

# BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality

## QUARTERLY MONITORING & COMPLIANCE REPORT

JANUARY- MARCH 2008

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# INTRODUCTION

Four hundred and thirty-seven (437) contacts were recorded for the period under review. Of this number, thirty-one (31) resulted in investigations of licensed cable, radio or television operators. This level of investigations represents a reduction of twenty-one percent (21%) when compared to the corresponding reporting period in the previous year, and also a reduction of sixteen percent (16%) when compared to the previous quarter, October to December 2007.

One hundred and forty-two (142) of the contacts recorded for the period under review were related to cable service provided by Columbus Communications Jamaica Limited (operating as Flow). This figure represented thirty-three percent (33%) of the total contacts recorded for the period.

As a result of the investigations conducted during the quarter, nineteen (19) notices of breach and three (3) recommendations for suspension of licence were issued. Of the recommendations for suspension, two (2) related to subscriber television (STV) licensees and one (1) affected a broadcast licensee. Further action on one of the recommendations is awaiting the outcome of the affected STV licensee's application for renewal of licence. .

# PROGRAMMING STANDARDS COMPLIANCE

During the period under review, the Commission received twelve (12) complaints relating to the transmission of problematic content. This total represents a decrease of forty-five percent (45%) when compared to the corresponding period in 2007. Thirty-three percent (33%) of the complaints received during the period under review were in relation to transmissions aired by **News Talk 93FM** a radio service of Universal Media Company Limited.

**Table 1** details the complaints received about programming standards between January and March, and the nature of the investigations conducted by the Commission, while **Figure 1** illustrates the trend in programming standards complaints received in similar reporting periods since 2005.

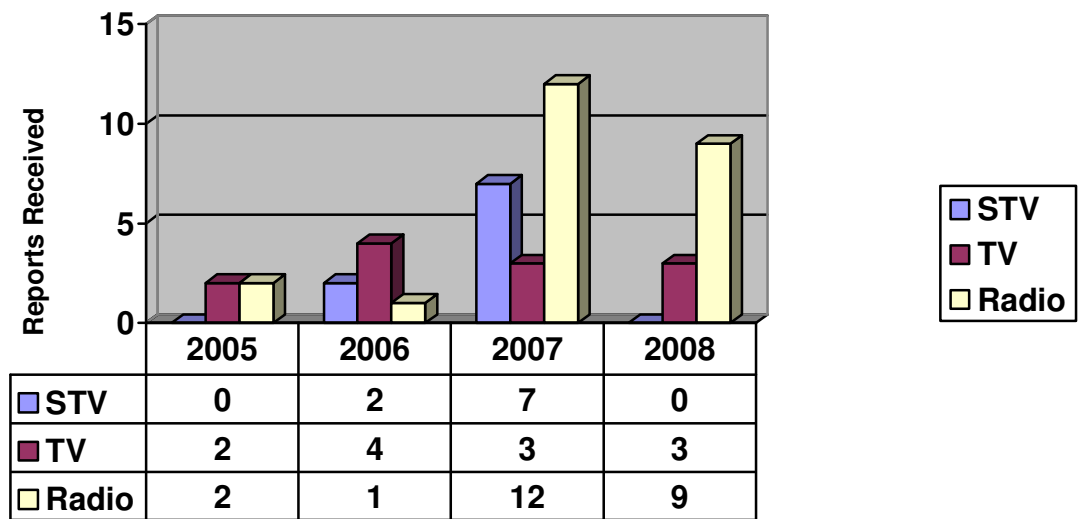
**Table 1**  
**Content Standards Reports: January- March 2008**

LICENSEES	NATURE OF COMPLAINTS RECEIVED					
	Unprofessional behaviour	Inappropriate comments	Problematic Behaviour	Violent Content	Problematic behaviour	TOTAL
Universal Media Company (Newstalk 93FM)	2	2				4
Radio Jamaica Limited (94FM)		1				1
Television Jamaica Limited (TVJ)					1	1
Grove Broadcasting Company (IRIE FM)		3				3
Yard Broadcasting Ltd. (LYNX FM)		1				1
CVM TV Limited (CVM TV)					2	2
<b>Total</b>	2	7			3	12*

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

Figure 1

Content Standards Reports Trends: January- March 2005 - 2008



# TECHNICAL COMPLIANCE

## Technical Monitoring

The facilities of all subscriber television operators are inspected annually to determine their compliance with the standards set out in law.

