



MONITORING & COMPLIANCE REPORT

OCTOBER – DECEMBER 2019



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EXECUTIVE SUMMARY
BCJ - Quarterly Monitoring & Compliance Report
(October – December 2019)

During the period October – December 2019, forty-eight (48) Notices of Breach of Licence were issued to three (3) broadcast radio licensees, two (2) broadcast television licensees and forty-three (43) to subscriber television operators for copyright issues.

Fifty-eight (58) contacts were recorded for the period October – December 2019. Of this number, fifteen (15) were complaints, which resulted in investigations of broadcast radio, television licensees and forty-three (43) were queries and 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 twelve (12) when compared with the previous quarter, July-September 2019.

Seven (7) 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 46% of all licensees, paid in full; five (5) or 11% made partial payments and twenty (20) or 43%, were non-compliant. There was a decrease of four (4) in the number of full payments recorded, when compared to the previous quarter. The number of licensees who made partial payments decreased by two (2) and there was an increase of four (4) in the number of non-compliant licensees.

INTRODUCTION

Contacts with the Commission

Fifty-eight (58) contacts were recorded for the period, October – December 2019. There were fifteen (15) investigations and forty-eight (48) Notices of Breach of Licence.

BREAKDOWN OF CONTACTS

	October 2019	November 2019	December 2019	Total
<u>Queries, Requests, Complaints and Reports:</u>				
Complaints	5	5	5	15
Poor STV Technical Service	5	5	4	14
Poor STV Customer Service	-	2	3	5
Exclusive Rights Issues	2	-	-	2
Application Process	3	-	-	3
Other operational issues	12	5	2	19
TOTAL	27	17	14	58

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated fifteen (15) complaints relating to the broadcast of problematic content. The number of complaints investigated increased by eleven (11) when compared to the period July - September 2019

Table 1 details the complaints investigated relating to content standards between October to December 2019, and the nature of the investigations conducted by the Commission.

Figure 1 illustrates the trend in programming standards complaints investigated in similar reporting periods since 2016.

Table 1

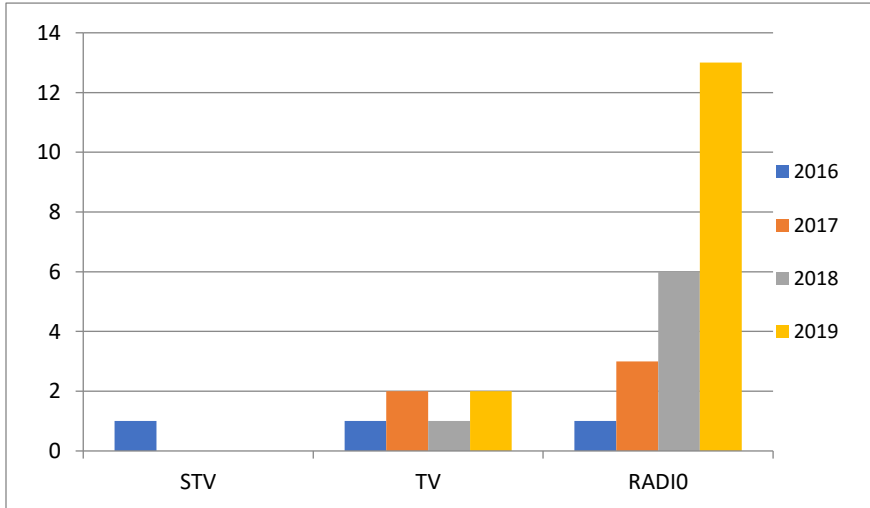
Content Standards Complaints Investigated: October – December 2019

LICENSEE							TOTAL
	Transmission of mild sexual language during a song.	Transmission of sexually explicit language during a song.	Transmission of profane language during a song.	Transmission of violent scene during Generations.	Transmission of profane language by the Host during the programme DW.	Transmission of graphic language during an on-air call.	
Radio Jamaica Ltd. (Fame 95 FM)			2				2
Grove Broadcasting Co. Ltd. (IRIE FM)			2				2
Kommerical Suites Ltd. (Mega Jamz 98 FM)			1				1
Grove Broadcasting Co. Ltd. (ZIP 103 FM)		1	1			1	3
Independent Radio Co. Ltd (Music 99 FM)			1				1
St. Bess Radio FM Co. Ltd. (Bess 100 FM)			1				1
Television Jamaica Ltd. (TVJ)				1	1		2
Universal Media Co. Ltd. (Newstalk 93 FM)		1					1
Cornwall Broadcasting Co. Ltd. (Energy FM)			1				1
Mother in Crisis (Suncity Radio)	1						1
TOTAL	1	2	9	1	1	1	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
(October - December) from 2016 to 2019**



