



MONITORING & COMPLIANCE REPORT

JANUARY – MARCH 2016



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EXECUTIVE SUMMARY
BCJ - Quarterly Monitoring & Compliance Report
(January – March 2016)

During the period January – March 2016, five (5) Notices of Breach of Licence were issued. Four (4) were issued to Subscriber Television Operators and one (1) to a Broadcast Radio Operator. The number of breaches were forty-one (41) less than that of the previous quarter, October - December - 2015.

One hundred and sixteen (116) contacts were recorded for the period January – March 2016. Of this number, twelve (12) were complaints, which resulted in investigations of broadcast radio and television operators. All of the complaints were content standards related. There was an increase of ten (10) when compared with the previous quarter, October– December 2015.

The remaining one hundred and four (104) contacts consisted of queries, requests and comments about other operational issues pertaining to licensed operators and the work of the Commission.

Five (5) subscriber television licensees were inspected during the period under review, to determine their compliance with technical standards.

In relation to the payment of annual licence fees, nineteen (19) subscriber television (STV) operators, or 41% of all licensees, paid in full; ten (10) or 22% made partial payments and seventeen (17) or 37%, were non-compliant. There was a decrease of three (3) in the number of full payments recorded, when compared to the previous quarter. The number of licensees who made partial payments increased by one (1) and there was an increase of two (2) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

One hundred and sixteen (116) contacts were recorded for the period, January – March 2016. There were twelve (12) complaints investigations and five (5) Notices of Breach of Licence.

BREAKDOWN OF CONTACTS

	January 2016	February 2016	March 2016	Total
<u>Queries, Requests and Reports:</u>				
Licence Application process	-	2	1	3
Poor reception from Free to Air Television stations	1	-	7	8
Loss of cable channels	1	1	1	3
Exclusive Broadcast Rights Issues	1	2		3
Digital convertor boxes issues	1	3	2	6
Whether the Commission regulates subscribers fee	1	1	1	3
IPP's requesting information	-	2	-	
COMPLAINTS	-	3	9	12
Other operational issues	26	20	30	76
TOTAL	31	34	51	116

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated twelve (12) complaints relating to the broadcast of problematic content. The number of complaints investigated increased by ten (10) when compared to the period October - December 2015

Table 1 details the complaints investigated relating to content standards from January to March 2016, 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 2013.

Table 1

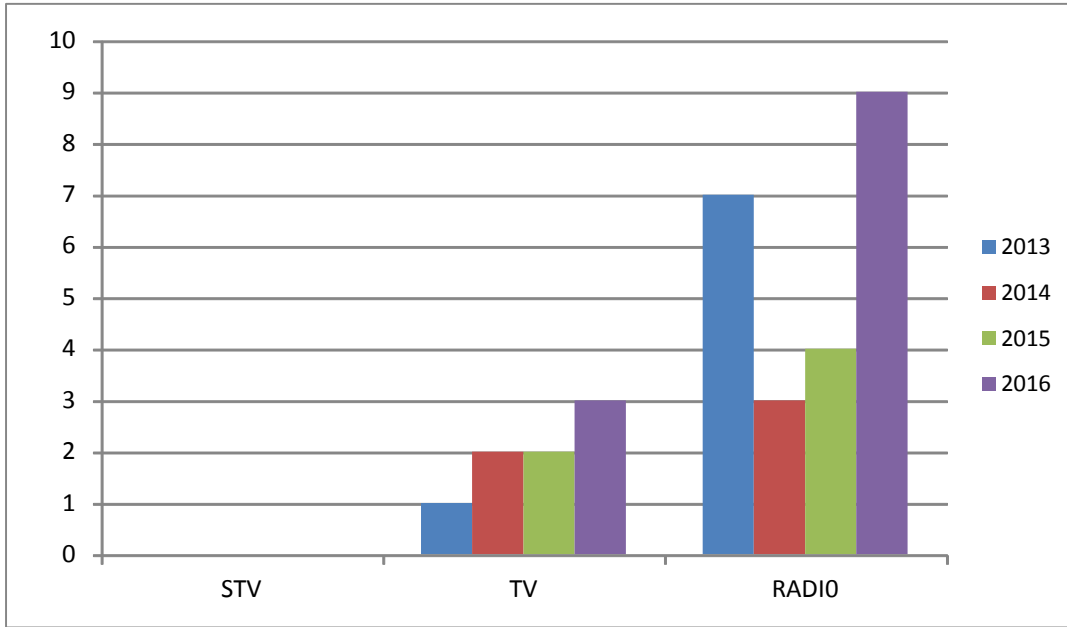
Content Standards Complaints Investigated: January– March 2016