There was no inspection for the period under review as all the scheduled annual inspections, except one (1), were completed in the previous quarter, October-December 2007.

## Technical complaints

**A total of twelve (12) complaints were received about the technical quality of licensees' transmissions for the period under review.**

Approximately eighty-three percent (83%) of the complaints received related to poor audio and video signals and the remaining seventeen percent (17%) related to allegations of frequent breakdowns. The total figure represents an increase in complaints of seventy-one percent (71%) when compared to the corresponding period in 2007. However, the number remained constant when compared to the previous quarter October to December 2007.

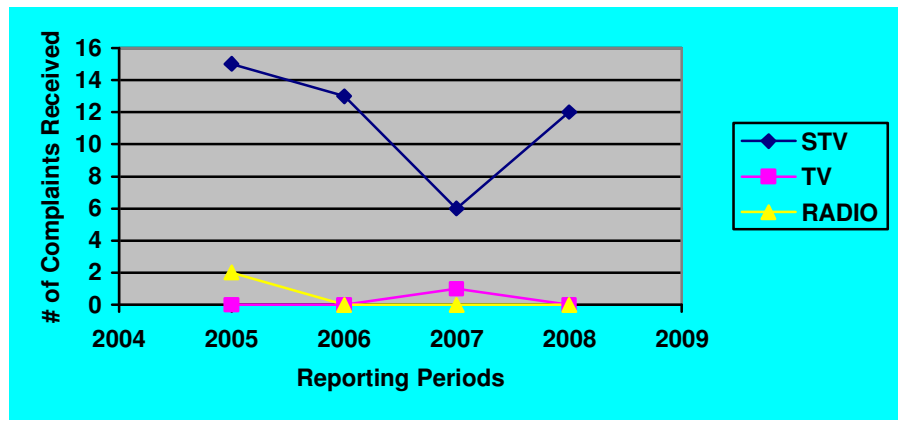
Table 2 details the nature of the investigations conducted, while Figure 2 illustrates the trend in technical complaints received in similar reporting periods since 2005

**Table 2**  
**Technical Standards Reports: January -March 2008**

LICENSEES	NATURE OF COMPLAINTS RECEIVED			
	Poor audio and video signals	Frequent breakdowns	Inability to access local channel	<b>TOTAL</b>
Columbus Communications (FLOW)	1		1	2
General Satellite Network Co.	1			1
Cornwall Communications	1			1
Jamaica Cablevision (JCV)	1			1
Mega International	1			1
Wilson's Electronics	2			2
Guthrie's Communications	2	1		3
Starcom Cablevision	1			1
<b>TOTAL</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>12*</b>

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

Figure 2  
Technical Standards Reports Trend: January-March 2005-2008





# CUSTOMER SERVICE COMPLIANCE

Seven (7) reports of customer service problems were received for the period under review. Of the total complaints received, seventy-one percent (71%) were related to **CCJL**. There was no change in the total figure when compared to the corresponding period in 2007. However, there was a thirty percent (30%) decrease when compared to the previous quarter, October to December 2007

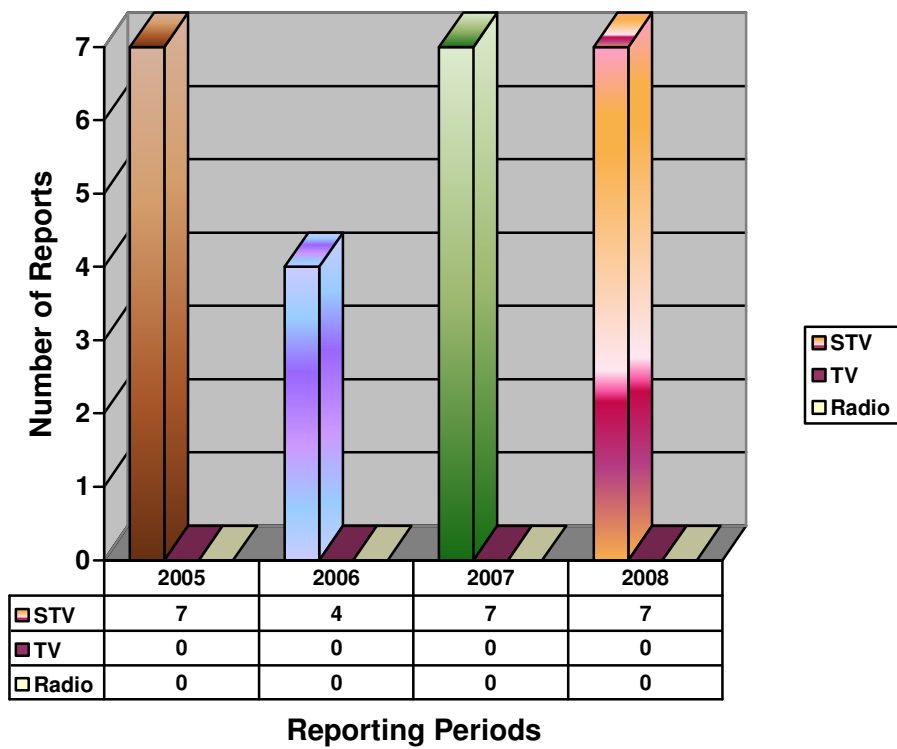
**Table 3** details the nature of the investigations conducted by the Commission, while **Figure 3** illustrates the trend in customer service complaints received for similar reporting periods since 2004.

