



## MONITORING & COMPLIANCE REPORT

JULY – SEPTEMBER  
2018



# TABLE OF CONTENTS

<b>Executive Summary</b> .....	1
<b>Introduction</b> .....	2
<b>Breakdown of Contacts</b> .....	2
<b>Programming Content Compliance</b> .....	3
<b>Technical Compliance</b> .....	6
<b>Complaints Resolution</b> .....	7
<b>Financial Compliance</b> .....	9
<b>Notices of Breach</b> .....	13

## Tables:

Table 1 - Content Standards Report .....	4
Table 2 - Technical Monitoring. ....	6
Table 3 - Resolution of Complaints by Licensee Type .....	7
Table 4 - Resolution of Complaints by Category .....	8
Table 5 - STV Financial Compliance .....	10-12
Table 6 - Breaches .....	14-15

## Charts:

Figure 1 - Content Standards Reports Trends: 2015-2018 .....	5
Figure 2 - STV Licence Fee Payment .....	9
Figure 3 - Trend in Total Breaches. 2015-2018 .....	13

**EXECUTIVE SUMMARY**  
**BCJ- Quarterly Monitoring & Compliance Report**  
**(July – September 2018)**

During the period July – September 2018, a total of four (4) Notices of Breach of Licence were issued. Three (3) notices were issued to broadcast television licensees and one (1) notice to a broadcast radio licensee.

Ninety (90) contacts were recorded for the period July – September 2018. Of this number, one (1) was a complaint which resulted in an investigation of broadcast radio and eighty-nine (89) were queries and comments about other operational issues pertaining to licensed operators and the work of the Commission.

The complaint was relating to content standards. There was an overall decrease by three (3) in the number of complaints, when compared with the previous quarter, April – June 2018.

During the period, seven (7) subscriber television licensees were inspected to determine compliance with technical standards.

In relation to the payment of the annual licence fees, twenty-two (22) subscriber television (STV) operators, or 45% of all licensees, paid in full; eight (8) or 16% made partial payments and nineteen (19) or 39 % were non-compliant. There was an increase of one (1) in the number of full payments when compared to the previous quarter. The number of licensees who made partial payments decreased by three (3) and there was an increase of two (2) in the number of non-compliant licensees.

## INTRODUCTION

### Contacts with the Commission

Ninety (90) contacts were recorded for the period, July–September 2018. There was one (1) investigation and four (4) Notices of Breach of Licence.

### BREAKDOWN OF CONTACTS PROGRAMMING CONTENT COMPLIANCE

	July 2018	August 2018	September 2018	TOTAL
<b>QUERIES, REQUESTS AND REPORTS:</b>				
Licence Application process	2	2	-	<b>4</b>
Complaints Received and Investigated	-	-	1	<b>1</b>
Copyright Right Issues	-	4	-	<b>4</b>
Poor Subscriber Television Technical Service	8	9	5	<b>22</b>
Poor Technical Service Television Operators	-	-	3	<b>3</b>
Other operational issues (with the exception of those indicated above)	20	17	19	<b>56</b>
<b>TOTAL</b>	<b>30</b>	<b>32</b>	<b>28</b>	<b>90</b>

## PROGRAMMING CONTENT COMPLIANCE

The Commission investigated one (1) complaint relating to the broadcast of problematic content. The number of complaints investigated decreased by three (3) when compared to the period April - June 2018.

**Table 1** details the complaint investigated relating to content standards between July and September 2018, and the nature of the investigation conducted by the Commission.

**Figure 1** illustrates the trend in programming standard complaints investigated in similar reporting periods since 2015.