	Alleged slander during News watch	Transmission of a s excessive language	Transmission in breach of Jamaican law	Transmission of song in breach of the Scheduling requirement	Transmission of song with indecent and profane matter	Transmission of song with mild sexual content	Transmission of song with mild language	Transmission of excessive language during movie	Transmission of song containing violent lyrics	TOTAL
CVM TELEVISION	1								1	2
Grove Broadcasting (Irie FM)				1						1
Kommerical Suites (Mega Jamz)					1					1
Mother in Crisis (Suncity Radio)									1	1
Radio Jamaica Limited (RJR) 94FM					1					1
S & B Communications (Fyah 105)						2	1			3
Television Jamaica Ltd.								1		1
Universal Media Co. Ltd.		1								1
Western Broadcasting (Hot 102)			1							1
TOTAL										12

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

Figure 1:

**CONTENT STANDARD COMPLAINTS INVESTIGATED
Trends for Quarter (January - March) from 2013 to 2016**



	2013	2014	2015	2016
STV	0	0	0	0
TV	1	2	2	3
RADIO	7	3	4	9

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of five (5) 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: January– March 2016

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Horizon Entertainment and Communications Ltd	Regulations: 17(1)(d),17(1)(a), 17(1)(g)ii,17(4)(d), 17(4)(e), Breach of Licence - non provision of service in licenced zone	Breach letter sent to licensee on January 29, 2016.
2.	Logic One Limited	Regulations: 17(4)(b)	Breach letter sent to licensee on February 3, 2016.
3.	Marimax Communication Ltd.	Regulations:17(4)(d), 17(4)(e), 17(4)(b)	Licensee directed to address breaches within three months.
	Telstar Cable Ltd.	Regulations: 17(4)(d), 17(4)(e),17(4)(b)	Licensee directed to address breaches within three months.
5.	Unique Vision Cable Company Ltd.	Regulations: 17(4)(d), 17(4)(e),17(4)(b) Breach of Licence - non provision of service in licenced zone	Licensee directed to address breaches within three months.