	2016	2017	2018	2019
STV	1	0	0	0
TV	1	2	1	2
RADIO	1	3	6	13

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of seven (7) 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 2019

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Jamaica Cablevision Ltd.	17(4)(d); 17(4)e	Letter dated October 22, 2019 sent to licensee to advise of finding of inspection.
2.	Mars Cablevision Ltd.	15(a);16(1), 17(4)d,17(4)e	Letter dated December 6, 2019 sent to licensee to advise of findings of inspection.
3.	Vere Cable Network Co. Ltd.	17(1)b;17(1)h, 17(4)e,17(4)d Breach of Licence (2)	By letter dated February 10, 2020 licensee was advised of breaches identified, and given three months to address breaches.
4.	ST. Thomas Cable	17(4)d;17(4)e;17(1)h; Breach of Licence (2)	Letter dated February 20, 2020 sent to licensee to advise of findings of inspection.
5.	Network Cable Services Ltd.	17(4)e,17(4)d,17(1)d	Letter dated January 21, 2020 sent to licensee to advise of findings of inspection.
6.	Linscom Network Ltd.	17(4)e; 17(4)d	Letter dated January 24, 2020 sent to licensee to advise of findings of inspection.
7.	Advance Cable Systems Ltd.	17(4)(d), 17(4)(e);16(1); 17(1)h Breach of Licence (1)	Letter dated January 21, 2020 sent to licensee to advise of findings of inspection.

NB: Breach of Licence [2]: Non-provision of service in licensed zones(s)

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

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 (7) investigations were resolved between October – December, 2019.

Table 3
Resolution of Complaints by Licensee Type

	No. of investigated complaints resolved
Subscriber Television	-
Broadcast Television	2
Broadcast Radio	5
Total	7

Table 4
Resolution of Complaints by Category

Category	Total
<p>Closed – No Evidence of Breach</p> <p>Subscriber Television</p> <p>Broadcast Radio</p> <p>Broadcast television</p>	<p>-</p> <p>4</p> <p>-</p>
<p>Closed – No further Sanction Required</p> <p>Subscriber Television</p> <p>Broadcast Radio</p> <p>Broadcast Television</p>	
<p>Closed – Complied with Required Remedial Action</p> <p>Subscriber Television</p> <p>Broadcast Radio</p> <p>Broadcast Television</p>	<p>-</p> <p>1</p> <p>2</p>
Total	7

