



MONITORING & COMPLIANCE REPORT

JULY – SEPTEMBER
2016



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EXECUTIVE SUMMARY
BCJ- Quarterly Monitoring & Compliance Report
(July – September 2016)

During the period July – September 2016, four (4) Notices of Breach of Licence were issued: one (1) to a broadcast radio licensee, and three (3) to subscriber television licensees. This represents a decrease of seven (7) when compared with the previous quarter, April to June - 2016.

One hundred and thirty-six (136) contacts were recorded for the period July – September 2016. Of this number, thirteen (13) were complaints, which resulted in investigations of broadcast radio and television operators. One hundred and twenty-three (123) were queries and comments about other operational issues pertaining to licensed operators and the work of the Commission.

All thirteen (13) complaints were matters relating to content standards. This represents an increase of six (6) when compared with the previous quarter, April – June 2016.

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, twenty-one (21) subscriber television (STV) operators, or 45% of all licensees paid in full; ten (10) or 21% made partial payments and sixteen (16) or 34% were non-compliant. There was an increase of one (1) in the number of full payments recorded when compared to the previous quarter. However, the number of licensees who made partial payments was increased by four (4) and there was a decrease of four (4) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

One hundred and thirty-six (136) contacts were recorded for the period, July – September 2016. There were thirteen (13) investigations and four (4) Notices of Breach of Licence.

BREAKDOWN OF CONTACTS

	July 2016	August 2016	September 2016	TOTAL
QUERIES, REQUESTS AND REPORTS:				
Complaints Received and Investigated	1	7	5	13
Application process	-	-	3	3
Poor technical Service- Subscriber Television	-	5	17	22
Poor Technical Service - Broadcast Television	6	-	10	16
Poor Technical Service – Broadcast Radio	-	-	-	-
Commission’s role in regulating rebates	-	5	-	5
Refusal to Provide Subscriber Television Service	-	-	-	-
Concerns with Exclusive Rights	-	2	-	2
Other operational issues (with the exception of those indicated above)	26	30	19	75
TOTAL	33	49	54	136

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated thirteen (13) complaints relating to the broadcast of problematic content. This is an increase of six (6) when compared to the period April - June 2016

Table 1 details the complaints investigated relating to content standards between July to September 2016, 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 2013.

Table 1

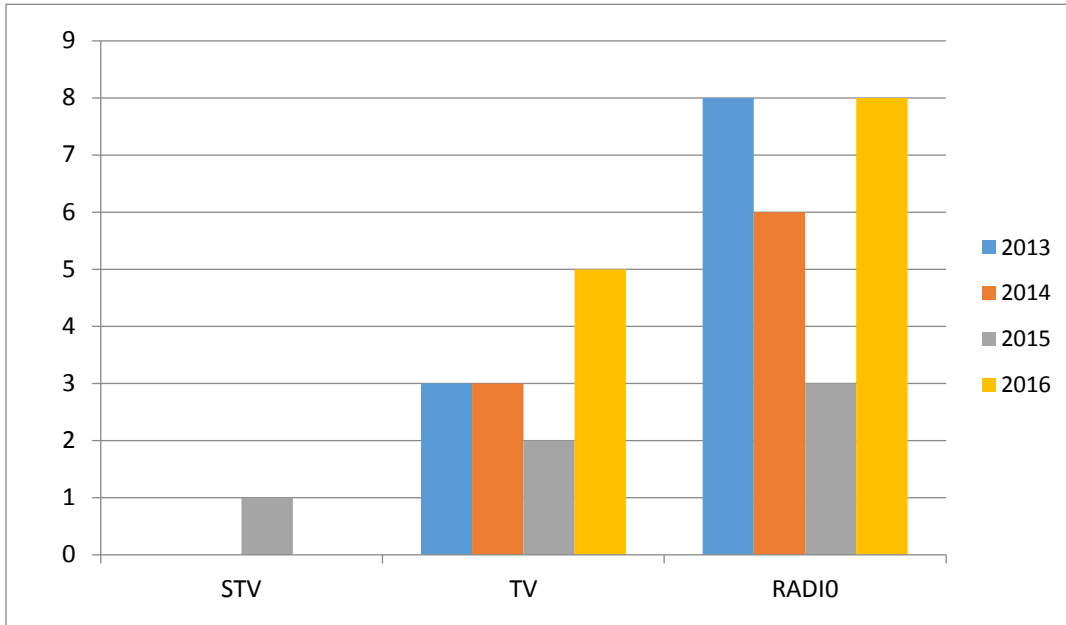
Content Standards Complaints Investigated: July - September 2016

