



MONITORING & COMPLIANCE REPORT

OCTOBER – DECEMBER 2015



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EXECUTIVE SUMMARY

BCJ - Quarterly Monitoring & Compliance Report

(October – December 2015)

During the period October – December 2015, forty six (46) Notices of Breach of Licence were issued to two (2) broadcast radio licensees, and forty four (44) to subscriber television licensees. The number of breaches were thirty five (35) more than that of the previous quarter, July - September - 2015.

One hundred and ninety three (193) contacts were recorded for the period October – December 2015. Of this number, two (2) were complaints, which resulted in investigations of broadcast radio operators. One of the complaints concerned copyright infringement, while the other related to content standards. There was a decrease of four (4) when compared with the previous quarter, July– September 2015.

The remaining one hundred (191) contacts consisted of queries, requests 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 annual licence fees, twenty two (22) subscriber television (STV) operators, or 48% of all licensees, paid in full; nine (9) or 19% made partial payments and fifteen (15) or 33%, 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 increased by three (3) and there was a decrease of five (5) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

One hundred and ninety three (193) contacts were recorded for the period, October – December 2015. There were two (2) complaints investigations and forty six (46) Notices of Breach of Licence.

BREAKDOWN OF CONTACTS

	October 2015	November 2015	December 2015	Total
<u>Queries, Requests and Reports:</u>				
Licence Application process		3	3	6
Copyright Compliance Campaign-Paying more for fewer Channels	13	-	2	15
Issues relating to rebates based on Commission's Directive-Removal of channels.	20		-	20
Subscribers difficulty in contacting STV licensees	5	-	-	5
Exclusive Broadcast Rights Issues	30	-		30
Digital convertor boxes acquisition issues	3	-	4	7
Poor STV Technical	-	7	-	7
COMPLAINTS	1	-	1	2
Other operational issues	53	19	29	101
TOTAL	125	29	39	193

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated two (2) complaints relating to the broadcast of problematic content. The number of complaints investigated decreased by four (4) when compared to the period July - September 2015

Table 1 details the complaints investigated relating to content standards from October to December 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.

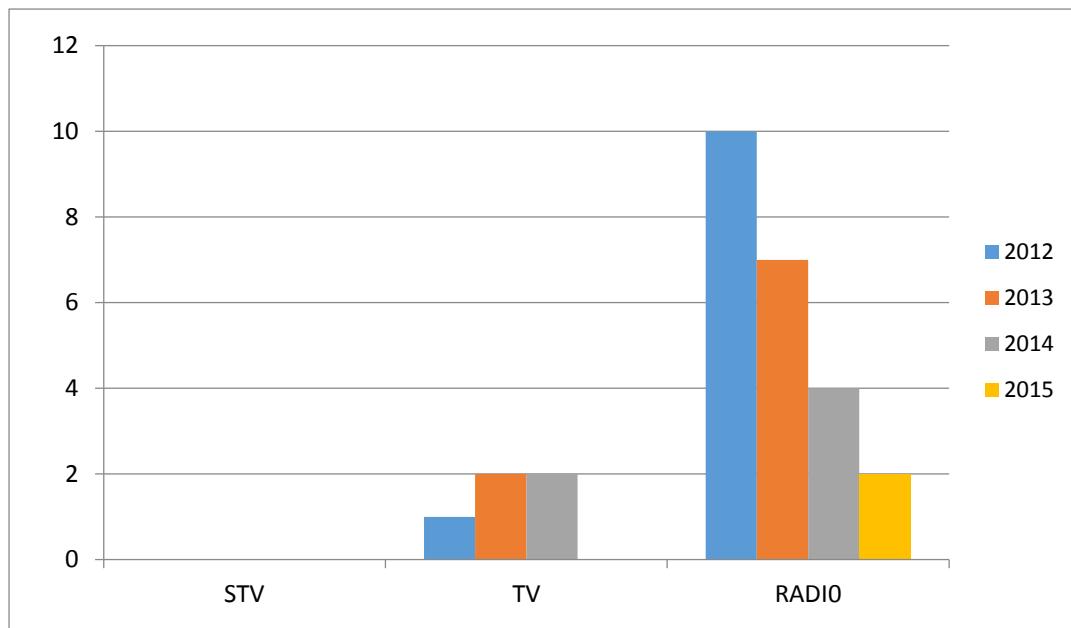
Table 1

Content Standards Complaints Investigated: October – December 2015

	Using the airwaves to promote copyright infringement	Transmission of a song with the words “spending all my fucking pay”,	TOTAL
Grove Broadcasting Company Limited (IRIE FM)	1		1
St. Bess Radio FM Company Limited		1	1
TOTAL	1	1	2

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

Figure 1:
CONTENT STANDARD COMPLAINTS INVESTIGATED
Trends for Quarter (October - December) from 2012 to 2015