**Table 3**  
**Customer Service Complaints: January - March 2008**

LICENSEES	NATURE OF COMPLAINTS RECEIVED							TOTAL
	Inaccurate Billing	Non Provision of service	Inability to Contact	Increased subscribers fees	Not advised of change of ownership	No service	Unlicensed provision of service	
Columbus Communications (FLOW)	2			1	1		1	5
Mega International						1		1
Starcom Cablevision	1							1
<b>TOTAL</b>								<b>7*</b>

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

**Figure 3**  
**Customer Service Complaints Reports Trends: January-March 2005-2008**



# COMPLAINTS RESOLVED

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. Fifty-five (55) investigations were resolved between January and March 2008.

**Table 4** shows the categories of complaints resolved, while **Table 5** details the bases on which the Commission was able to close the investigations.

*Table 4*  
Resolution of Complaints by Category

	Complaints Resolved (including those brought forward from the previous quarter)
Subscriber Television	24
Broadcast Television	9
Broadcast Radio	22
<b>Total</b>	<b>55</b>

*Table 5*  
Resolution of Complaints by Category

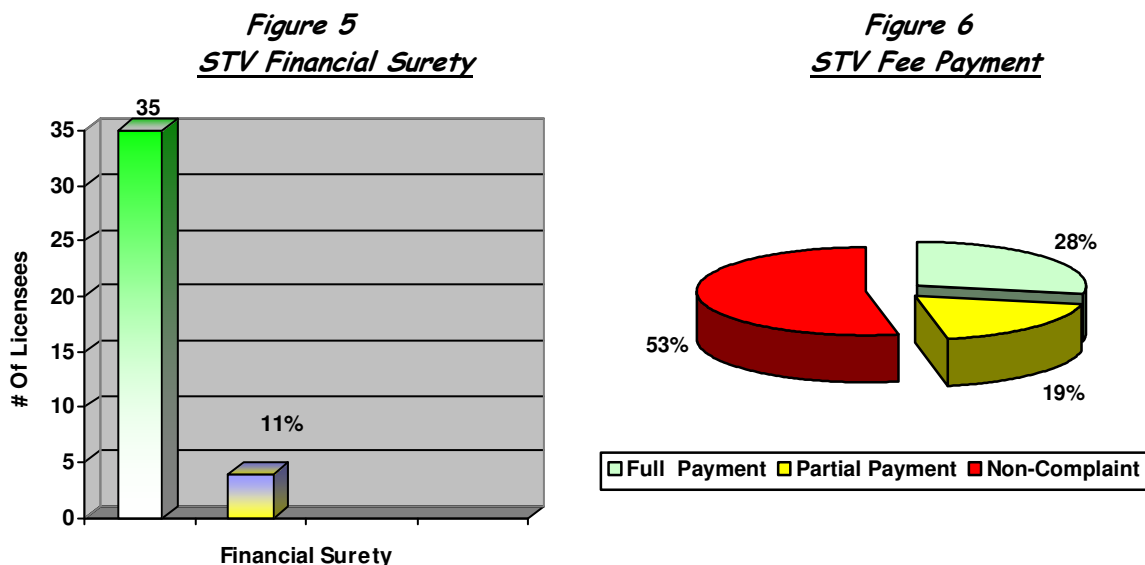
CATEGORIES	TOTAL
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<b>Resolved to complainant's satisfaction</b>	
Subscriber Television	17
Broadcast Radio	
<b>Commission investigation complete</b>	
Broadcast Radio	1
Broadcast Television	5
Subscriber Television	
<b>No response from complainant</b>	
Subscriber Television	3
<b>No evidence of breach of content standards</b>	
Broadcast Television	3
Broadcast Radio	13
Subscriber Television	1
	-
<b>No further remedial action required for breach committed</b>	
Broadcast Radio	4
Broadcast Television	1
<b>Outside Commission Mandate</b>	
Subscriber Television	1
<b>Complied with required remedial action for breach of licence</b>	
Broadcast Radio	4
Subscriber Television	2
<b>Total</b>	<b>55</b>

