 2012-2015	13

EXECUTIVE SUMMARY
BCJ - Quarterly Monitoring & Compliance Report
(July – September 2015)

During the period July – September 2015, eleven (11) Notices of Breach of Licence were issued to five (5) broadcast radio licensees, two (2) to a broadcast television licensee and four (4) to subscriber television licensees. The number of breaches in this quarter was the same as that of the previous quarter, April to June - 2015.

Two hundred and ten (210) contacts were recorded for the period July – September 2015. Of this number, six (6) were complaints, which resulted in investigations of broadcast radio and television operators. All six (6) complaints were matters relating to content standards. There was a decrease of nine (9) when compared with the previous quarter, April – June 2015.

The remaining two hundred and four (204) contacts consisted of queries and comments about other operational issues pertaining to licensed operators and the work of the Commission.

Nine (9) 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 (20) subscriber television (STV) operators, or 43% of all licensees, paid in full; six (6) or 14% made partial payments and twenty (20) or 43%, were non-compliant. There was an increase of three (3) in the number of full payments recorded, when compared to the previous quarter. However, the number of licensees who made partial payments decreased by five (5) and there was an increase of six (6) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

Two hundred and ten (210) contacts were recorded for the period, July – September 2015. There were six (6) investigations and eleven (11) Notices of Breach of Licence.

BREAKDOWN OF CONTACTS

	July 2015	August 2015	September 2015	TOTAL
<u>Queries, Requests and Reports:</u>				
Licence Application process	5	2	-	7
Zoning and contact information for STVOs		2	4	6
Complaints Received and Investigated	2	2	2	6
Columbus Communications Limited's (Flow) removal of channels in compliance with Copyright law.	2	17	8	27
Exclusive Rights Issues	5	-	5	10
The availability of rebate to aggrieved subscriber television users.	3	23	24	50
Poor reception from television stations		2	2	4
Commission's role in regulation of Low Power Radio Stations		1	2	3
Other operational issues (with the exception of those indicated above)	35	33	29	97
TOTAL	52	82	76	210

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated six (6) complaints relating to the broadcast of problematic content. The number of complaints investigated decreased by nine (9) when compared to the period April - June 2015

Table 1 details the complaints investigated relating to content standards from July to September 2015, and the nature of the investigations conducted by the Commission.

Figure 1 illustrates the trend in content standards complaints investigated in the comparable reporting periods since 2012.

Table 1

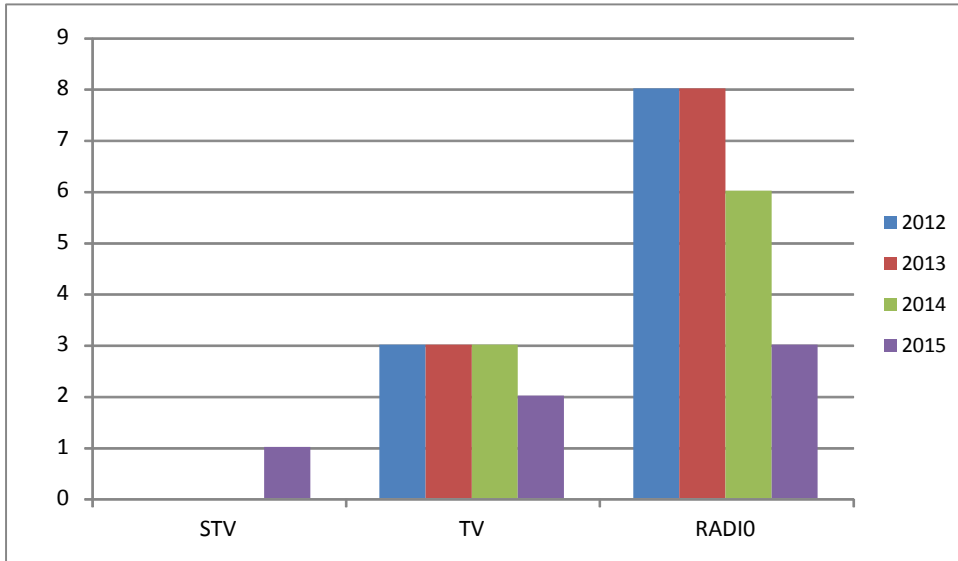
Content Standards Complaints Investigated: July - September 2015