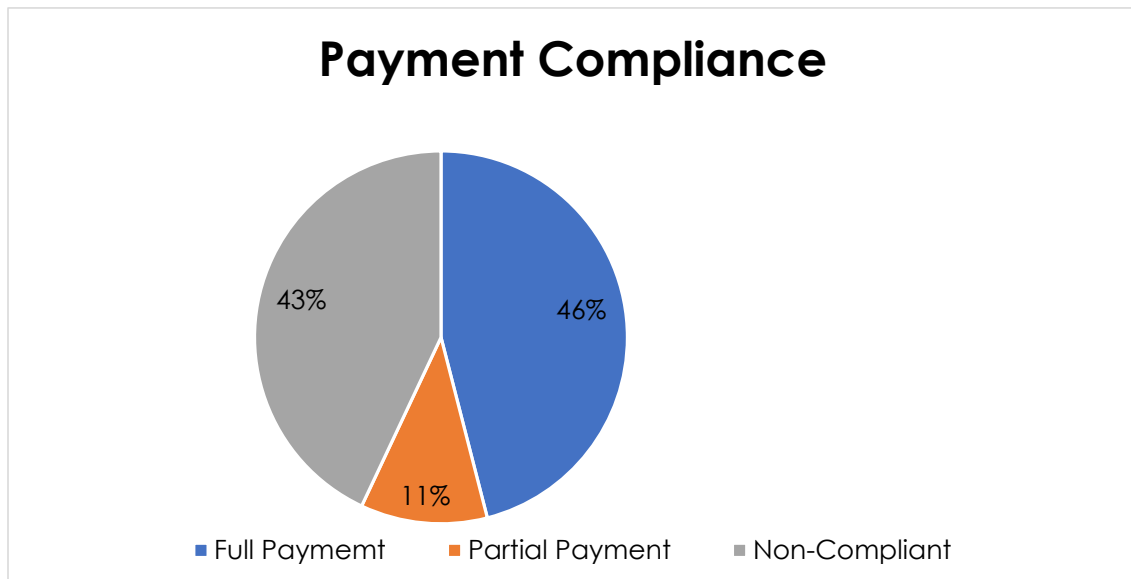
FINANCIAL COMPLIANCE

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 2

Figure 2

Licence Fees



Full Payment	- 46%
Partial Payment	- 11%
Non- Compliant	- 43%

STV Licensees Financial Compliance
For quarter ended December 31, 2019

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2014	2015	2016	2017	2018	Paid in Full	Partial Payment	Non-Compliant
1	Advance Cable Systems Ltd.	n/a	no	no	no	no	✓		
2	Astra Technology Ltd.	yes	no	no	no	no	✓		
3	Cable One Jamaica Ltd. yes	yes	yes	yes	yes	no		✓	
4	Cabletron Network Systems Ltd.	yes	no	no	no	no			✓
5	Central Clarendon Cable Ltd.	n/a	no	no	no	no			✓
6	Central Communication Services Ltd.	yes	yes	yes	yes	no	✓		
7	Columbus Communications - FLOW	yes	yes	yes	yes	yes	✓		
8	Combined Communications Ltd.	yes	no	no	no	no		✓	
9	Communicable Ltd.	no	no	no	no	no			✓
10	Cornwall Communications Ltd.	no	no	no	no	no		✓	
11	CTL Limited	yes	no	no	no	no	✓		
12	Digicel Jamaica (formerly Telstar Cable Ltd)	no	no	yes	yes	yes	✓		
13	Digital Interactive Systems Limited	n/a	n/a	n/a	no	no		✓	
14	Direct Cable Systems Ltd.	no	no	no	no	no			n/o
15	Gemini Cable Network	yes	yes	yes	yes	yes	✓		
16	General Satellite Network Company	yes	yes	no	no	no			✓
17	Guthrie's Communications Ltd	no	no	no	no	no			✓
18	Home Time Entertainment	no	no	no	yes	no			✓
19	Horizon Entertainment & Communication	n/a	no	yes	no	no	✓		
20	Inntech Communications Ltd.	yes	yes	yes	no	no	✓		
21	JACS	n/a	n/a	n/a	n/a	no	✓		
22	Jamaica Cablevision Ltd.	no	no	no	no	no	✓		
23	Krisara Cable Co. Ltd.	n/a	n/a	no	no	no			✓
24	Linscom Network Limited	yes	yes	yes	no	yes			✓
25	Logic One Limited	yes	yes	yes	no	no	✓		

