



MONITORING & COMPLIANCE QUARTERLY REPORT

APRIL – JUNE 2015



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EXECUTIVE SUMMARY
BCJ- Quarterly Monitoring & Compliance Report
(April – June 2015)

During the period April – June 2015, eleven (11) Notices of Breach of Licence were issued to five (5) broadcast radio licensees, three (3) broadcast television licensees and three (3) to subscriber television licensees. There was an increase of two (2) when compared with the previous quarter, January – March 2015.

One hundred and eighty two (182) contacts were recorded for the period April – June 2015. Of this number, fifteen (15) were complaints, which resulted in investigations of broadcast radio and television operators. One hundred and sixty seven (167) were queries or comments about other operational issues pertaining to licensed operators and the work of the Commission.

All fifteen (15) complaints were matters relating to content standards. There was an increase of nine (9) when compared with the previous quarter, January – March 2015.

Six (6) 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, seventeen (17) subscriber television (STV) operators, or 41% of all licensees paid in full; eleven (11) or 26% made partial payments and fourteen(14) or 33% were non-compliant. There was an increase of one (1), in the number of full payments recorded when compared to the previous quarter. The number of licensees who made partial payments remained the same. However, there was a decrease of one (1) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

One hundred and eighty two (182) contacts were recorded for the period, April – June 2015. There were fifteen (15) investigations and eleven (11) Notices of Breach of Licence were issued.

BREAKDOWN OF CONTACTS

	April 2015	May 2015	June 2015	TOTAL
QUERIES, REQUESTS AND REPORTS:				
Licence Application process	3	-	3	6
Complaints received and investigated	6	3	6	15
Matters concerning exclusive broadcast rights	44	3	3	50
Subscriber Television Copyright Compliance Campaign Issues	-	9	4	13
Regulation regarding the transmission of content in Spanish	-	-	2	2
Commission's role in regulating fees paid by cable subscribers	-	-	2	2
Poor technical coverage by CVM Television Limited	-	-	3	3
Regulation of Independent Programme Providers	2	-	-	2
Regulation of rebates to subscribers by cable operators	4	2	-	6
Other operational issues (with the exception of those indicated above)	23	35	25	83
TOTAL	82	52	48	182

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated fifteen (15) complaints relating to the broadcast of problematic content. This is an increase of nine (9) when compared to the preceding period January –March 2015.

Table 1 details the complaints investigated relating to programming standards between April and June 2015 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 2012.

Table 1

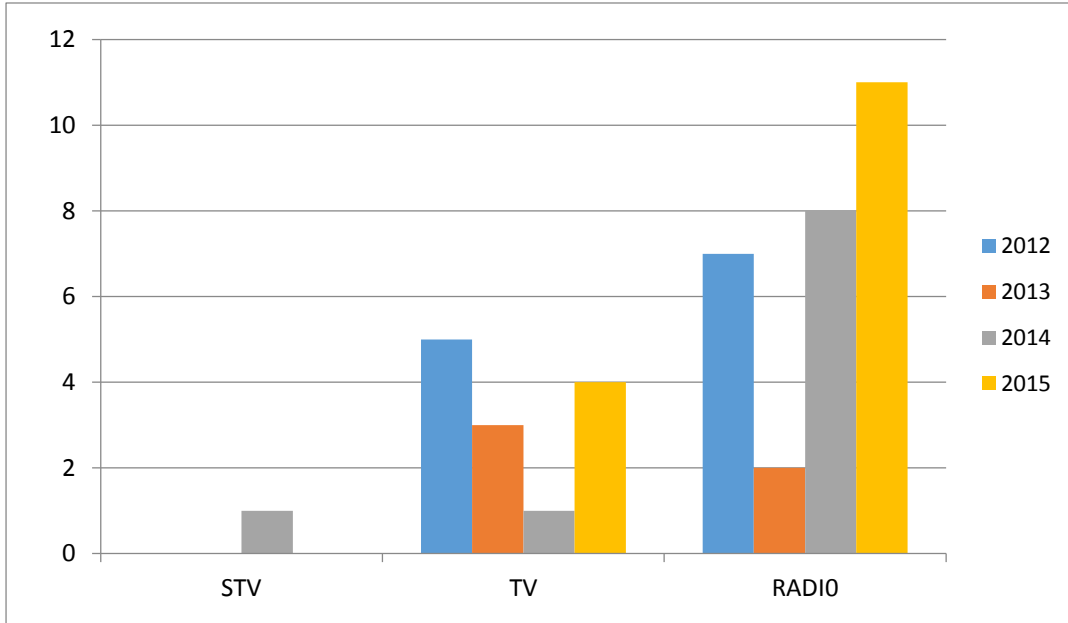
Content Standards Complaints Investigated: April – June 2015