***Breach of licence (1) - Operating a non-addressable system**

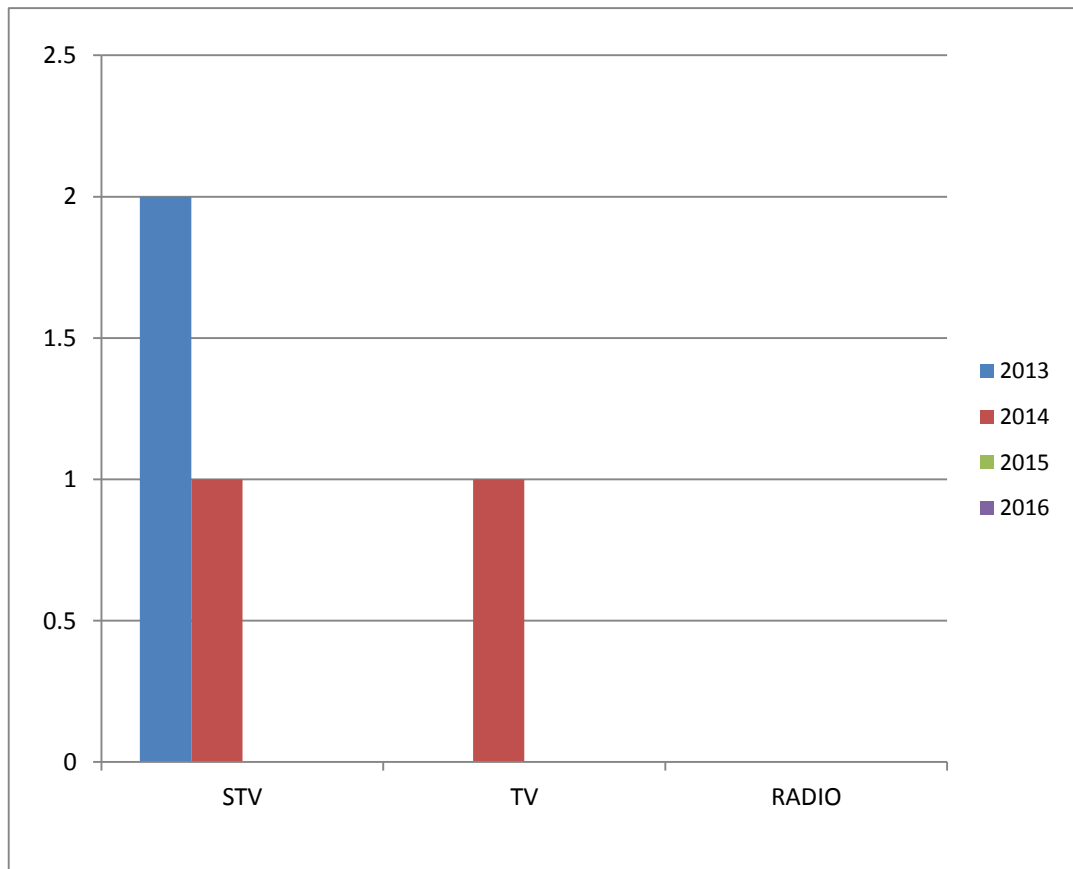
TECHNICAL COMPLAINTS INVESTIGATIONS

For the period under review, there were no complaints relating to the technical quality of any subscriber television service operator. The preceding period, October-December 2015, 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 (January– March) from 2013 to 2016



6

	2013	2014	2015	2016
STV	2	1	0	0
TV	0	1	0	0
RADIO	0	0	0	0

COMPLAINTS RESOLUTION

Except for matters which 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.

Two (2) investigations were resolved between January – March, 2016.

Table 3
Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television Broadcast Television Broadcast Radio	2
Total	2

Table 4
Resolution of Complaints by Category

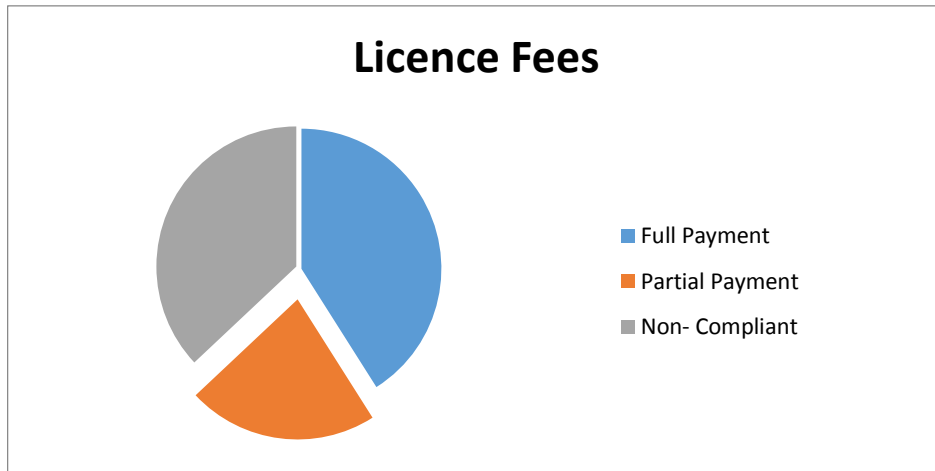
CATEGORY	TOTAL
Closed - Complied with required remedial action for breach of licence <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 	 1 -
Closed - No Evidence of Breach <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 	 1
No Sanction Applied <ul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

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.

Payment performance is illustrated in **Figure 3**.

Figure 3



Full Payment	-	41%
Partial Payment	-	22%
Non- Compliant	-	37%

**STV Licensees Financial Compliance
For quarter ended March 31, 2016**

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2011	2012	2013	2014	2015	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	no		✓	
3	Cabletron Network Systems Ltd.	yes	yes	no	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	no	✓		
6	Columbus Communications - FLOW	yes	yes	yes	no	no	✓		
7	Combined Communications Ltd.	yes	yes	yes	yes	no		✓	
8	Communicable Ltd.	no	no	no	no	no		✓	
9	Cornwall Communications Ltd.	yes	yes	yes	no	no		✓	
10	CTL Limited	yes	yes	yes	yes	no	✓		
11	Digicel Jamaica (formerly Telstar Cable Ltd)	yes	yes	yes	no	no	✓		
12	Direct Cable Systems Ltd.	yes	yes	yes	no	no			✓
13	First Choice Cable	yes	yes	yes	yes	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	no		✓	
16	Guthrie's Communications Ltd	yes	yes	yes	no	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	no	✓		
21	Logic One Limited	yes	yes	yes	yes	no	✓		
22	Marimaxx Communications Ltd.	no	no	no	no	no			✓
23	Mars Cable Vision Ltd.	yes	yes	yes	yes	no		✓	

STV Licensees Financial Compliance (contd)