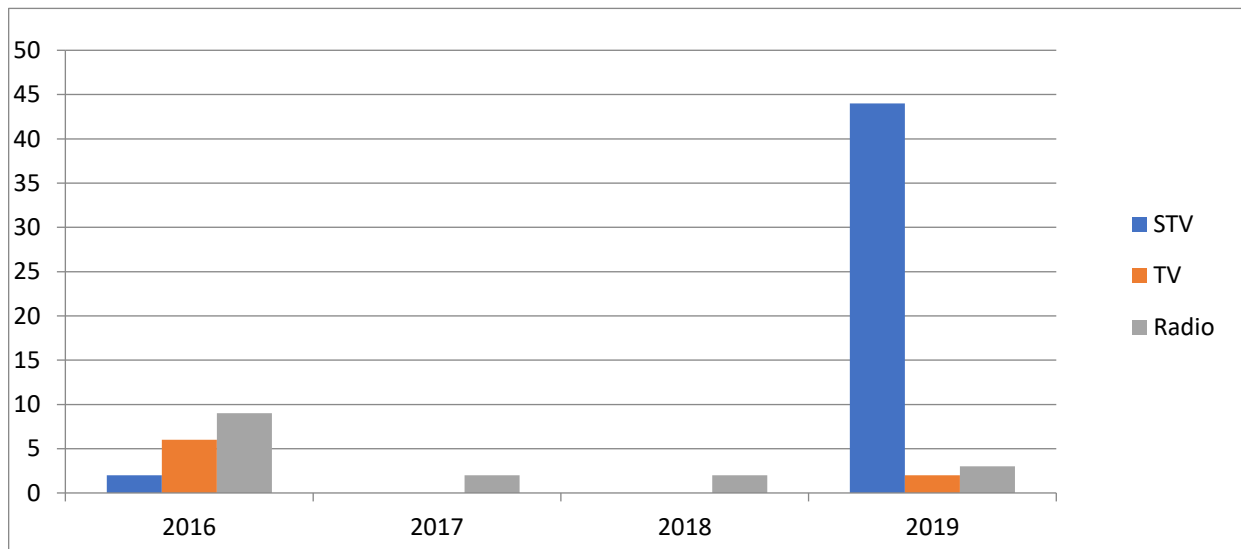
STV Licensees Financial Compliance

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2014	2015	2016	2017	2018	Paid in Full	Partial Payment	Non-Compliant
26	Marimaxx Communications Ltd.	no	no	no	yes	no			✓
27	Mars Cable Vision Ltd.	yes	yes	yes	yes	no	✓		
28	McKoy Cable Television Co. Ltd.	yes	no	no	no	no			✓
29	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓
30	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	no	✓		
31	Nems Electrical & Satellite Ltd.	n/a	n/a	no	no	no			✓
32	Network Cable Service	yes	yes	yes	yes	yes	✓		
33	Odyssey Cable Vision Limited	yes	yes	yes	yes	no	✓		
34	Procables Network Limited	n/a	no	no	no	no	✓		
35	QES 46 Limited	no	no	no	no	no			✓
36	Quality Cable Service	no	no	no	no	no			✓
37	Rural Cable Company Limited	n/a	no	no	no	no	✓		
38	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes	✓		
39	Somane Pesole Communications Ltd.	n/a	no	no	no	no	✓		
40	Starcom Cablevision Ltd.	no	no	no	no	no			✓
41	Stars Cable Company Ltd.	no	no	no	no	no	✓		
42	St. Thomas Cable Network Limited	yes	yes	yes	yes	no		✓	
43	Summit Satellite Systems Limited	no	no	no	no	no			✓
44	Total Cable	no	no	no	no	no			✓
45	Tru Star Cable Television Network	yes	no	no	no	no	n/o		
46	Venus Cable Services	no	no	no	no	no			✓
47	Vere Cable Network Limited	n/a	no	no	no	no			✓
48	Westar Communications Limited	no	no	no	no	no	✓		
49	Wilson Enterprises Limited	no	no	no	no	no			✓

NOTICES OF BREACH

During the period under review forty-eight (48) Notices of Breach were issued to licensees. Five (5) of these notices arose from contravention of Content standards, two (2) from Technical Standards, and forty-one (41) for breach of Copyright.

Figure 3
TREND IN BREACHES COMMITTED (BY SERVICE)



	2016	2017	2018	2019
STV	2	0	0	43
TV	6	0	0	2
RADIO	9	2	2	3

Table 6

BREACHES BY LICENSEES

BREACHES BY BROADCAST TELEVISION LICENSEES

TELEVISION JAMAICA LIMITED (TVJ)

DATE OF NOTIFICATION: October 2, 2019
COMPLAINT NUMBER: 2019082000
NATURE OF COMPLAINT: Transmission of content with mild violence
NATURE OF BREACH: Breach of the scheduling requirement of the Code.
Material attracts PG 14 rating and should not be Transmitted before 9:00 p.m.
COMMISSION DECISION: Licensee in Breach
REMEDIAL ACTION: Licensee directed to transmit apology, Licensee complied.
STATUS: Closed

TELEVISION JAMAICA LIMITED (TVJ)