**Table 1**

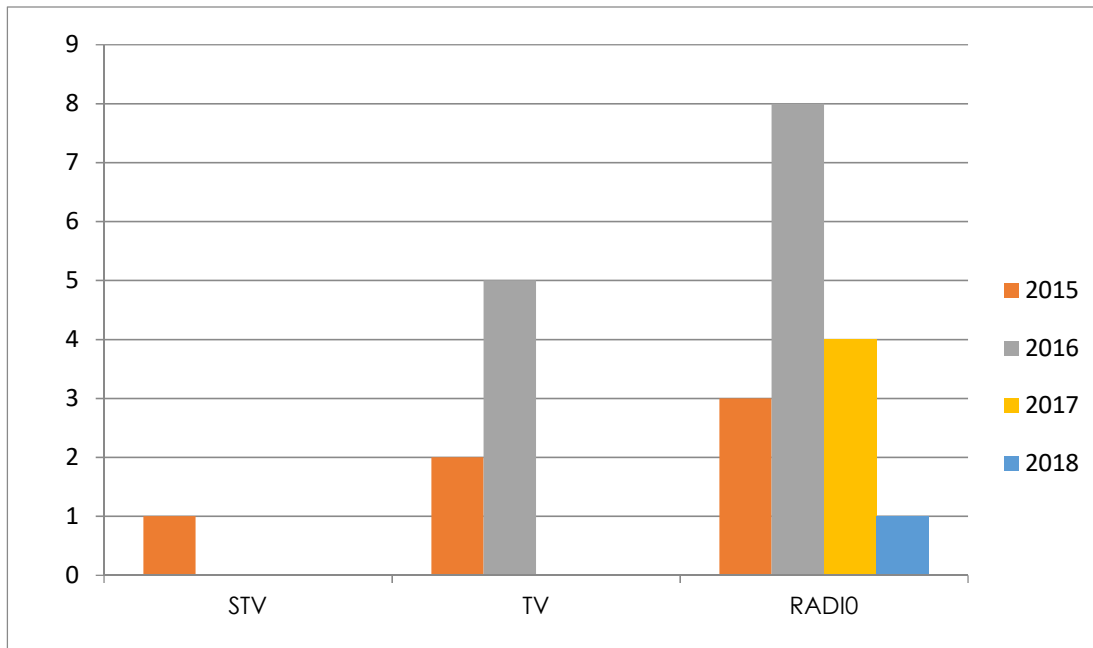
**Content Standards Complaint Investigated: July- September 2018**

	Transmission of inappropriate content during the airing of a football match.	TOTAL
Independent Broadcasting Company Limited (KLAS SPORTS RADIO LIMITED)	1	1
TOTAL	1	1

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 2015 to 2018**



	2015	2016	2017	2018
STV	1	0	0	0
TV	2	5	0	0
RADIO	3	8	4	1

## 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: July – September 2018**

	LICENSEES INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Unique Vision	17(4) (d), 17 (4) (e), Breach of Licence (2)	Letter dated September 6, 2018, sent to licensee to advise of findings of inspection.
2.	Jamaica Cablevision Limited.	17(4)(d), 17(4)(e)	Letter dated August 22, 2018, sent to licensee to advise of findings of inspection.
3.	Central Clarendon Cable	15(a) 15 (b),17(1)(b), 17 (1) (h), 17 (4) (d), 17(4) (e) 19 (1) (b) Breach of Licence (1)	Letter dated November 12, 2018, sent to licensee with three (3) months deadline to address breach of Licence (1).
4.	Vere Cable Network Company Limited	16(1), 17 (1)(a), 17(1)(b), 17(1)(h), 17 (4) (d), 17(4) (e), Breach of Licence (1)	Letter dated November 12, 2018, sent to licensee with three (3) months deadline to address breach of Licence (1).
5.	Advance Cable Systems Limited	17(4)(d),17(4)(e) Breach of licence (2)	Letter dated September 19, 2018, sent to licensee to advise of findings of inspection.
6.	Linscom Network Limited	17(4)(d), 17(4)(e)	Letter dated September 24, 2018, sent to licensee to advise of findings of inspection.
7.	Stars Cable Company Limited.	17(4)(d), 17(4)(e),	Letter dated October 22, 2018, sent to licensee advise of findings of inspection.

**NB: Breach of Licence [1] means systems is not addressable**

**Breach of Licence [2] means not providing service to a licensed zone (s)**



## 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, remedial action is directed if applicable and the Commission considers the matter resolved when action has been carried out.

Three (3) investigations were resolved between July and September 2018.

Table 3

### Resolution of Complaints by Licensee Type

	No. of Investigated Complaints Resolved
Subscriber Television	-
Broadcast Television	<b>3</b>
Broadcast Radio	-
<b>Total</b>	<b>3</b>

**Table 4****Resolution of Complaints by Category**

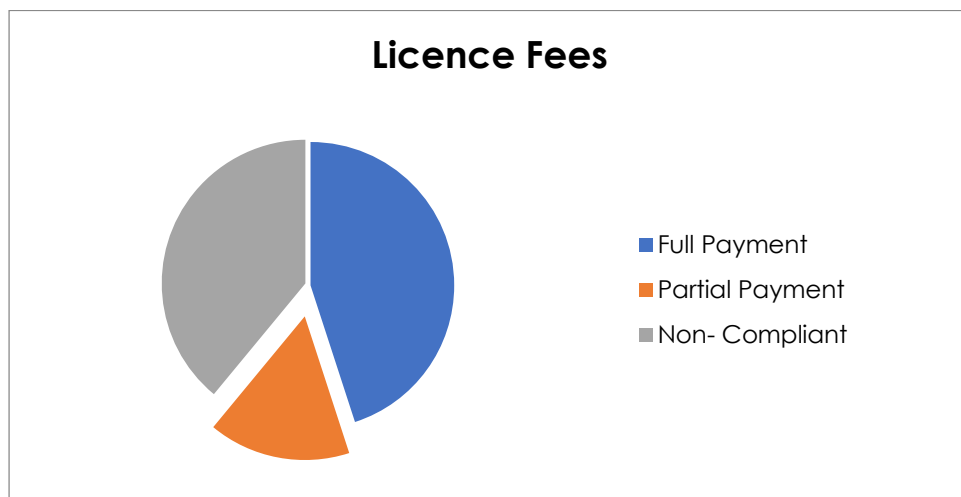
<b>Category</b>	<b>Total</b>
<b>Closed – No Evidence of Breach</b>	
Subscriber Television	-
Broadcast Radio	-
Broadcast Television	-
<b>Closed- No further Sanction Required</b>	
Subscriber Television	-
Broadcast Radio	-
Broadcast Television	-
<b>Closed – Required Remedial Action Taken</b>	
Subscriber Television	-
Broadcast Radio	-
Broadcast Television	<b>3</b>
<b>Total</b>	<b>3</b>