	Transmission of content with indecent & profane language	Transmission of songs with sexually explicit lyrics	Transmission of song with violent lyrics	TOTAL
CVM Television Ltd.	2			2
Fame 95 FM	1	2	1	4
Grove Broadcasting (ZIP 103 FM)	1	1		2
S&B Communications Limited (FYAH 105FM)	1	1		2
St Bess Radio (Bess 100 FM)	1			1
Television Jamaica Ltd.	1		1	2
Western Broadcasting Ltd. (Hot102 FM)	1			1
Yard Broadcasting Ltd (LINKZ FM)		1		1
TOTAL	8	5	2	15

***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 2012 to 2015



	2012	2013	2014	2015
STV	0	0	1	0
TV	5	3	1	4
RADIO	7	2	8	11

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of six (6) 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 2015

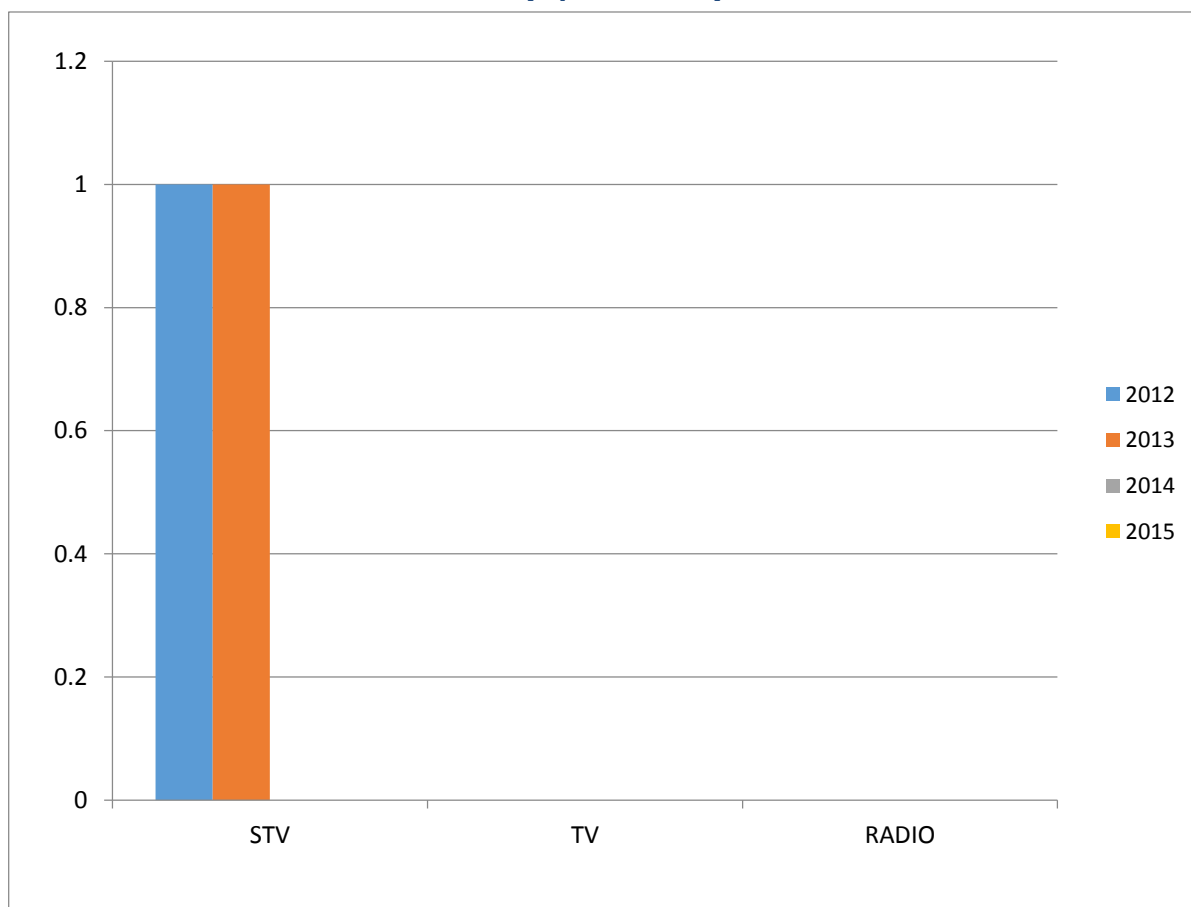
	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1	Guthrie's Communications Limited	16(1),17(1)(g)(ii), 17(1)(f),17(1)(b), 17(1)(a),17(4)(b), 17(1)(h),17(4)(d), 17(4)(e), Breach of licence(1),Breach of licence(2)	Breach letter dated May 29, 2015 sent to licensee.
2	Inntech Communications Limited	17 (4)(e)	Licensee advised of breach.
3	Vere Cable Network Company Limited	15(b),16(1),17(4)(d), 17(4)(e),17(1)(h), 17(1)(b),17(1)(d)	Breach letter dated June 26, 2015 sent to licensee.
4	ProCable Network Limited	17(4)(d),71(4)(e), 17(1)(d), 15(a)	Licensee advised of breach and given deadline to address breaches.
5	General Satellite Network Limited	17(1)(h)	Licensee advised of breach and given deadline to address breach.
6	Cornwall Communications Limited	17(1)(h), 15(a) & Breach of Licence (2)	Breach letter dated July 16, 2015 sent to licensee.