	Transmission of sexual explicit discussion	Infringement of Television Jamaica exclusive rights	Transmission of song with sexual explicit lyrics.	Transmission of song with excessive language	Reporter making light of a physical assault.	TOTAL
Columbus Communications		1				1
CVM	1				1	2
Radio Jamaica Ltd. (FAME 95FM)				1		1
Radio Jamaica Ltd. (HITZ 92 FM)			1			1
S & B Communications (FYAH 105)				1		1
TOTAL	1	1	1	2	1	6

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

Figure 1:

CONTENT STANDARD COMPLAINTS INVESTIGATED
Trends for Quarter (July - September) from 2012 to 2015



	2012	2013	2014	2015
STV	0	0	0	1
TV	3	3	3	2
RADIO	8	8	6	3

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of (9) 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: July– September 2015

-

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Cabletron Network Systems Ltd.	17(4)(e)	Licensee advised of breach.
2.	First Choice Cable Services Ltd.	17(1)(b),17(1)(h), Breach of Licence (1)	Breach of Licence letter dated September 24, 2015 sent to licensee
3.	Modern Rebroadcasting Company Ltd.	15(a)	Letter of compliance dated November 30, 2015 sent to licensee
4.	McKoy's Cable Television Co. Ltd.	15(a),17(1)(h), 17(4)(d),17(4)(e),	Breach letter dated November 30, 2015 sent to licensee.
5.	Network Cable Services Ltd.	17(1)(h),17(4)(d), 17(1)(b), Breach of Licence (1)	Breach of Licence letter dated July 28, 2015 sent to licensee
6.	Santastic Cable Systems Ltd.	17(4)(e),	Licensee advised of breach.
7.	Starcom Cablevision Ltd.	16(1),15(a),17(1)h 17(4)d, 17(4)e	Breach of Licence letter dated September 24, 2015 sent to licensee
8.	Summit Satellite Systems Ltd.	17(4)d, 17(4)(e), Breach of licence(2)	Licensee advised of breaches.
9.	Wilson Enterprises Ltd.	17(4)d, 17(4)e	Licensee advised of breaches.