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2011	2012	2013	2014	2015	Paid In Full	Partial Payment	Non-Compliant
24	McKoy Cable Television Co. Ltd.	no	yes	yes	yes	no			✓
25	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓
26	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	no	✓		
27	Nems Electrical & Satellite Ltd.	n/a	n/a	n/a	n/a	n/a			✓
28	Network Cable Service	n/a	n/a	n/a	no	no	✓		
29	Odyssey Cable Vision Limited	yes	no	yes	yes	no	✓		
30	Procables Network Limited	n/a	n/a	n/a	n/a	n/a	✓		
31	QES 46 Limited	yes	yes	yes	no	no		✓	
32	Quality Cable Service	n/a	n/a	no	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	no	no			✓
37	Stars Cable Company Ltd.	yes	yes	yes	no	no	✓		
38	St. Thomas Cable Network Limited	yes	yes	yes	no	no		✓	
39	Summit Satellite Systems Limited	yes	yes	yes	no	no			✓
40	Total Cable	no	yes	yes	no	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	no	no			✓

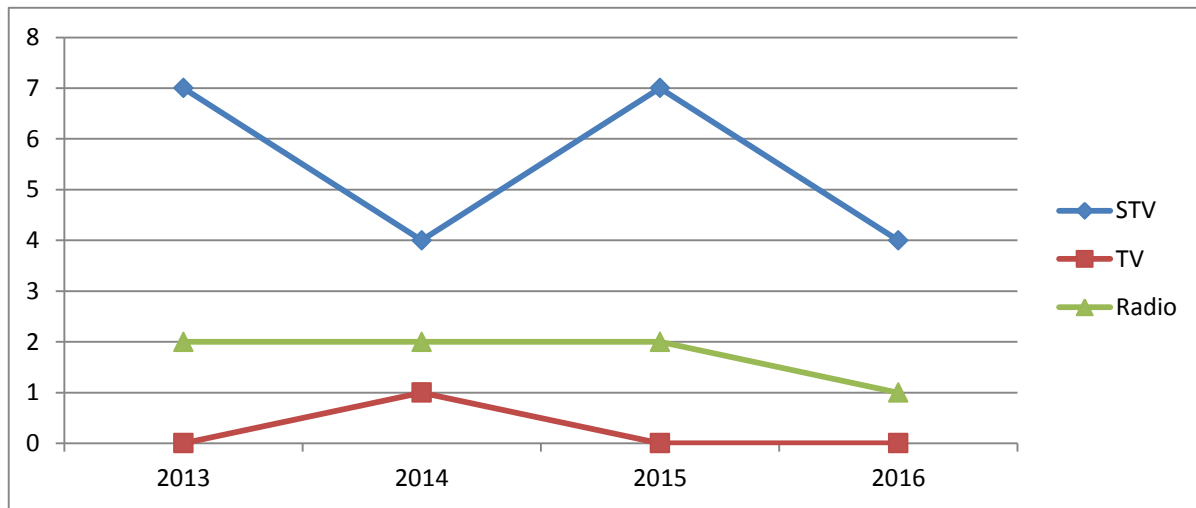
NOTICES OF BREACH

During the period under review, five (5) Notices of Breach were issued to licensees. Four (4) of these notices arose from contravention of Technical Standards and one (1) arose from contravention of Content Standards

Figure 4

NOTICES OF BREACH

TREND IN BREACHES COMMITTED (BY SERVICE)



	2013	2014	2015	2016
STV	7	4	7	4
TV	0	1	0	0
RADIO	2	2	2	1

Table 6

BREACHES BY LICENSEES BREACHES BY BROADCAST LICENSEES

St. Bess Radio FM Company

Bess FM

DATE OF BREACH: February 3, 2016
COMPLAINT NUMBER: 2015120300
NATURE OF COMPLAINT: Transmission of song with excessive language
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

SUBSCRIBER TELEVISION OPERATORS

Cable one Jamaica Ltd.

DATE OF BREACH: January 29, 2016
NATURE OF COMPLAINT: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to address breach within three months
STATUS: Open

Central Clarendon Cable Company.

DATE OF BREACH: February 2, 2016
NATURE OF COMPLAINT: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to address breach within three months
STATUS: Open

Total Cable

DATE OF BREACH: February 4, 2016
NATURE OF COMPLAINT: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to address breach within three months
STATUS: Open

Wilson's Enterprise

DATE OF BREACH: February 26, 2016
NATURE OF COMPLAINT: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee given until October to address breach
STATUS: Closed

**** 'Date of Breach' is meant to indicate the date on which the Commission made a determination that there was contravention by the licensee, pursuant to Section 20 of the Broadcasting and Radio Re-diffusion Act**