## FINANCIAL COMPLIANCE

STV operators are required to pay an annual licence fee of five percent (5%) of their gross subscription income. In addition, since 2006 STV licensees are required to submit a financial surety for Commission use in cases of chronic default on payment.

**Figures 5 and 6** illustrate cable operators' compliance with these obligations.



Of the thirty-five (35) eligible licensees, only four (4), or eleven percent (11%), have complied with this requirement and submitted the financial surety.

In relation to licence fees due during the period, thirteen (13) licensees paid in full; nine (9) licensees made partial payments and twenty-five (25) were totally non-compliant. This performance compares negatively to the previous quarter of Oct-Dec 2007, when the Commission recorded payments from twenty-two (22) licensees in full; six (6) licensees making partial payment and nineteen (19) licensees who were non-compliant.

**Table 6**  
**STV Licensees Financial Compliance**  
**For quarter ended March 31, 2008**

	LICENSEES	FINANCIAL SURETY	FEES		
		STATUS	Paid in Full	Partial Payment	Non-Compliant
1	Abacus Communications Ltd.	Non- Compliant			✓
2	Allied Cablevision Co. Ltd.	Non- Compliant			✓
3	Astra Technology Ltd.	Non- Compliant			✓
4	Beason Communications Ltd.	Non- Compliant			✓
5	Cable One Jamaica Ltd.	Not Applicable		✓	
6	Cable Home Entertainment Co. Ltd.	Non- Compliant			✓
7	Cabletron Network Systems Ltd.	Non- Compliant			✓
8	Central Communication Services Ltd.	Not Applicable		✓	
9	Columbus Communications - FLOW	Non- Compliant	✓		
10	Combined Communications Ltd.	- Compliant			✓
11	Communicable Ltd.	Non- Compliant	✓		
12	Cornwall Communications Ltd.	Non- Compliant		✓	
13	CTL Limited	Non- Compliant			✓
14	Entertainment Systems Limited	Non-Compliant			✓
15	First Choice Cable	Not Applicable	✓		
16	General Satellite Network Company Ltd.	Compliant	✓		
17	Guthrie's Communications Ltd	Not Applicable			✓
18	Inntech Communications Ltd.	Non- Compliant	✓		
19	IZIT Properties Limited	Non- Compliant			✓
20	Jamaica Amalgamated Cable Systems	Non- Compliant			✓
21	Jamaica Cablevision Ltd.	Non- Compliant	✓		
22	Linscom Network Limited	Non- Compliant	✓		
23	Logic One Limited	Non- Compliant	✓		
24	Marimaxx Communications Ltd.	Non- Compliant			✓