TECHNICAL COMPLAINTS INVESTIGATIONS

For the period under review, there were no complaints relating to the technical quality of subscriber television service. The preceding period, January–March 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 (April – June) from 2012 to 2015



	2012	2013	2014	2015
STV	1	1	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.

Eleven (11) investigations were resolved between April and June, 2015.

Table 3
Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television	-
Broadcast Television	2
Broadcast Radio	9
Total	11

Table 4
Resolution of Complaints by Category

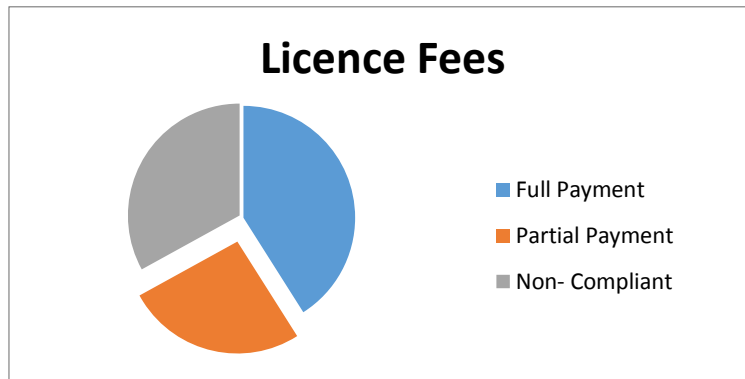
CATEGORY		TOTAL
Closed – Required Remedial Action taken		
• Broadcast Radio	3	3
• Broadcast Television	-	-
Closed – No Evidence of Breach		
• Broadcast Radio	3	3
• Broadcast Television	1	1
Closed – No Sanctions Applied		
• Broadcast Radio	3	3
• Broadcast Television	1	1
Total	11	11

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 - 41%
Partial Payment - 26%
Non- Compliant - 33%

**Table 5 -STV Licensees Financial Compliance
For quarter ended June 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	no	no			✓
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	no	✓		
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	no	✓		
11	Direct Cable Systems Ltd.	no	no	no	no	no			✓
12	First Choice Cable	yes	yes	yes	no	no	✓		
13	General Satellite Network Company	yes	yes	yes	yes	no	✓		
14	Guthrie's Communications Ltd	yes	yes	yes	yes	no			✓
15	Inntech Communications Ltd.	yes	yes	yes	yes	no	✓		
16	Jamaica Cablevision Ltd.	yes	yes	yes	no	no	✓		
17	Linscom Network Limited	yes	yes	yes	yes	no		✓	
18	Logic One Limited	yes	yes	yes	yes	no	✓		
19	Marimaxx Communications Ltd.	no	no	no	no	no	✓		
20	Mars Cable Vision Ltd.	yes	yes	yes	no	no		✓	
21	McKoy Cable Television Co. Ltd.	yes	no	yes	yes	no			✓
22	Mega International Co. Ja. Ltd.	no	no	no	no	no			✓
23	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓

STV Licensees Financial Compliance
For quarter ended June, 2015 cont'd.