## 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 2**

**Figure 2**



Full Payment	-	45%
Partial Payment	-	16%
Non- Compliant	-	39%

**Table 5**  
**STV Licensees Financial Compliance**  
**For quarter ended September 31, 2018**

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2013	2014	2015	2016	2017	Paid in Full	Partial Payment	Non- Compliant
1	Advance Cable Systems Ltd.	n/a	n/a	no	no	no	✓		
2	Astra Technology Ltd.	yes	yes	no	no	no	✓		
3	Cable One Jamaica Ltd. yes	yes	yes	yes	yes	yes		✓	
4	Cabletron Network Systems Ltd.	yes	yes	no	no	no		✓	
5	Central Clarendon Cable Ltd.	n/a	n/a	no	no	no			✓
6	Central Communication Services Ltd.	yes	yes	no	yes	yes	✓		
7	Columbus Communications - FLOW	yes	yes	yes	yes	no	✓		
8	Combined Communications Ltd.	yes	yes	no	no	no			✓
9	Communicable Ltd.	no	no	no	no	no		✓	
10	Cornwall Communications Ltd.	yes	no	no	no	no		✓	
11	CTL Limited	yes	yes	no	no	no	✓		
12	Digicel Jamaica (formerly Telstar Cable Ltd)	yes	no	no	yes	yes	✓		
13	Digital Interactive Systems Limited	n/a	n/a	n/a	n/a	no			✓
14	Direct Cable Systems Ltd.	yes	no	no	no	no			✓
15	First Choice Cable	yes	no	no	no	no			✓
16	Gemini Cable Network (formerly Silly Video Cable Network Ltd)	yes	yes	yes	yes	no	✓		
17	General Satellite Network Company	yes	yes	yes	no	no			✓
18	Guthrie's Communications Ltd	yes	no	no	no	no		✓	
19	Horizon Entertainment & Communication	n/a	n/a	no	yes	no	✓		
20	Inntech Communications Ltd.	yes	yes	yes	yes	no	✓		
21	Jamaica Cablevision Ltd.	yes	no	no	no	no	✓		
22	Krisara Cable Co. Ltd.	n/a	n/a	n/a	n/a	no			✓
23	Linscom Network Limited	yes	yes	no	yes	yes			✓