	2012	2013	2014	2015
STV	0	0	0	0
TV	1	2	2	0
RADIO	10	7	4	2

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: October– December 2015

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Cable One Jamaica Limited	Regulations: 17(1)(b),17(1)(h), 17(4)(b),17(4)(d), 17(4)(e), *Breach of licence(1)	Breach letter sent to licensee on January 29, 2016.
2.	Central Clarendon Cable Limited	Regulations:17(1)(b), 15(a),15(b),17(1)(f), 17(4)(d), 17(4)(e),*Breach of Licence(1)	Breach letter sent to licensee on February 3, 2016.
3.	Combined Communications Limited	Regulations:17(1)(h), 17(4)(e)	Licensee directed to address breaches within three months.
4.	Communicable Limited	Regulations: 15(a),17(4)(b)	Licensee directed to address breaches within three months.
5.	Direct Cable Systems Limited	* Breach of Licence(1)	Licensee directed to address breaches within three months.
6.	Somane Pesole Communications Limited	Regulations: 17(1)(a),17(1)(g)(ii), 15(a),15(b),16(1), 32(a)	Licensee directed to address breaches within three months.
7.	Total Cable Limited	Regulations: 17(4)(d), 17(4)(e),17(1)(b),15(a), 17(1)(h).*Breach of Licence(1)	Breach letter sent to licensee on February 4, 2016.
8.	Tru-Star Cable Television Network Limited	Regulations: 16(1),17(h),17(4)(e),17(4)(d)	Breach Letter sent to licensee on December 01, 2015
9.	Venus Cable Service Limited	Regulations:17(1)(b), 17(1)(h),17(4)(b), 17(4)(e),17(4)(d) *Breach of licence(1)	Breach letter sent to licensee on December 01, 2015

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

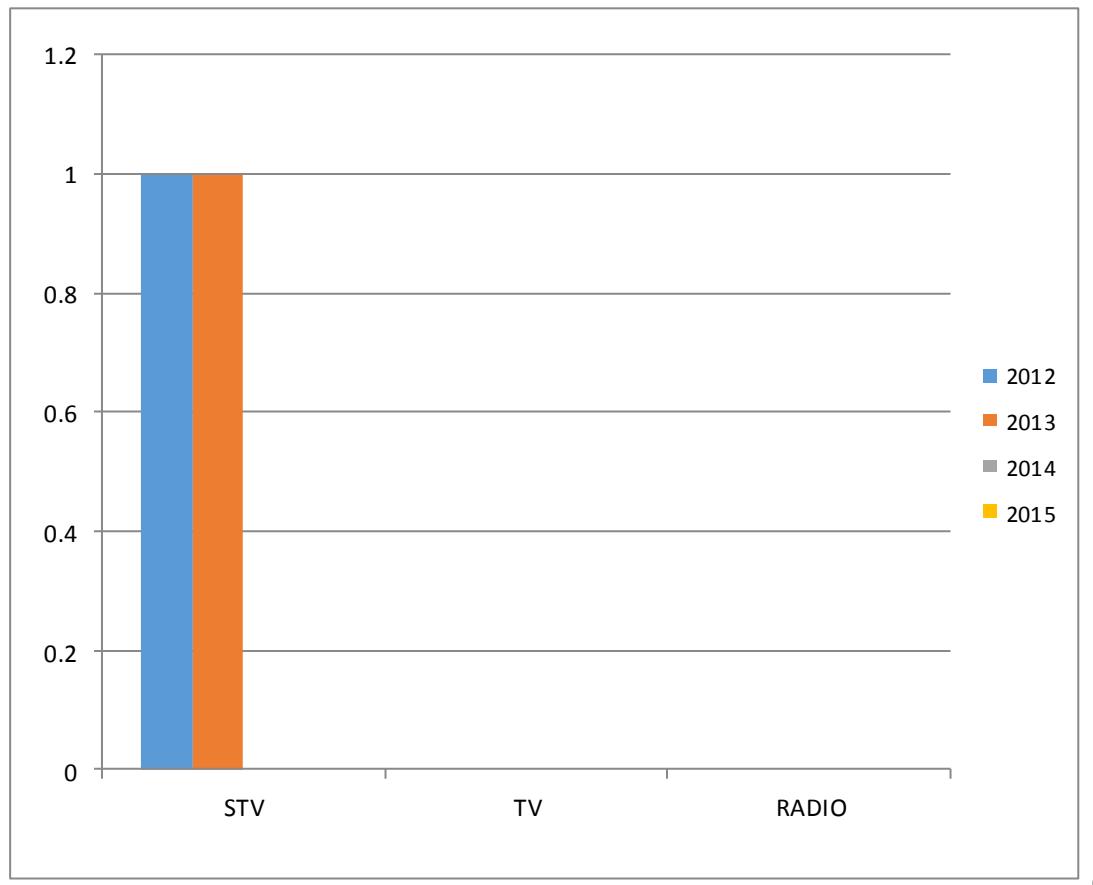
TECHNICAL COMPLAINTS INVESTIGATIONS

For the period under review, there were no complaints relating to the technical quality of any subscriber television service operator. The preceding period, July-September 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 (October– December) from 2012 to 2015



6

	2012	2013	2014	2015
STV	1	1	0	0
TV	0	0	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.

