



MONITORING & COMPLIANCE REPORT

OCTOBER – DECEMBER 2016



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EXECUTIVE SUMMARY
BCJ - Quarterly Monitoring & Compliance Report
(October – December 2016)

During the period October – December 2016, Seventeen (17) Notices of Breach of Licence were issued to nine (09) broadcast radio licensees, six (06) broadcast television licensees and two (2) to subscriber television licensees. The number of breaches were thirteen (13) more than that of the previous quarter, July - September - 2016.

Ninety-seven (97) contacts were recorded for the period October – December 2016. Of this number, three (03) were complaints, which resulted in investigations of broadcast radio, television and subscriber television operators. Two complaints were about content, while the other related to technical standards. There was a decrease of ten (10) when compared with the previous quarter, July- September 2016.

The remaining ninety-four (94) contacts consisted of queries, requests and comments about other operational issues pertaining to licensed operators and the work of the Commission.

Eleven (11) 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-two (22) subscriber television (STV) operators, or 47% of all licensees, paid in full; twelve (12) or 25% made partial payments and thirteen (13) or 28%, 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 increased by two (2) and there was a decrease of three (3) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

Ninety-seven (97) contacts were recorded for the period, October – December 2016. There were three (3) investigations and seventeen (17) Notices of Breach of Licence.

BREAKDOWN OF CONTACTS

	October 2016	November 2016	December 2016	Total
<u>Queries, Requests, Complaints and Reports:</u>				
Complaints	-	1	2	3
Difficult with DigiPlay	5	-	4	9
Poor STV Technical Service	3	8	4	15
Exclusive Broadcast Rights	2	-	-	2
Poor Free-to-air Television Technical Service	-	2	4	6
Application Process	2	-	3	5
Other operational issues	19	20	18	57
TOTAL	31	31	35	97

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated two (2) complaints relating to the broadcast of problematic content and one relating to a technical issue by way of tampering. The number of complaints investigated decreased by ten (10) when compared to the period July - September 2016

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

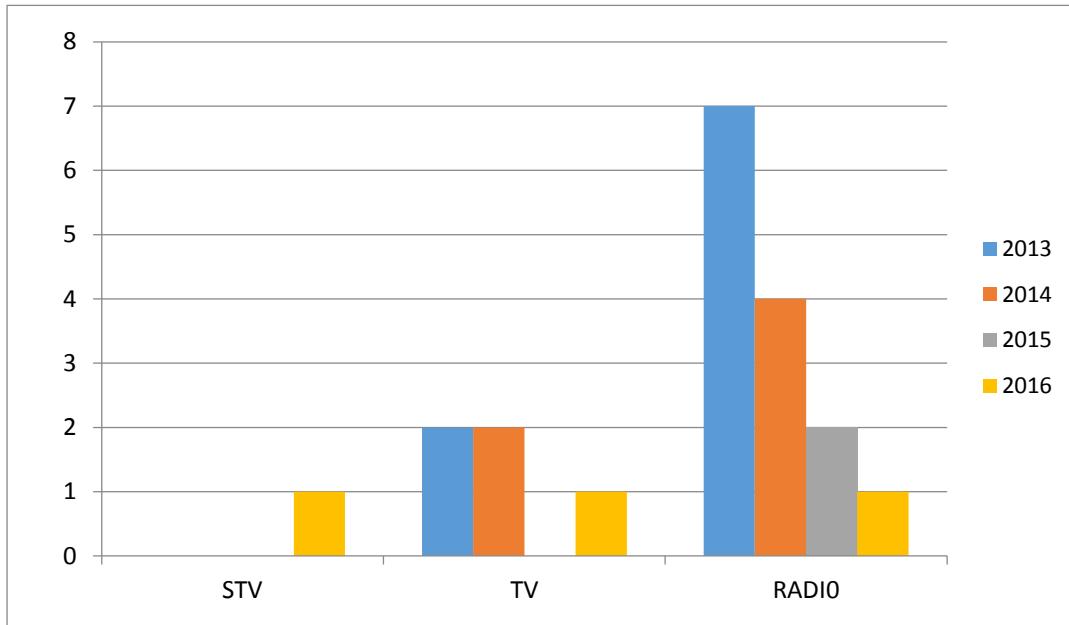
**Content Standards Complaints Investigated:
October – December 2016**

	Transmission of an expletive during the airing of a Manning Cup Football match.	Tampering with another STVO's equipment	Transmission of content containing profanity.	TOTAL
CVM Television Limited	1			1
Digicel Jamaica Limited (DigicelPlay)		1		1
Western Broadcasting Company Limited (Hot 102 FM)			1	1
TOTAL	1	1	1	3