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

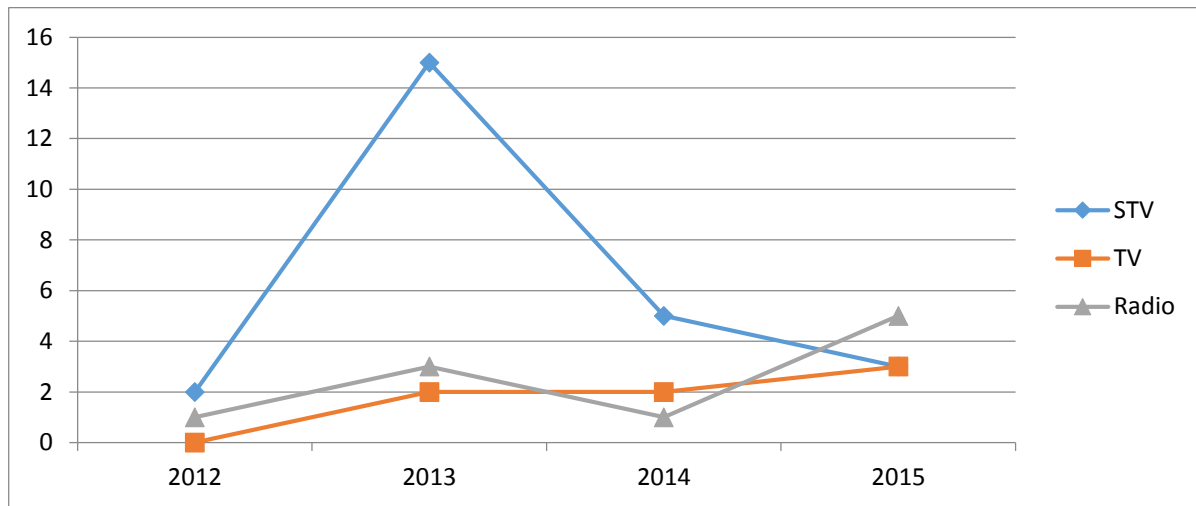
NOTICES OF BREACH

During the period under review, eleven (11) Notices of Breach were issued to licensees, eight (8) of these notices arose from contravention of Content Standards and three (3) arose from contravention of Technical Standards.

Figure 4

NOTICES OF BREACH

TREND IN BREACHES COMMITTED (BY SERVICE)



	2012	2013	2014	2015
STV	2	15	5	3
TV	0	2	2	3
RADIO	1	3	1	5

Table 6

BREACHES BY LICENSEES

BREACHES BY BROADCAST RADIO LICENSEES

GROVE BROADCASTING COMPANY LIMITED (ZIP 103 FM)

DATE OF BREACH: April 15, 2015
COMPLAINT NUMBER: 2015021700
NATURE OF COMPLAINT: Transmission of content containing profanity.
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

GROVE BROADCASTING CO. LIMITED (IRIE FM)

DATE OF REACH: April 10, 2015
COMPLAINT NUMBER: 2014062401
NATURE OF COMPLAINT: Transmission of song with violent lyrics.
NATURE OF BREACH: Breach of the TSBR & the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: No sanction applied-licensee strongly warned against repeating violation.
STATUS: Closed

RADIO JAMAICA LIMITED (FAME 95 FM)

DATE OF BREACH: April 16, 2015
COMPLAINT NUMBER: 2015021000
NATURE OF COMPLAINT: Transmission of content containing profanity.
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

DATE OF BREACH: June 10, 2015
COMPLAINT NUMBER: 2015041300
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: No Sanction-licensee directed to cease airing of offensive version of song.
STATUS: Closed

S&B COMMUNICATION LIMITED (FYAH 105)

DATE OF BREACH: June 10, 2015
COMPLAINT NUMBER: 2015041302
NATURE OF COMPLAINT: Transmission of song containing mildly offensive language.
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.

BREACHES BY TELEVISION LICENSEES

CVM TELEVISION LIMITED

DATE OF BREACH: April 15, 2015
COMPLAINT NUMBER: 2015030400
NATURE OF COMPLAINT: Transmission of adult-themed discussion before watershed
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: No sanction, licensee cautioned.
STATUS: Closed

DATE OF BREACH: June 10, 2015
COMPLAINT NUMBER: 2015041301
NATURE OF COMPLAINT: Transmission of content containing profanity
NATURE OF BREACH: Breach of TSBR & the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to transmit apology
STATUS: Closed

TELEVISION JAMAICA LIMITED

DATE OF BREACH: June 10, 2015
COMPLAINT NUMBER: 2015043000
NATURE OF COMPLAINT: Transmission of content containing violent lyrics
NATURE OF BREACH: Breach of TSBR, the February 2009 Directives and the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to transmit apology- Licensee complied
STATUS: Closed

BREACHES BY SUBSCRIBER TELEVISION LICENSEES

QUES 46

DATE OF BREACH: April 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

GUTHRIE'S COMMUNICATIONS LIMITED

DATE OF BREACH: May 29, 2015
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licence in breach
REMEDIAL ACTION: Licensee given deadline to address breaches
STATUS: Open

VERE CABLE NETWORK COMPANY LIMITED

DATE OF BREACH: June 26, 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.