Ten (10) investigations were resolved between October – December, 2015.

Table 3
Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television	1
Broadcast Television	1
Broadcast Radio	8
Total	10

Table 4
Resolution of Complaints by Category

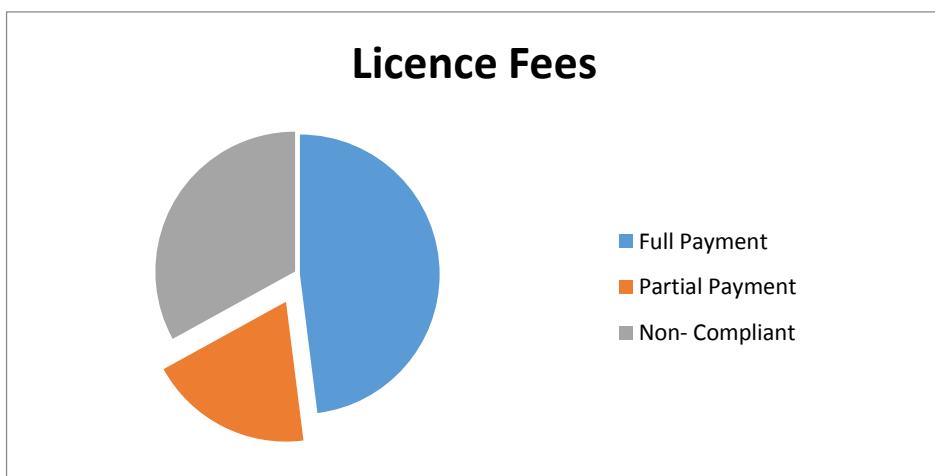
CATEGORY	TOTAL
Closed - Complied with required remedial action for breach of licence <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 	4 -
Closed - No Evidence of Breach <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 	2 1
No Sanction Applied <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 	2 -
Internal Remedial Action taken <ul style="list-style-type: none"> • Subscriber Television 	1
Total	10

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	- 48%
Partial Payment	- 19%
Non- Compliant	- 33%

Table 5
STV Licensees Financial Compliance
For quarter ended December 31, 2015

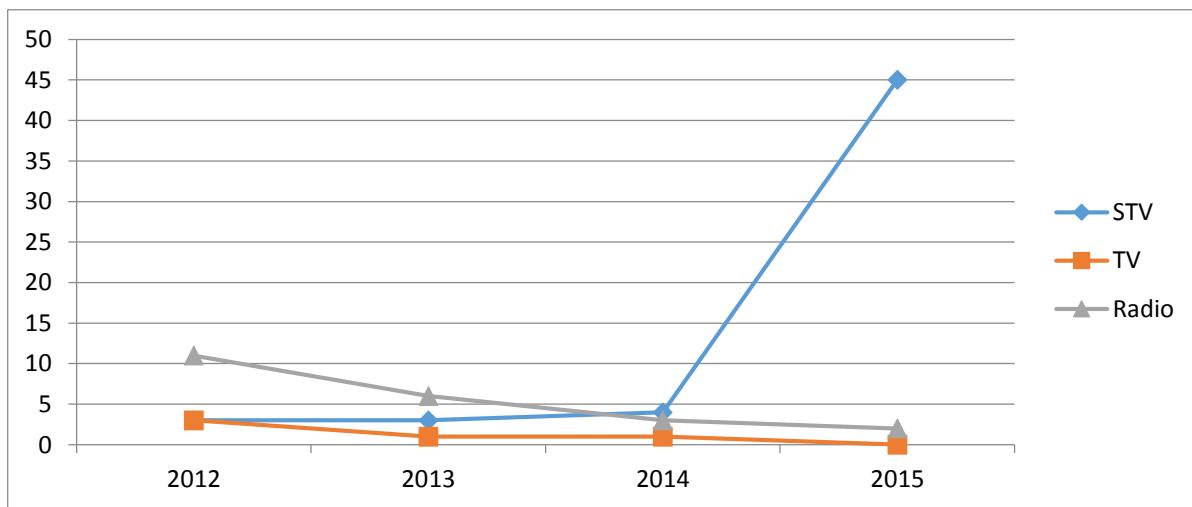
LICENSEES	SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
	2010	2011	2012	2013	2014	Paid in Full	Partial Payment	Non-Compliant
1 Astra Technology Ltd.	yes	yes	yes	yes	no	✓		
2 Cable One Jamaica Ltd.	yes	yes	yes	yes	yes			✓
3 Cabletron Network Systems Ltd.	yes	yes	yes	no	no			✓
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	yes		✓	
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	yes	✓		
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	yes	✓		
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		✓	

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	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓
26	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	no	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	n/a	no	✓		
29	Odyssey Cable Vision Limited	yes	yes	no	yes	yes	✓		
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, forty six (46) Notices of Breach were issued to licensees. Three (3) of these notices arose from contravention of Content Standards and four (4) arose from contravention of Technical Standards, the remaining thirty nine (39) arose from Contravention of Copyright Laws.