* 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 2013 to 2016



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

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of eleven (11) 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 2016

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Advance Cable Cable Systems Limited	17(4)(d);17(4)(e); Breach of Licence (2)	Letter dated December 16, 2016 sent to licensee with a one (1) month deadline to address breach of licence (2).
2.	CTL Limited	17(4)(d);17(4)(e)	Letter dated December 16, 2016 sent to licensee.
3.	Cable One Jamaica Limited	17(4)(e); 17(4)(d)	Letter dated January 24, 2017 sent to licensee.
4.	First Choice Cable Service Limited	17(1)(b); 17(1)(h), Breach of Licence (1)	Letter dated January 24, 2017 sent to licensee.
5.	Inntech Communications Limited	17(1)(h),17(4)(e)	Letter dated December 16, 2016 sent to licensee.
6.	Nem's Electric and Satellite Limited.	17(1)(b); 17(1)(h);15(a); 16(1); Breach of Licence 1	Breach letter dated December 15, 2016 sent to licensee.
7.	Network Cable Services Limited	17(1)(b); Breach of Licence 1	Letter dated January 24, 2017 sent to licensee.
8.	QES 46 Limited	17(4)(d); 17(4)(e)	Letter dated January 24, 2017 sent to licensee.
9.	Quality Cable Services Limited	17(1)(b);17(4)(d);17(4) (e);15(b);16(1);17(1)(h);24(2); 24(4);17(4)(c)	Letter dated December 14, 2016 sent to licensee.
10	Vere Cable Network Company Limited	17(1)(a);17(1)(b);17(4)(d);17(4)(e); 17(1)(h)	Letter dated December 14, 2016 sent to licensee.

11	Westar Communications Limited	17(4)(e)	Letter dated December 14, 2016 sent to the licensee.
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NB: Breach of Licence [2]: Non-provision of service in licensed zones(s)

Breach of Licence [1]: Operating a non-addressable system.