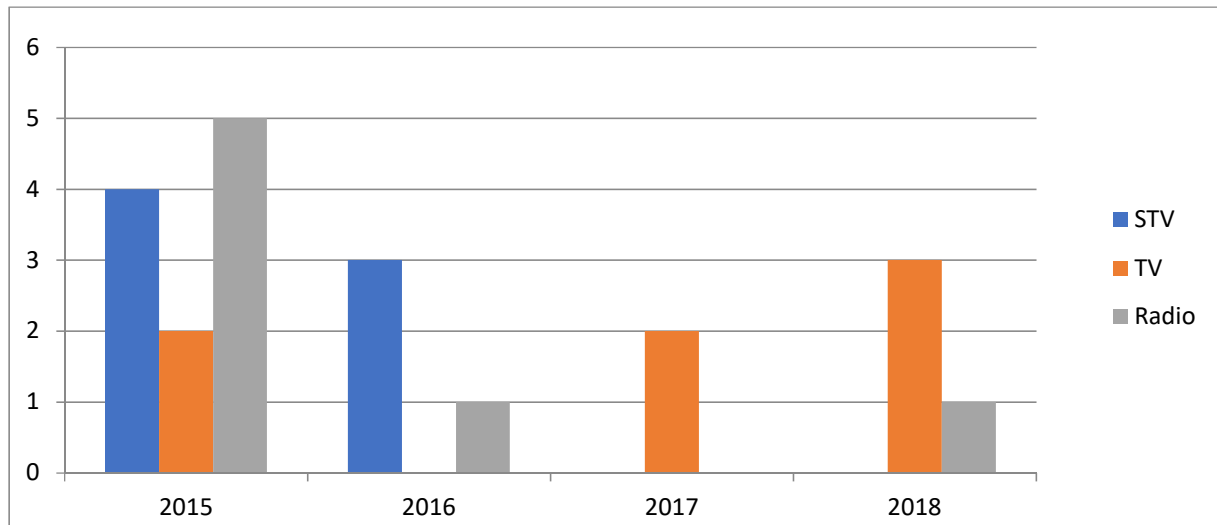
LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2013	2014	2015	2016	2017	Paid in Full	Partial Payment	Non-Compliant
24	Logic One Limited	yes	yes	yes	yes	no	✓		
25	Marimaxx Communications Ltd.	no	no	no	no	yes		✓	
26	Mars Cable Vision Ltd.	yes	yes	yes	yes	yes	✓		
27	McKoy Cable Television Co. Ltd.	yes	yes	no	no	no			✓
28	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no			✓
29	Modern Re-Broadcasting Co. Ltd.	yes	yes	no	no	no	✓		
30	Nems Electrical & Satellite Ltd.	n/a	n/a	n/a	no	no			✓
31	Network Cable Service	n/a	yes	yes	yes	yes	✓		
32	Odyssey Cable Vision Limited	yes	yes	yes	yes	yes	✓		
33	Procables Network Limited	n/a	n/a	no	no	no	✓		
34	QES 46 Limited	yes	no	no	no	no	✓		
35	Quality Cable Service	no	no	no	no	no			✓
36	Rural Cable Company Limited	n/a	n/a	no	no	no		✓	
37	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes	✓		
38	Somane Pesole Communications Ltd.	n/a	n/a	no	no	no	✓		
39	Starcom Cablevision Ltd.	yes	no	no	no	no			✓
40	Stars Cable Company Ltd.	yes	no	no	no	no	✓		
41	St. Thomas Cable Network Limited	yes	no	no	no	no		✓	
42	Summit Satellite Systems Limited	yes	no	no	no	no			✓
43	Total Cable	yes	no	no	no	no			✓
44	Tru Star Cable Television Network	yes	yes	no	no	no			✓
45	Unique Vision Cable Co. Ltd.	no	no	no	no	yes	✓		
46	Venus Cable Services	no	no	no	no	no			✓
47	Vere Cable Network Limited	n/a	n/a	no	no	no			✓
48	Westar Communications Limited	no	no	no	no	no	✓		
49	Wilson Enterprises Limited	yes	no	no	no	no			✓

## NOTICES OF BREACH

During the period under review, three (3) Notices of Breach were issued to Broadcast Television licensees and one (1) to a Broadcast Radio licensee. All four (4) of these notices arose from the contravention of Content Standards.

**Figure 3**

### TREND IN BREACHES COMMITTED (BY SERVICE)



	2015	2016	2017	2018
STV	4	3	0	0
TV	2	0	2	3
RADIO	5	1	0	1

**Table 6**  
**BREACHES BY LICENSEES**

**BREACHES BY BROADCAST TELEVISION LICENSEES**

**1. TELEVISION JAMAICA LIMITED (TVJ)**

DATE OF NOTIFICATION:	June 5, 2018
COMPLAINT NUMBER:	2018042300
NATURE OF COMPLAINT:	Transmission of a Soap Opera with mild violent content.
NATURE OF BREACH:	Breach of the scheduling requirements and V1 of the Code. The content should not be transmitted before 8:00 p.m.
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Licensee directed to transmit apology. Licensee complied.
STATUS:	Closed.

**2. CVM TELEVISION LIMITED (CVM TV)**

DATE OF NOTIFICATION:	June 5, 2018
COMPLAINT NUMBER:	2018041000
NATURE OF COMPLAINT:	Transmission of a Soap Opera with medium level violence
NATURE OF BREACH:	Breach of the scheduling requirements of the Code. The content 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

**3. CVM TELEVISION LIMITED (CVM TV)**

DATE OF NOTIFICATION:	September 3, 2018
COMPLAINT NUMBER:	2018052400
NATURE OF COMPLAINT:	Transmission of a Soap Opera with mild sexual content.
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 BROADCAST RADIO LICENSEES

### 1. *MOTHER IN CRISIS (SUNCITY RADIO)*

DATE OF NOTIFICATION:	September 26, 2018
COMPLAINT NUMBER:	2018070300
NATURE OF COMPLAINT:	Transmission of a song with graphic sexual lyrics.
NATURE OF BREACH:	Breach of Reg. 30(d) of the TSBR and L3 of the Code. Lyrics rated NFT – Not Fit for Transmission.
COMMISSION DECISION:	Licensee in Breach
REMEDIAL ACTION:	Licensee directed to transmit apology. Licensee complied.
STATUS:	Closed.

**\*\* 'Date of Notification' 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**