**Table 6**

**STV Licensees Financial Compliance  
For quarter ended March 31, 2008**

	LICENSEES	FINANCIAL SURETY	FEES		
		STATUS	Paid in Full	Partial Payment	Non-Compliant
25	Mars Cable Vision Ltd.	Non- Compliant			✓
26	Matrix Entertainment & Comm. Co.	Not Applicable			✓
27	Mega International Co. Ja. Ltd.	Non- Compliant			✓
28	Mikes Electronics & Cable Network Ltd.	Non- Compliant			✓
29	Mile Gully Cable Ltd	Non- Compliant		✓	
30	Modern Re-Broadcasting Co. Ltd.	Not Applicable	✓		
31	North Eastern Satellite Limited	Compliant		✓	
32	Odyssey Cable Vision Limited	Non- Compliant		✓	
33	Oliver Electronics Engineering Ltd.	Non- Compliant		✓	
34	Omni Cable Services Limited	Non- Compliant			✓
35	QES 46 Limited	Non- Compliant			✓
36	Santastic Cable Systems Ltd.	Not Applicable	✓		
37	Silly Video Cable Network Limited	Non- Compliant			✓
38	Starcom Cablevision Ltd.	Non- Compliant			✓
39	Stars Cable Company Ltd.	Non- Compliant		✓	
40	St. Thomas Cable Network Limited	Non- Compliant			✓
41	Summit Satellite Systems Limited	Not Applicable			✓
42	Telstar Cable Limited	Compliant	✓		
43	Unique Vision Cable Co. Ltd.	Not Applicable	✓		
44	Venus Cable Services	Not Applicable		✓	
45	Westar Communications Limited	Not Applicable			✓
46	Wilson's Electronics Limited	Non- Compliant	✓		
47	Wilson Enterprises Limited	Non- Compliant			✓

## BREACHES OF LICENCE

A total of nineteen (19) notices of breach of licence were issued during the reporting period. This represents an increase of seventy-three percent (73%) when compared to the corresponding period in 2007, and a significant increase of three hundred and seventy-five percent (375%) when compared to the previous quarter of October to December 2007.

Of the breaches committed,

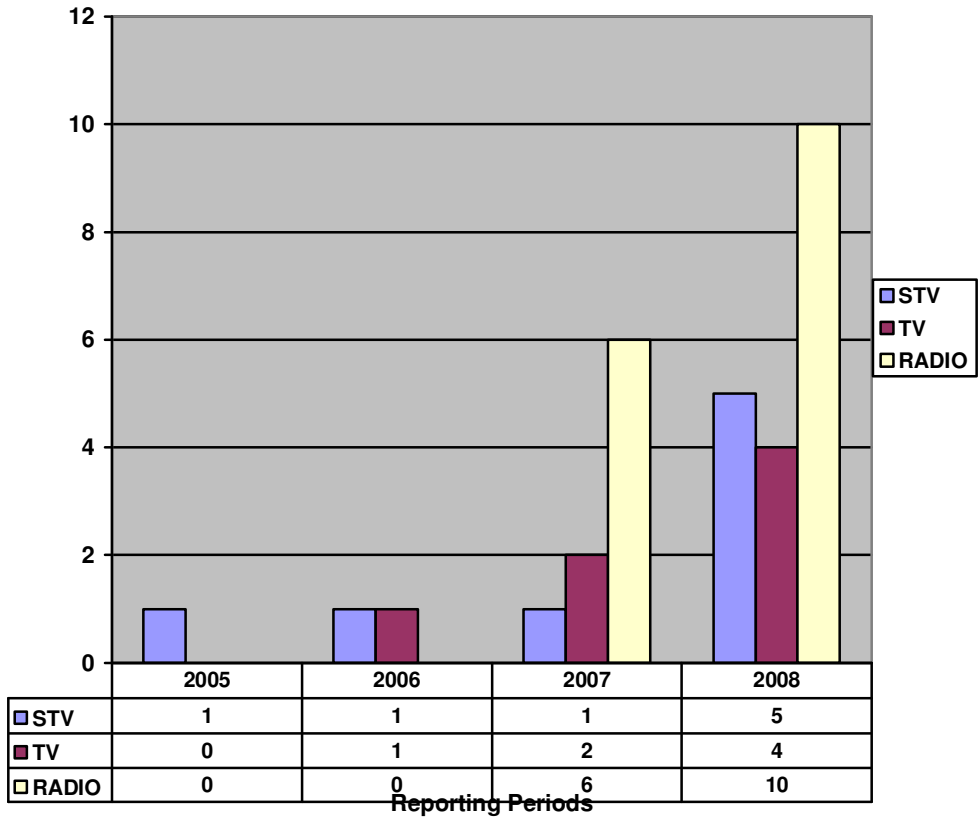
- five (5) related to STV operators who failed to show evidence they had taken remedial action as directed,
- three (3) related to transmission of denigrating language on broadcast radio,
- three (3) were issued to broadcast radio licensees for failing to keep recordings of material aired,
- three (3) were for transmission of material with unlawful sexual content on broadcast radio,
- one (1) was issued to a broadcast television licensee for transmitting simulation of sexual activity.
- one (1) related to a broadcast television licensee failing to provide an appropriate advisory before transmitting problematic content,
- one (1) related to a broadcast television licensee exceeding the legal limit for amount of advertising content
- one (1) was for transmission of expletives on broadcast radio, and
- one (1) was for transmission of violent lyrics on broadcast radio.