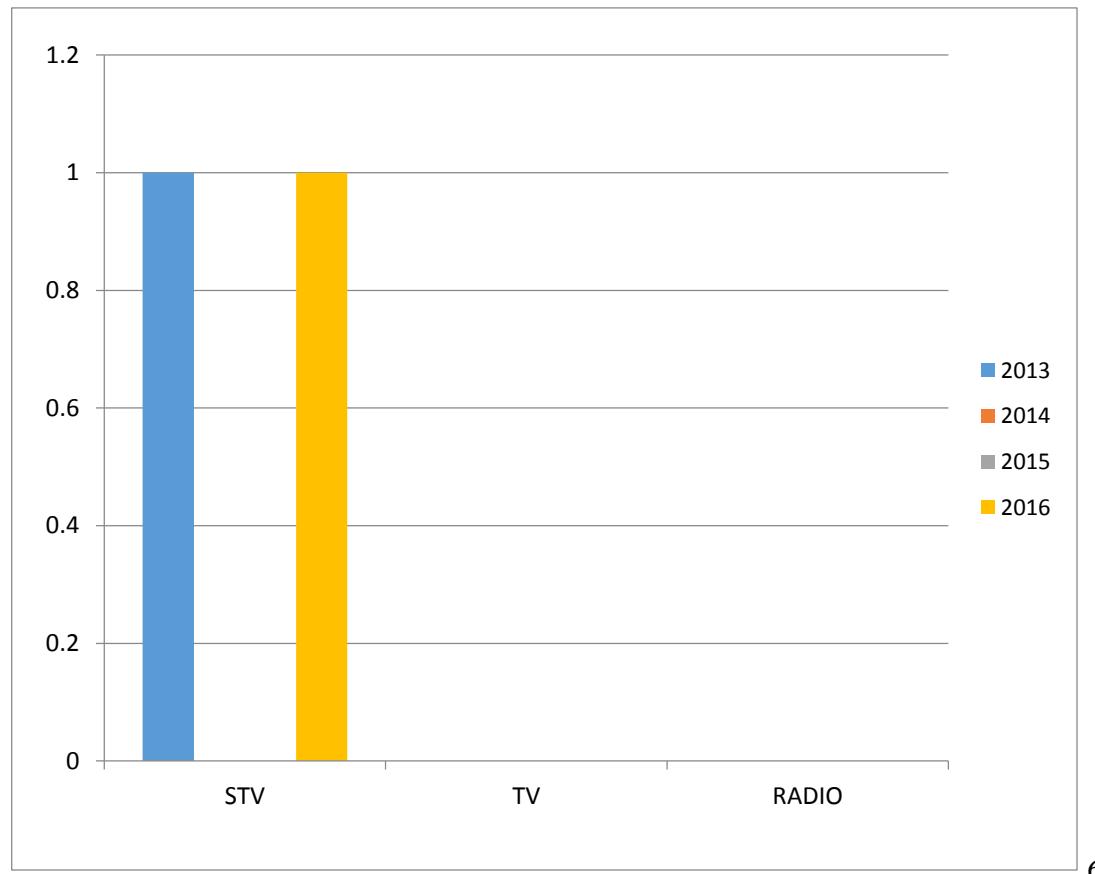
TECHNICAL COMPLAINTS INVESTIGATIONS

For the period under review, there was one (01) complaint relating to the technical quality of subscriber television service. There were no complaints for preceding, July – September 2016, period

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

Figure 2

TECHNICAL STANDARDS REPORT Trends for Quarter (October– December) from 2013 to 2016



6

	2013	2014	2015	2016
STV	1	0	0	1
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.

Seven (07) investigations were resolved between October – December, 2016.

Table 3
Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television	0
Broadcast Television	3
Broadcast Radio	4
Total	7

Table 4
Resolution of Complaints by Category

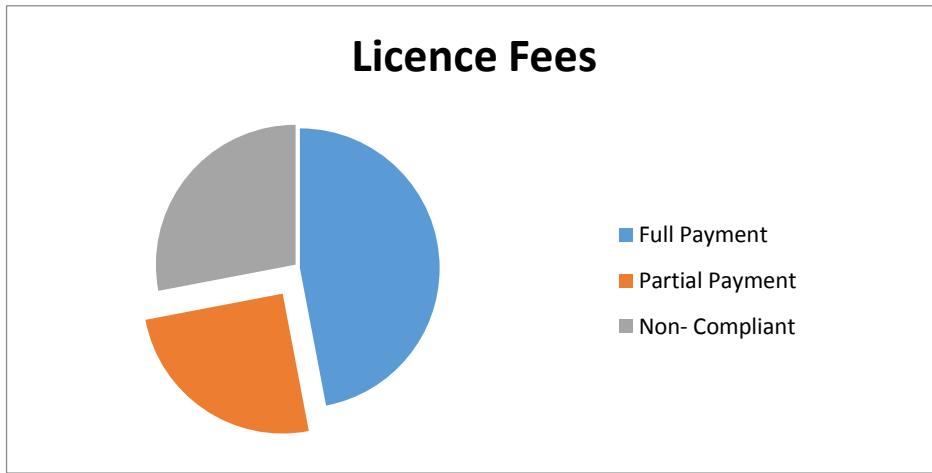
CATEGORY	TOTAL
Closed - Complied with required remedial action for breach of licence <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 	1
Closed - No Evidence of Breach <ul style="list-style-type: none"> • Broadcast Radio 	1
No Further Remedial Action Required <ul style="list-style-type: none"> • Broadcast Radio • Broadcast Television 	3
Total	7

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	- 47%
Partial Payment	- 25%
Non- Compliant	- 28%

STV Licensees Financial Compliance
For quarter ended December 31, 2016

LICENSEES	SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:						LICENCE FEES		
	2012	2013	2014	2015	2016		Paid in Full	Partial Payment	Non-Compliant
1 Advance Cable Systems Ltd.	n/a	n/a	n/a	n/a	no	✓			
2 Astra Technology Ltd.	yes	yes	yes	no	no	✓			
3 Cable One Jamaica Ltd. yes	yes	yes	yes	yes	no	✓			
4 Cabletron Network Systems Ltd.	yes	yes	yes	no	no		✓		
5 Central Clarendon Cable Ltd.	n/a	n/a	n/a	n/a	no				✓
6 Central Communication Services Ltd.	yes	yes	yes	no	no	✓			
7 Columbus Communications - FLOW	yes	yes	yes	yes	no	✓			
8 Combined Communications Ltd.	yes	yes	yes	no	no		✓		
9 Communicable Ltd.	no	no	no	no	no		✓		
10 Cornwall Communications Ltd.	yes	yes	no	no	no		✓		
11 CTL Limited	yes	yes	yes	no	no	✓			
12 Digicel Jamaica (formerly Telstar Cable Ltd)	yes	yes	no	no	yes	✓			
13 Direct Cable Systems Ltd.	yes	yes	no	no	no				✓
14 First Choice Cable	yes	yes	no	no	no		✓		
15 Gemini Cable Network (formerly Silly Video Cable Network Ltd)	yes	yes	yes	no	no	✓			
16 General Satellite Network Company	yes	yes	yes	no	no		✓		
17 Guthrie's Communications Ltd	yes	yes	no	no	no		✓		
18 Horizon Entertainment & Communication	n/a	n/a	n/a	n/a	no	✓			
19 Inntech Communications Ltd.	yes	yes	yes	no	no	✓			
20 Jamaica Cablevision Ltd.	yes	yes	no	no	no	✓			
21 Linscom Network Limited	yes	yes	yes	no	no	✓			
22 Logic One Limited	yes	yes	yes	no	no	✓			
23 Marimaxx Communications Ltd.	no	no	no	no	no		✓		