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



	2012	2013	2014	2015
STV	3	3	4	44
TV	3	1	1	0
RADIO	11	6	3	2

Table 6
BREACHES BY LICENSEES
BREACHES BY BROADCAST LICENSEES

RADIO JAMAICA LIMITED

FAME 95 FM

DATE OF BREACH:	October 12, 2015
COMPLAINT NUMBER:	2015090300
NATURE OF COMPLAINT:	Transmission on 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
STATUS:	Closed

RADIO JAMAICA LIMITED

HITZ 92 FM

DATE OF BREACH:	October 12, 2015
COMPLAINT NUMBER:	2015082400
NATURE OF COMPLAINT:	*Transmission song with profane lyrics
NATURE OF BREACH:	*Breach Regulation 11(3) TSBR -failure to keep slow tapes
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee issued with Notice of Breach, Commission refrained from imposing additional remedial actions
STATUS:	Closed

*Transmission could not be verified-no recording

Content Standard

CABLE AND WIRELESS COMMUNICATIONS LIMITED/ FLOW

DATE OF BREACH: October 12, 2015
COMPLAINT NUMBER: 2015070800
NATURE OF BREACH: Breach of **Regulation 30 (a)** of the **TSBR, the copyright Act** and its **licence**
COMMISSION DECISION: Licence in breach
REMEDIAL ACTION: Commission accepted licensee's internal remedial action
STATUS: Closed

BREACHES OF COPYRIGHT LAW

a. Breach of Licence for failure to comply with Directives

DATE OF BREACHES: October 23, 2015

LICENSEES:

1. Cable One Jamaica Limited
2. Central Clarendon Cable
3. Direct Cable Limited
4. Mike's Electronics & Cable
5. Network Cable Services
6. Silly Video Cable Network
7. Venus Cable Services

COMMISSION DECISION: Licensees in breach
REMEDIAL ACTION: Information requested from licensees.
STATUS: Open

b. Breach of Section 8.2 of Licence, 30(a) of the TSBR and the Copyright Act
(Failure to comply with Directives contained in advisories from the Commission re: non-authorization of channels)

DATE OF BREACHES: October 23, 2015

LICENSEES:

1. Linscom Network Limited
2. Modern Re-broadcasting
3. Odyssey Cable Vision
4. St. Thomas Cable Network
5. Unique Vision Cable
6. Vere Cable Network

COMMISSION DECISION:

Licensees in breach

REMEDIAL ACTION:

Licensee directed to cease transmission of channels immediately until authorisation for use is obtained from Rights Owners.

STATUS:

Open

c. Breach of Section 8.2 of Licence, 30 (a) of TSBR and the Copyright Act

(No authorization to transmit channels which are available for licensing either from channel owner or via an intermediary)

DATE OF BREACHES: October 23, 2015

LICENSEES:

1. Astra Technologies Limited Central Communications
2. Central Communications
3. Columbus Communications
4. Combined Communications
5. Communicable Limited
6. Cornwall Communications
7. CTL Limited
8. First Choice Cable
9. Guthrie's Communications

10. Inntech Communications
11. Logic One Limited
12. Marimaxx Communications
13. Mars Cable Limited
14. McCoy's Cable
15. ProCables Network Limited
16. QES 46 Limited
17. Quality Cable Company
18. Santastic Cable Systems
19. Summit Satellite Systems
20. Starcom Cable Vision
21. Stars Cable Limited
22. Telstar Cable Limited
23. Total Cable Limited
24. Tru-Star Cable Television
25. Westar Communications
26. Wilson's Enterprises

COMMISSION DECISION:

Licensees in breach

REMEDIAL ACTION:

Licensees directed to cease transmission of channels immediately until authorization is obtained from Rights Owners.

STATUS:

Open

TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES

Failure to maintain technical standards

DATE OF BREACHES: October 21, 2015 & November 30, 2015

LICENSEES:

1. Pro-cable Network Limited
2. McKoy's Cable & Television Company Limited
3. Venus Cable Services Limited
4. Tru-Star Cable Television Network Limited

COMMISSION DECISION:

Licensees in breach

REMEDIAL ACTION:

Licensee given deadlines 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**