It should be noted that broadcast radio licensees recorded the highest number of breaches for the calendar year 2008 ten (10) compared to five (5) for cable and four for broadcast television.

**Figure 4** illustrates the trend in total breaches committed, by service, for similar reporting periods since 2004. The lists overleaf detail the breaches determined by the Commission during the current reporting period.

*Figure 4*  
***Trend in Total Breaches January –March 2005 – 2008***





## **BREACHES COMMITTED BY BROADCAST RADIO LICENSEES**

### **R.J.R COMMUNICATIONS GROUP- FAME 95**

**DATE OF BREACH:** 04-Feb-08  
**COMPLAINT NUMBERS:** 07/11/06/1020-002  
07/11/29/1016-001  
**NATURE OF COMPLAINT:** Alleged transmission of profane lyrics  
**NATURE OF BREACH:** Failure to keep slow tapes  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION:** Licensee implemented necessary devices for logging and delay  
**STATUS:** Remedial action taken

### **R. J. R. COMMUNICATIONS GROUP- 94FM**

**DATE OF BREACH:** 04-Feb-08  
**COMPLAINT NUMBERS:** 07/11/14/1020-001  
**NATURE OF COMPLAINT:** Alleged transmission of graphic sexual material  
**NATURE OF BREACH:** Failure to keep slow tapes  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION:** Licensee implemented necessary devices for logging and delay.  
**STATUS:** Remedial action taken

### **UNIVERSAL MEDIA COMPANY LIMITED (NEWSTALK 93FM)**

**DATE OF BREACH:** 23-Jan-08  
**COMPLAINT NUMBER:** 08/01/07/1009-002  
**NATURE OF COMPLAINT:** Unprofessional behaviour of host  
**NATURE OF BREACH:** Transmission of malicious and scandalous matter & denigrating language  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION:** Licensee directed to implement corrective measures and air apology. Specific directives were given to UMC by MICYS  
**STATUS:** Apology was aired.

**DATE OF BREACH:** 18-Mar-08  
**COMPLAINT NUMBER:** 08/02/04/1014-001  
**NATURE OF COMPLAINT:** Racial slurs against Indians  
**NATURE OF BREACH:** Transmission of derogatory, abusive and denigrating material  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION:** Licensee directed to air apology and implement corrective measures. Specific directives were given to UMC by MICYS  
**STATUS:** Apology was aired...

## GROVE BROADCASTING COMPANY LIMITED (IRIE FM)

**DATE OF BREACH:** 04-Feb-08  
**COMPLAINT NUMBER:** 07/08/02/1014-003  
**NATURE OF COMPLAINT:** Transmission of songs containing sexual lyrics  
**NATURE OF BREACH:** Transmission of material containing sexual element  
**COMMISSION DECISION:** Licensee in breach  
**REMEDIAL ACTION:** Licensee directed to apologize, apology aired, internal Measures implemented and disciplinary action taken  
**STATUS:** Complied with required remedial action

**DATE OF BREACH:** 14- Mar-08  
**COMPLAINT NUMBER:** 07/07/26/1014-001  
**NATURE OF COMPLAINT:** Transmission of graphic verbal expletive  
**NATURE OF BREACH:** Transmission of verbal expletives  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION:** Licensee directed to apologize and management team to meet with secretariat. Host reprimanded, delay Mechanism in place  
**STATUS:** Compliance with remedial action(s)

**DATE OF BREACH:** 19-Mar-08  
**COMPLAINT NUMBER:** 08/01/23/1014-002  
**NATURE OF COMPLAINT:** Song promoting violence  
**NATURE OF BREACH:** Transmission of lyrics promoting violence  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION:** Licensee directed to apologize and management team to meet with secretariat. Apology aired. Internal measures implemented. Disc jockey reprimanded  
**STATUS:** Compliance with required remedial action(s)

**DATE OF BREACH:** 19-Mar-08  
**COMPLAINT NUMBER:** 08/01/23/1014-001  
**NATURE OF COMPLAINT:** Transmission of sexually explicit lyrics  
**NATURE OF BREACH:** Transmission of explicit material describing sexual activity  
**COMMISSION DECISION:** Licensee in breach of licences  
**REMEDIAL ACTION:** Licensee directed to apologize and management team to meet with secretariat. Apology aired, internal measures implemented. Disciplinary action taken against employee involved.  
**STATUS:** Compliance with required remedial action(s)