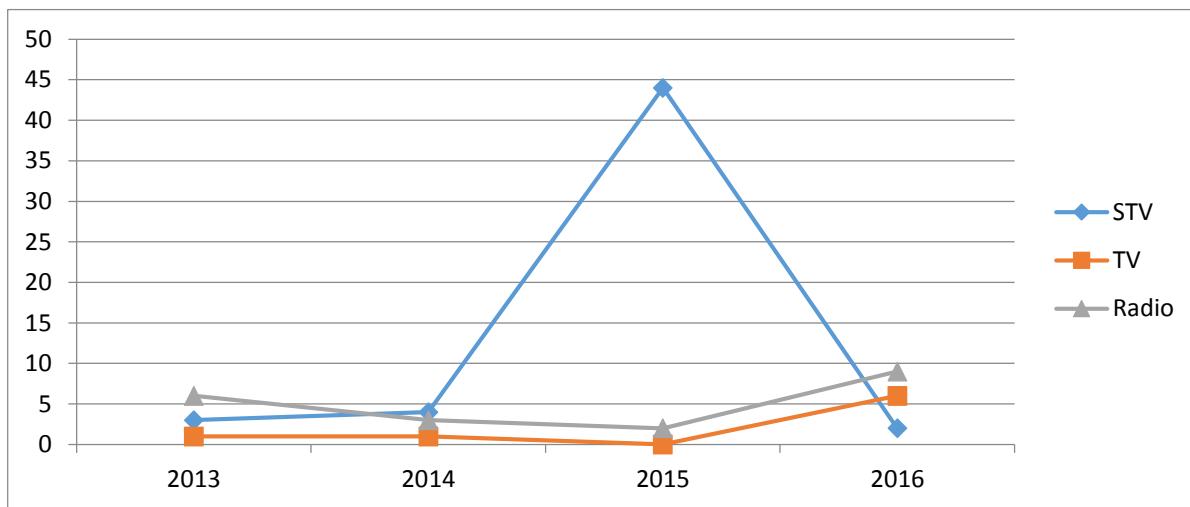
STV Licensees Financial Compliance

	LICENSEES	SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2012	2013	2014	2015	2016	Paid in Full	Partial Payment	Non-Compliant
24	Mars Cable Vision Ltd.	yes	yes	yes	no	no		✓	
25	McKoy Cable Television Co. Ltd.	yes	yes	yes	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	Nems Electrical & Satellite Ltd.	n/a	n/a	n/a	n/a	no			✓
29	Network Cable Service	n/a	n/a	no	no	no	✓		
30	Odyssey Cable Vision Limited	no	yes	yes	no	no	✓		
31	Procables Network Limited	n/a	n/a	n/a	n/a	no	✓		
32	QES 46 Limited	yes	yes	no	no	no	✓		
33	Quality Cable Service	n/a	no	no	no	no			✓
34	Rural Cable Company Limited	n/a	n/a	n/a	n/a	no	✓		
35	Santastic Cable Systems Ltd.	yes	yes	no	no	no	✓		
36	Somane Pesole Communications Ltd.	n/a	n/a	n/a	n/a	no	✓		
37	Starcom Cablevision Ltd.	yes	yes	no	no	no			✓
38	Stars Cable Company Ltd.	yes	yes	no	no	no	✓		
39	St. Thomas Cable Network Limited	yes	yes	no	no	no		✓	
40	Summit Satellite Systems Limited	yes	yes	no	no	no			✓
41	Total Cable	yes	yes	no	no	no			✓
42	Tru Star Cable Television Network	yes	yes	yes	no	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	no			✓
46	Westar Communications Limited	no	no	no	no	no		✓	
47	Wilson Enterprises Limited	yes	yes	no	no	no			✓

NOTICES OF BREACH

During the period under review seventeen (17) Notices of Breach were issued to licensees. Fifteen (15) of these notices arose from contravention of Content Standards and two (2) arose from contravention of Technical Standards.