	Transmission of content in breach of the scheduling requirements of the Code.	Transmission of song with graphic verbal expletive	Transmission of mild offensive language during call in programme	Transmission of content with alcoholic beverage		TOTAL
CVM Television	2			1		3
FAME 95 FM (Radio Jamaica Ltd.)	1					1
FYAH 105 FM (S & B Communications)		1				1
Mega Jamz (Kommercial Suites)	1	1				2
Mello FM (Cornwall Broadcasting)	1					1
Power 106 (Independent Radio)			1			1
St. Bess Radio FM		1				1
Sun city Radio		1				1
Television Jamaica Ltd.	2					2
TOTAL	7	4	1	1		13

*** 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 2013 to 2016



	2013	2014	2015	2016
STV	0	0	1	0
TV	3	3	2	5
RADIO	8	6	3	8

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: July– September 2016

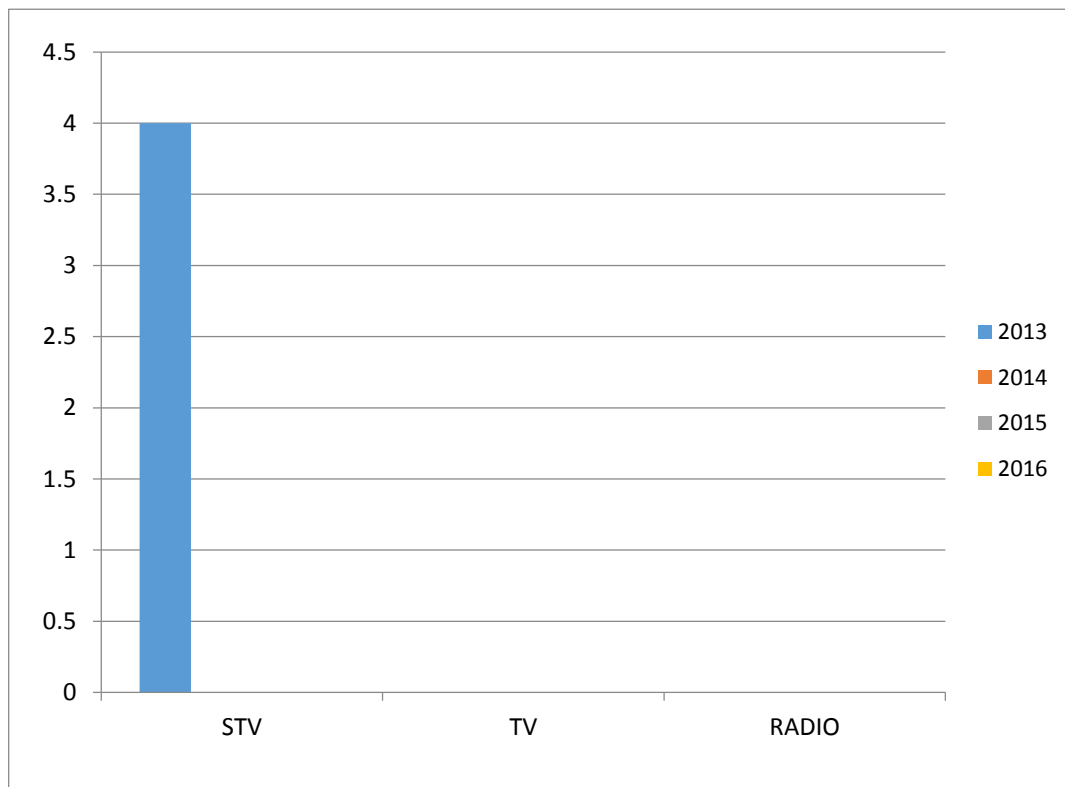
	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Mars Cablevision Limited	15(a),17(4)(e), 17(4)(d)	By letter dated October 14, 2016, licensee was advised of breaches identified during inspection.
2.	Jamaica Cablevision Ltd.	17(4)(e),17(4)(d)	By letter dated September 14, 2016, licensee was advised of breaches identified during inspection.
3.	St. Thomas Cable Network Limited	15(b), 17(1)(f), 17(1)(g)(ii), 17(4)(d), 17(4)(e), Breach of licence [2]	By letter dated October 13, 2016, licensee was advised of breaches identified during inspection.
4.	Stars Cable Company Ltd.	17(4)(d), 17(4)(e), 17(1)(h), 17(4)(b)	By letter dated October 13, 2016, licensee was advised of breaches identified during inspection.
5.	Central Clarendon Cable Limited	15(b), 17(1)(b), 17(4)(b), 17(4)(d), 17(4)(e), Breach of licence [1]	Breach Letter dated November 7, 2016, dispatched on November 8, 2016.
6.	Astra Technology Limited	15(a), 17(1)(b), 17(4)(e), 17(4)(d), 17(1)(h), -Breach of licence [1]	Breach Letter dated November 7, 2016, dispatched November 8, 2016.