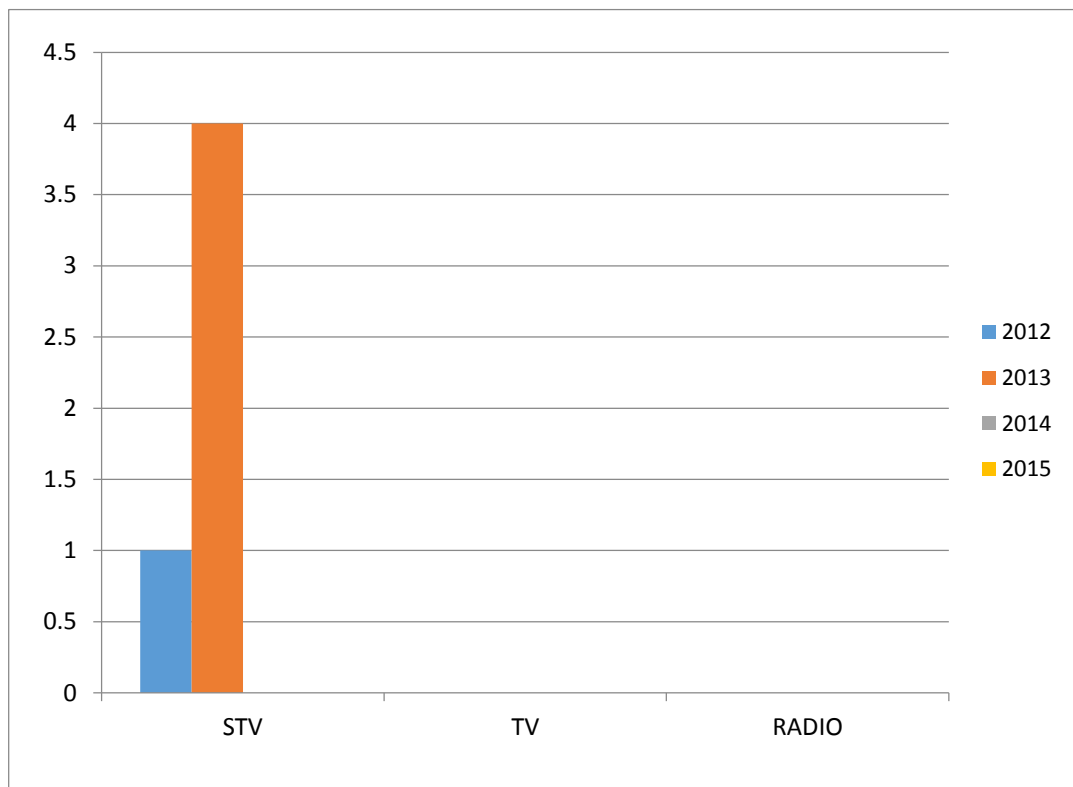
TECHNICAL COMPLAINTS INVESTIGATIONS

For the period under review, there were no complaints relating to the technical quality of subscriber television service. The preceding period, April – June 2015, also had no complaints.

Figure 2 illustrates the trend in technical standard complaints received in similar reporting periods since 2012.

Figure 2

TECHNICAL STANDARDS REPORT Trends for Quarter (July – September) from 2012 to 2015



	2012	2013	2014	2015
STV	1	4	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.

Nine (9) investigations were resolved between July - September, 2015.

Table 3
Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television	-
Broadcast Television	5
Broadcast Radio	4
Total	9

Table 4
Resolution of Complaints by Category

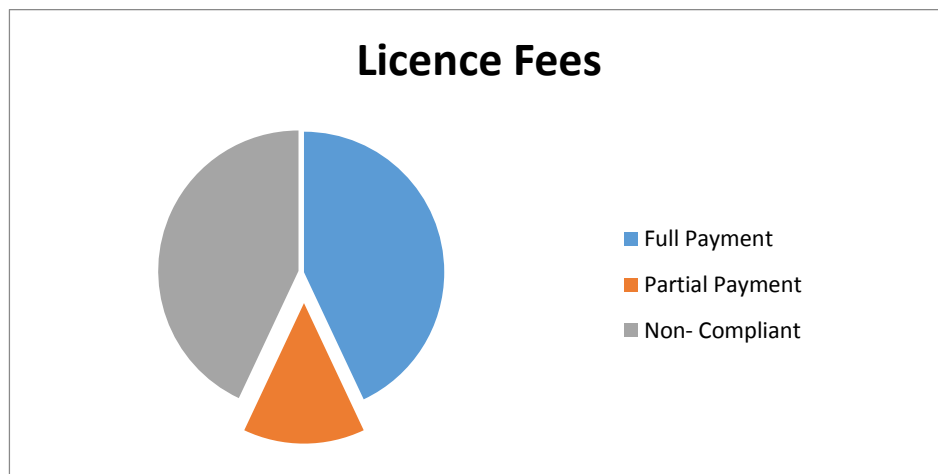
CATEGORY		TOTAL
Closed - Complied with required remedial action for breach of licence <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 		1 2
Closed - No Evidence of Breach <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 		2 1
No Sanction Applied <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 		1 2
Total		9

FINANCIAL COMPLIANCE

STV operators are required to pay an annual licence fee of five percent (5%) of their gross subscription income. Payment is made quarterly and is calculated using data from Quarterly Returns submitted by STV licensees

Aggregate payment performance is illustrated in **Figure 3**

Figure 3



Full Payment	- 43%
Partial Payment	- 14%
Non- Compliant	- 43%

Table 5
STV Licensees Financial Compliance
For quarter ended September 30, 2015

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2010	2011	2012	2013	2014	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	yes	yes	yes	yes	no	✓		
2	Cable One Jamaica Ltd. yes	yes	yes	yes	yes	yes			✓
3	Cabletron Network Systems Ltd.	yes	yes	yes	no	no			✓
4	Central Clarendon Cable Ltd.	n/a	n/a	n/a	n/a	n/a	✓		
5	Central Communication Services Ltd.	yes	yes	yes	yes	yes	✓		
6	Columbus Communications - FLOW	yes	yes	yes	yes	no	✓		
7	Combined Communications Ltd.	no	yes	yes	yes	no		✓	
8	Communicable Ltd.	no	no	no	no	no			✓
9	Cornwall Communications Ltd.	yes	yes	yes	yes	no		✓	
10	CTL Limited	yes	yes	yes	yes	yes	✓		
11	Digicel Jamaica (formerly Telstar Cable Ltd)	yes	yes	yes	yes	no	✓		
12	Direct Cable Systems Ltd.	no	no	no	no	no			✓
13	First Choice Cable	yes	yes	yes	no	no	✓		
14	Gemini Cable Network (formerly Silly Video Cable Network Ltd)	yes	yes	yes	yes	no	✓		
15	General Satellite Network Company	yes	yes	yes	yes	yes	✓		
16	Guthrie's Communications Ltd	yes	yes	yes	yes	no			✓
17	Horizon Entertainment & Communication	n/a	n/a	n/a	n/a	n/a		✓	
18	Inntech Communications Ltd.	yes	yes	yes	yes	no	✓		
19	Jamaica Cablevision Ltd.	yes	yes	yes	no	no	✓		
20	Linscom Network Limited	yes	yes	yes	yes	yes	✓		
21	Logic One Limited	yes	yes	yes	yes	yes	✓		
22	Marimaxx Communications Ltd.	no	no	no	no	no	✓		
23	Mars Cable Vision Ltd.	yes	yes	yes	yes	yes			✓