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



	2013	2014	2015	2016
STV	3	4	44	2
TV	1	1	0	6
RADIO	6	3	2	9

Table 6
BREACHES BY LICENSEES
BREACHES BY BROADCAST RADIO LICENSEES

GROVE BROADCASTING COMPANY LIMITED

ZIP 103FM

DATE OF BREACH:	October 7, 2016
COMPLAINT NUMBER:	2016060200
NATURE OF COMPLAINT:	Airing of song with graphic sexual content
NATURE OF BREACH:	Breach of the scheduling requirements of the Code.
COMMISSION DECISION:	Licensee in Breach
REMEDIAL ACTION:	None—Commission accepted license's internal remedial action.
STATUS:	Closed

INDEPENDENT RADIO COMPANY LIMITED

POWER 106 FM

DATE OF BREACH:	October 7, 2016
COMPLAINT NUMBER:	2016090600
NATURE OF COMPLAINT:	Inappropriate coarse language
NATURE OF BREACH:	Breach of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee directed to issue apology, Licensee complied
STATUS:	Closed

MOTHER IN CRISIS

SUN CITY RADIO

DATE OF BREACH:	October 7, 2016
COMPLAINT NUMBER:	2016080801
NATURE OF COMPLAINT:	Airing of song with strong sexual theme
NATURE OF BREACH:	Breach of the scheduling requirements of the Code
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee directed to issue apology, Licensee complied
STATUS:	Open

RADIO JAMAICA LIMITED

FAME 95M

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016062100
NATURE OF COMPLAINT: Airing of song with profane and indecent language
NATURE OF BREACH: Breach of the TSBR & the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016070400
NATURE OF COMPLAINT: Airing of sexually themed song
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

ST. BESS RADIO FM COMPANY

BESS FM 100

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016080802
NATURE OF COMPLAINT: Airing of song with strong sexual theme
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

KOMMERCIAL SUITES LIMITED

MEGA JAMZ 98 FM

DATE OF BREACH: November 8, 2016
COMPLAINT NUMBER: 2016091200
NATURE OF COMPLAINT: Airing of sexually graphic content
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

DATE OF BREACH: November 8, 2016
COMPLAINT NUMBER: 2016092300
NATURE OF COMPLAINT: Airing of profane and indecent language
NATURE OF BREACH: Breach of the Code and the TSBR
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied.
STATUS: Open

S&B COMMUNICATIONS LIMITED FYAH 105 FM

DATE OF BREACH: November 10, 2016
COMPLAINT NUMBER: 2016092901
NATURE OF COMPLAINT: Airing of song with profanity
NATURE OF BREACH: Breach of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

BREACHES BY BROADCAST TELEVISION LICENSEES

CVM TELEVISION LIMITED CVM TV

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016080300
NATURE OF COMPLAINT: Airing of Adult-themed material
NATURE OF BREACH: Breach of scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016080900
NATURE OF COMPLAINT: Airing of coarse and vulgar language
NATURE OF BREACH: Breach of the scheduling requirement of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

DATE OF BREACH: November 08, 2016
COMPLAINT NUMBER: 2016092900
NATURE OF COMPLAINT: Use of alcoholic beverage on Culinary Show
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Licensee directed to issue apology, Licensee complied
STATUS: Open

TELEVISION JAMAICA LIMITED

TVJ

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016051700
NATURE OF COMPLAINT: Airing of profanity during live boxing match
NATURE OF BREACH: Breach of the TSBR & the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: None – Commission accepted licensee's internal remedial action
STATUS: Closed

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016081900
NATURE OF COMPLAINT: Airing of advertisement with sexually suggestive material and adult themes
NATURE OF BREACH: Breach of the scheduling requirements of the Code
COMMISSION DECISION: Licensee in breach.
REMEDIAL ACTION: None – Licensee was cautioned
STATUS: Closed

DATE OF BREACH: October 7, 2016
COMPLAINT NUMBER: 2016082400
NATURE OF COMPLAINT: Airing of portrayal of a suicide attempt during soap opera
NATURE OF BREACH: Breach of the Rating and Advisory requirement of the Code
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: None- Licensee was reminded to rate and provide appropriate advisories for all content it broadcasts.
STATUS: Closed

TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES

ASTRA TECHNOLOGY LIMITED

DATE OF BREACH: November 7, 2016
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Awaiting licensee's response
STATUS: Open

CENTRAL CLARENDON CABLE LIMITED

DATE OF BREACH: November 7, 2016
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licensee in breach
REMEDIAL ACTION: Awaiting licensee's response
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**