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 2016, 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 (July – September) from 2013 to 2016



	2013	2014	2015	2016
STV	4	0	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 July - September, 2016.

Table 3
Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television	-
Broadcast Television	1
Broadcast Radio	10
Total	11

Table 4
Resolution of Complaints by Category

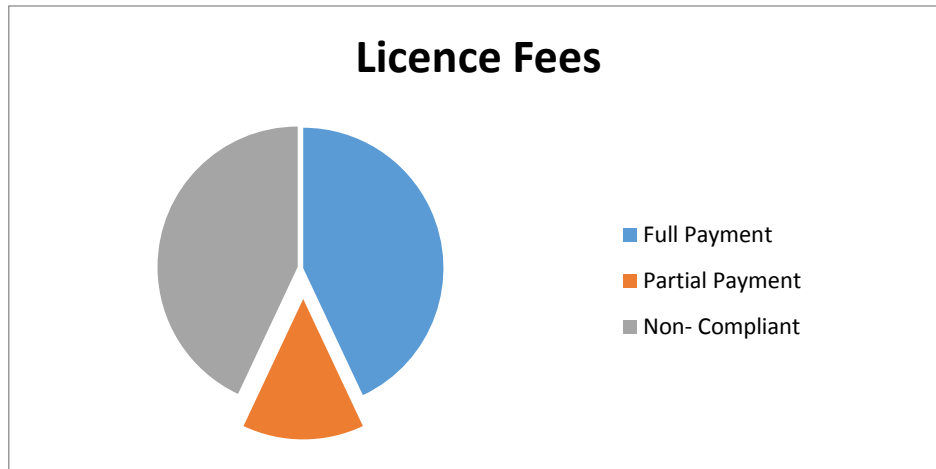
CATEGORY		TOTAL
Closed - Complied with required remedial action for breach of licence		
• Broadcast Radio	10	10
• Broadcast Television	1	1
Closed – No Evidence of Breach		
• Broadcast Radio	-	-
• Broadcast Television	-	-
No Sanction Applied		
• Broadcast Radio	-	-
• Broadcast Television	-	-
Total	11	11

FINANCIAL COMPLIANCE

STV operators are required to pay an annual licence fee of five percent (5%) of their gross subscription income.