DATE OF NOTIFICATION: October 2, 2019
COMPLAINT NUMBER: 2019081400
NATURE OF COMPLAINT: Transmission of a story with violence during Prime Time News
NATURE OF BREACH: Breach of the Advisory requirement of the Code.
COMMISSION DECISION: Licensee in Breach
REMEDIAL ACTION: Licensee directed to transmit apology, Licensee complied.
STATUS: Closed

BREACHES BY BROADCAST RADIO LICENSEES

GROVE BROADCASTING COMPANY LTD. (IRIE FM)

DATE OF NOTIFICATION: December 5, 2019
COMPLAINT NUMBER: 2019103101
NATURE OF COMPLAINT: Transmission of content with graphic verbal expletive.
NATURE OF BREACH: Breach of the Reg. 30(d) of the TSBR and the Code.
Content rated NFT – Not Fit for Transmission.
COMMISSION DECISION: Licensee in Breach
REMEDIAL ACTION: Licensee directed to transmit apology, Licensee complied.
STATUS: Closed.

GROVE BROADCASTING COMPANY LTD. (IRIE FM)

DATE OF NOTIFICATION: December 5, 2019
COMPLAINT NUMBER: 2019110400
NATURE OF COMPLAINT: Transmission of song with excessive sexual language.
NATURE OF BREACH: Breach of the Reg. 30(d) of the TSBR and the Code.
Content rated NFT – Not Fit for Transmission.
COMMISSION DECISION: Licensee in Breach
REMEDIAL ACTION: Licensee directed to transmit apology. Licensee Complied.
STATUS: Closed.

GROVE BROADCASTING COMPANY LTD. (ZIP 103 FM)

DATE OF NOTIFICATION: December 5, 2019
COMPLAINT NUMBER: 2019100400
NATURE OF COMPLAINT: Transmission of song with mild sexual content
NATURE OF BREACH: Breach of the Scheduling requirement of the Code.
COMMISSION DECISION: Licensee in Breach
REMEDIAL ACTION: Commission accepted the licensee's internal remedial action.
STATUS: Closed.

TECHNICAL BREACHES BY SUBSCRIBER TELEVISION LICENSEES

VENUS CABLE SERVICES LTD.

DATE OF BREACH: October 9, 2019
NATURE OF COMPLAINT: Failure to maintain technical standards
COMMISSION DECISION: Licensee in Breach
REMEDIAL ACTION: Licensee given three months to address breach.
STATUS: Open.

CENTRAL CLARENDON CABLE LTD.

DATE OF BREACH: December 9, 2019
NATURE OF COMPLAINT: Failure to maintain technical standards
COMMISSION DECISION: Licensee in Breach
REMEDIAL ACTION: Licensee given three months to address breach.
STATUS: Open.

COPYRIGHT BREACHES

A. Breach of Licence – Channels transmitted without evidence, failure to provide copyright.

Logic One Ltd.
Ready TV (DISL)
Astra Technology
Cornwall Communications Ltd.
CTL Limited
STARS Cable Company Ltd.
Westar Communications Ltd.
Digicel Jamaica Ltd.
J.A.C.S.
Horizon Entertainment & Communication Co. Ltd.
General Satellite Network Co. Ltd.
Combined Communications Ltd.
Wilson Enterprises Ltd.
Inntech Communication Co. Ltd.
Advance Cable Systems Ltd.
Flow
Network Cable Services Ltd.
Central Clarendon Cable Ltd.
Santastic Cable Systems Ltd.

Odyssey Cable Vision Limited
Linscom Network Ltd.
Central Communications Services Ltd.

Mars Cable Vision Ltd.

Nems Electric & Satellite Ltd.
McKoy's Cable Television Company Ltd.

Hometime

Unique Vision Cable Company Ltd.
Marimax Communications Ltd.
Guthrie's Communications Ltd.
Cabletron Network Systems Ltd.

b. Notice of Breach – Failure to provide copyright information.

Quality Cable Services Ltd.
Ehmeth (formerly Ques)
Venus Cable Service Ltd.
Vere Cable Network Company Ltd.
Rural Cable Company Ltd.
Summit Satellite Systems Ltd.
Samone Pesole Communications Ltd.
ProCables Network Ltd.
Gemini Cable Network Ltd.
Communicable Limited
Krisara
Hometime (formerly JCV)

**** '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**