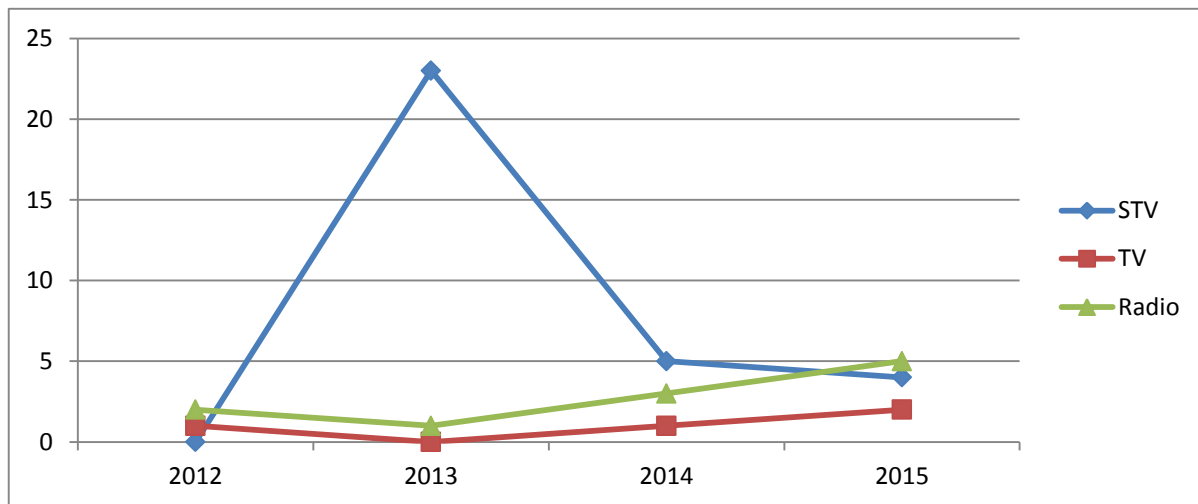
Table 5 Cont'd
STV Licensees Financial Compliance
For quarter ended September 30, 2015

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2010	2011	2012	2013	2014	Paid In Full	Partial Payment	Non-Compliant
24	McKoy Cable Television Co. Ltd.	yes	no	yes	yes	yes			✓
25	Mega International Co. Ja. Ltd.	no	no	no	no	no			✓
26	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓
27	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	no	no	✓		
28	Network Cable Service	n/a	n/a	n/a	n/a	no	✓		
29	Odyssey Cable Vision Limited	yes	yes	no	yes	no	✓		
30	Procables Network Limited	n/a	n/a	n/a	n/a	n/a	✓		
31	QES 46 Limited	no	yes	yes	yes	no		✓	
32	Quality Cable Service	n/a	n/a	n/a	no	no			✓
33	Rural Cable Company Limited	n/a	n/a	n/a	n/a	n/a	✓		
34	Santastic Cable Systems Ltd.	yes	yes	yes	yes	no		✓	
35	Somane Pesole Communications Ltd.	n/a	n/a	n/a	n/a	n/a			✓
36	Starcom Cablevision Ltd.	yes	yes	yes	yes	no			✓
37	Stars Cable Company Ltd.	yes	yes	yes	yes	no			✓
38	St. Thomas Cable Network Limited	yes	yes	yes	yes	no		✓	
39	Summit Satellite Systems Limited	yes	yes	yes	yes	no			✓
40	Total Cable	yes	no	yes	yes	no			✓
41	Tru Star Cable Television Network	yes	yes	yes	yes	no			✓
42	Unique Vision Cable Co. Ltd.	no	no	no	no	no	✓		
43	Venus Cable Services	no	no	no	no	no			✓
44	Vere Cable Network Limited	n/a	n/a	n/a	n/a	n/a			✓
45	Westar Communications Limited	no	no	no	no	no			✓
46	Wilson Enterprises Limited	yes	yes	yes	yes	no			✓

NOTICES OF BREACH

During the period under review, eleven (11) Notices of Breach were issued to licensees. Seven (7) of these notices arose from contravention of Content Standards and four (4) arose from contravention of Technical Standards.