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

Figure 3



Full Payment	- 45%
Partial Payment	- 21 %
Non- Compliant	- 34 %

STV Licensees Financial Compliance
For quarter ended September 30, 2016

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2011	2012	2013	2014	2015	Paid in Full	Partial Payment	Non-Compliant
1	Advance Cable Systems Ltd.	n/a	n/a	n/a	n/a	n/a	✓		
2	Astra Technology Ltd.	yes	yes	yes	yes	no	✓		
3	Cable One Jamaica Ltd. yes	yes	yes	yes	yes	no	✓		
4	Cabletron Network Systems Ltd.	yes	yes	yes	yes	no		✓	
5	Central Clarendon Cable Ltd.	n/a	n/a	n/a	n/a	n/a			✓
6	Central Communication Services Ltd.	yes	yes	yes	yes	no	✓		
7	Columbus Communications - FLOW	yes	yes	yes	no	no	✓		
8	Combined Communications Ltd.	yes	yes	yes	yes	no		✓	
9	Communicable Ltd.	no	no	no	no	no		✓	
10	Cornwall Communications Ltd.	yes	yes	yes	no	no		✓	
11	CTL Limited	yes	yes	yes	yes	no			✓
12	Digicel Jamaica (formerly Telstar Cable Ltd)	yes	yes	yes	no	yes	✓		
13	Direct Cable Systems Ltd.	yes	yes	yes	no	no			✓
14	First Choice Cable	yes	yes	yes	no	no			✓
15	Gemini Cable Network (formerly Silly Video Cable Network Ltd)	yes	yes	yes	yes	no	✓		
16	General Satellite Network Company	yes	yes	yes	yes	no		✓	
17	Guthrie's Communications Ltd	yes	yes	yes	no	no		✓	
18	Horizon Entertainment & Communication	n/a	n/a	n/a	n/a	n/a	✓		
19	Inntech Communications Ltd.	yes	yes	yes	yes	no	✓		
20	Jamaica Cablevision Ltd.	yes	yes	yes	no	no	✓		
21	Linscom Network Limited	yes	yes	yes	yes	no	✓		
22	Logic One Limited	yes	yes	yes	yes	no	✓		
23	Marimaxx Communications Ltd.	no	no	no	no	no		✓	

STV Licensees Financial Compliance

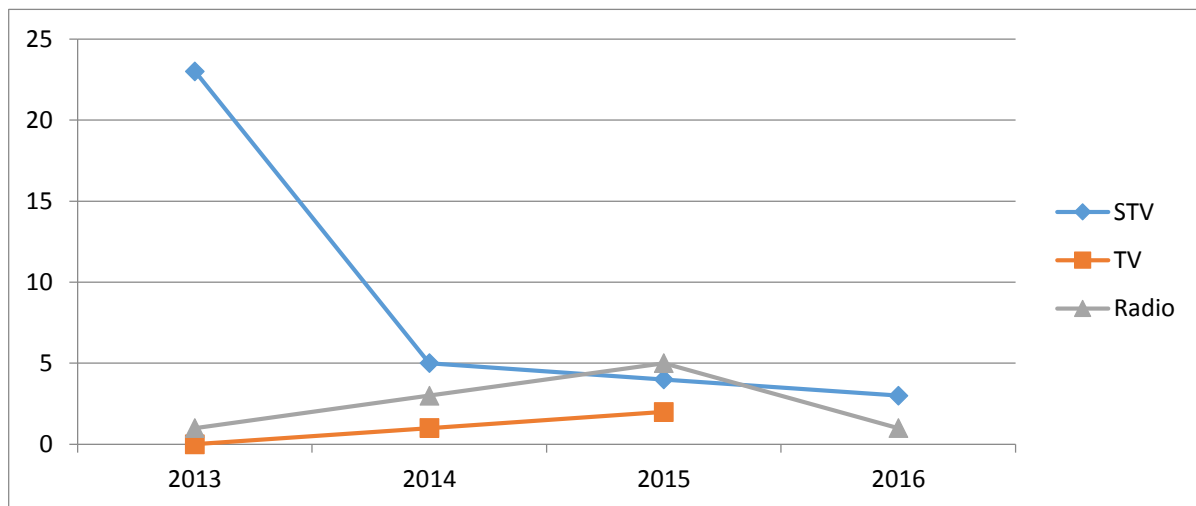
LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2011	2012	2013	2014	2015	Paid in Full	Partial Payment	Non-Compliant
24	Mars Cable Vision Ltd.	yes	yes	yes	yes	no		✓	
25	McKoy Cable Television Co. Ltd.	no	yes	yes	yes	no			✓
26	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓
27	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	no	✓		
28	Nems Electrical & Satellite Ltd.	n/a	n/a	n/a	n/a	n/a			✓
29	Network Cable Service	n/a	n/a	n/a	no	no	✓		
30	Odyssey Cable Vision Limited	yes	no	yes	yes	no	✓		
31	Procables Network Limited	n/a	n/a	n/a	n/a	n/a	✓		
32	QES 46 Limited	yes	yes	yes	no	no	✓		
33	Quality Cable Service	n/a	n/a	no	no	no			✓
34	Rural Cable Company Limited	n/a	n/a	n/a	n/a	n/a	✓		
35	Santastic Cable Systems Ltd.	yes	yes	yes	no	no	✓		
36	Somane Pesole Communications Ltd.	n/a	n/a	n/a	n/a	n/a	✓		
37	Starcom Cablevision Ltd.	yes	yes	yes	no	no			✓
38	Stars Cable Company Ltd.	yes	yes	yes	no	no	✓		
39	St. Thomas Cable Network Limited	yes	yes	yes	no	no			✓
40	Summit Satellite Systems Limited	yes	yes	yes	no	no			✓
41	Total Cable	no	yes	yes	no	no			✓
42	Tru Star Cable Television Network	yes	yes	yes	yes	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	n/a			✓
46	Westar Communications Limited	no	no	no	no	no		✓	
47	Wilson Enterprises Limited	yes	yes	yes	no	no			✓

NOTICES OF BREACH

During the period under review, four (4) Notices of Breach were issued to licensees, one (1) of these notices arose from contravention of Content Standards, two (2) arose from contravention of Technical Standards, and one (1) Subscriber Television Breach of Licence.

Figure 4
NOTICES OF BREACH

TREND IN BREACHES COMMITTED (BY SERVICE)



	2013	2014	2015	2016
STV	23	5	4	3
TV	0	1	2	-
RADIO	1	3	5	1

Table 6

BREACH BY BROADCAST RADIO LICENSEE

**CORNWALL BROADCASTING COMPANY LIMITED
(MELLO FM)**

DATE OF BREACH: July 29, 2016
COMPLAINT NUMBER: 2016051200
NATURE OF COMPLAINT: Airing of commercial re product containing tobacco.
NATURE OF BREACH: Breach of Regulation 8(c) of the TSBR
COMMISSION DECISION: Breach of Licence
REMEDIAL ACTION: Licensee directed to air apology scripted by the Commission.
Licensee Complied
STATUS: Closed

BREACH OF LICENCE BY SUBSCRIBER TELEVISION LICENSEE

CABLE & WIRELESS JA. /FLOW

DATE OF BREACH: July 22, 2016
NATURE OF BREACH: The use of exclusivity clauses in agreements with residents for provision of multi-dwelling units, or provision of STV services, to the exclusion of other STV providers.
COMMISSION DECISION: Breach of Licence
REMEDIAL ACTION: Licensee directed to amend agreement to remove the exclusivity provisions within 60 days and submit a report on the amendments made by October 19, 2016. Licensee submitted information in letter dated September 21, 2016.
STATUS: Closed

TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES

GEMINI CABLE NETWORK LIMITED

DATE OF BREACH: July 28, 2016
NATURE OF BREACH: Failure to provide service
COMMISSION DECISION: Licence in breach
REMEDIAL ACTION: Awaiting Licensees response
STATUS: Open

UNIQUE VISION CABLE COMPANY LIMITED

DATE OF BREACH: September 26, 2016
NATURE OF BREACH: Failure to maintain technical standards
COMMISSION DECISION: Licence in breach
REMEDIAL ACTION: Awaiting Licensees 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.**