Figure 4
NOTICES OF BREACH
 TREND IN BREACHES COMMITTED (BY SERVICE)



	2012	2013	2014	2015
STV	0	23	5	4
TV	1	0	1	2
RADIO	2	1	3	5

Table 6

BREACHES BY LICENSEES

BREACHES BY BROADCAST TELEVISION LICENSEES

CVM TELEVISION LIMITED

DATE OF BREACH:	JULY 9, 2015
COMPLAINT NUMBER:	2015060900
NATURE OF COMPLAINT:	Transmission of content containing excessive language
NATURE OF BREACH:	Breach of the TSBR & the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee issued with Notice of Breach, Commission refrained from imposing additional remedial actions
STATUS:	Closed

TELEVISION JAMAICA LIMITED

DATE OF BREACH:	JULY 9, 2015
COMPLAINT NUMBER:	2015060800
NATURE OF COMPLAINT:	Transmission of movie with inappropriate content
NATURE OF BREACH:	Breach of the Scheduling requirement of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee issued with Notice of Breach, Commission refrained from imposing additional remedial actions
STATUS:	Closed

BREACHES BY BROADCAST RADIO LICENSEES

FAME 95 FM

DATE OF BREACH:	July 9, 2015
COMPLAINT NUMBER:	2015052600
NATURE OF COMPLAINT:	Transmission of song containing violent lyrics
NATURE OF BREACH:	Breach of the TSBR & the Code
COMMISSION DECISION:	Breach of Licence
REMEDIAL ACTION:	Licensee directed to transmit apology. Licensee complied.
STATUS:	Closed

Table 6 – Cont'd

DATE OF BREACH: July 9, 2015
COMPLAINT NUMBER: 2015052601
NATURE OF COMPLAINT: Transmission of song containing sexual suggestive lyrics
NATURE OF BREACH: Breach of the Scheduling requirement of the Code
COMMISSION DECISION: Breach of Licence
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied.
STATUS: Closed

DATE OF BREACH: July 9, 2015
COMPLAINT NUMBER: 2015061200
NATURE OF COMPLAINT: Transmission of song containing excessive language
NATURE OF BREACH: Breach of the TSBR & the Code
COMMISSION DECISION: Breach of Licence
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee complied.
STATUS: Closed

**GROVE BROADCASTING COMPANY LTD.
ZIP 103 FM**

DATE OF BREACH: August 4, 2015
COMPLAINT NUMBER: 2015062900
NATURE OF COMPLAINT: Transmission of song with excessive lyrics
NATURE OF BREACH: Breach of the TSBR & the Code
COMMISSION DECISION: Breach of Licence
REMEDIAL ACTION: Commission accepted the internal remedial actions taken by licensee
STATUS: Closed

Table 6 – Cont'd

WESTERN BROADCASTING SERVICES LTD.

HOT 102 FM

DATE OF BREACH:	August 10, 2015
COMPLAINT NUMBER:	2015060500
NATURE OF COMPLAINT:	Transmission of song with profane, sexually explicit lyrics'
NATURE OF BREACH:	Breach of the TSBR and Code
COMMISSION DECISION:	Breach of Licence
REMEDIAL ACTION:	Commission verified that the licensee's logger and delay equipment was functional
STATUS:	Closed

Table 6 – Cont'd

TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES NETWORK CABLE SERVICES LIMITED

DATE OF BREACH: July 28, 2015
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licence in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

CORNWALL COMMUNICATIONS LIMITED

DATE OF BREACH: September 24, 2015
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licence in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

FIRST CHOICE LIMITED

DATE OF BREACH: September 24, 2015
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licence in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

STARCOM CABLEVISION LIMITED

DATE OF BREACH: September 24, 2015
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licence 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.**