## GROVE BROADCASTING COMPANY LIMITED (ZIP 103FM)

**DATE OF BREACH:** 01-Feb-08  
**COMPLAINT NUMBER:** 07/11/23/1016-001  
**NATURE OF COMPLAINT:** Transmission of song containing verbal /sexual Expletive  
**NATURE OF BREACH:** Transmission of material containing sexual explicit and expletive language  
**COMMISSION DECISION:** Licensee in breach of broadcast licence  
**REMEDIAL ACTION:** Licensee directed to apologize and management team to meet with secretariat. Apology aired, internal measures implemented, disciplinary action taken against employee  
**STATUS:** Compliance with required remedial action.

## **BREACHES COMMITTED BY BROADCAST TELEVISION LICENSEES**

### **TELEVISION JAMAICA LIMITED**

**DATE OF BREACH:** 21-Feb-08  
**COMPLAINT NUMBER:** 07/11/23/1016-001  
**NATURE OF COMPLAINT:** Inappropriate and inhumane commentary  
**NATURE OF BREACH:** Transmission of abusive and denigrating language  
**COMMISSION DECISION:** Licensee in breach of code  
**REMEDIAL ACTION:** No Action (late advisory to licensee)  
**STATUS:** Commission investigation complete

**DATE OF BREACH;** 05- Feb-08  
**COMPLAINT NUMBER:** 07/12/11/1009-003  
**NATURE OF COMPLAINT:** Inappropriate transmission  
**NATURE OF BREACH:** Transmission of advertisement containing simulation of sexual activity  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION:** No Action (Late advisory to licensee)  
**STATUS:** Commission investigation complete

### **CVM TELEVISION LIMITED**

**DATE OF BREACH:** 20-Feb-08  
**COMPLAINT NUMBER:** 07/08/07/1020-001  
**NATURE OF COMPLAINT:** No advisory aired prior to violent news item  
**NATURE OF BREACH:** Absence of appropriate advisories during news items containing violence  
**COMMISSION DECISION:** Licensee in breach of Code  
**REMEDIAL ACTION:** No Action (Late advisory to licensee)  
**STATUS:** Commission investigation complete

**DATE OF BREACH:** 20-Feb-08  
**COMPLAINT NUMBER:** 07/07/30/1020-001  
**NATURE OF COMPLAINT:** Long periods of adverts during break of programme  
**NATURE OF BREACH:** Advertising content exceeding that permitted by law  
**COMMISSION DECISION:** Licensee in breach of code  
**REMEDIAL ACTION:** No Action (Late advisory to licensee)  
**STATUS:** Commission investigation closed

**BREACHES COMMITTED BY SUBSCRIBER TELEVISION LICENSEES**

**STARCOM CABLEVISION LIMITED**

**DATE OF BREACH:** 21-Jan- 08  
**COMPLAINT NUMBER:** 08/01/03/1009-001  
**NATURE OF BREACH:** Failure to provide requested information  
**COMMISSION DECISION:** Breach of licence  
**REMEDIAL ACTION:** Information requested was provided  
**STATUS:** Resolved to complainant's satisfaction

**CORNWALL COMMUNICATIONS LIMITED**

**DATE OF BREACH:** 21-Jan-08  
**COMPLAINT NUMBER:** 08/01/07/1009-001  
**NATURE OF BREACH:** Failure to provide requested information  
**COMMISSION DECISION:** Breach of licence  
**REMEDIAL ACTION:** Information requested was provided  
**STATUS:** Resolved to complainant's satisfaction

**WILSON'S ELECTRONICS LIMITED**

**DATE OF BREACH:** 16-Jan-08  
**COMPLAINT NUMBER:** 08/01/02/1009-003  
**NATURE OF BREACH:** Failure to provide requested information  
**COMMISSION DECISION:** Breach of licence  
**REMEDIAL ACTION:** Information requested was provided  
**STATUS:** Resolved to complainant's satisfaction

**MEGA INTERNATIONAL LIMITED**

**DATE OF BREACH:** 16-Jan-08  
**COMPLAINT NUMBER:** 08/01/02/1009-002  
**NATURE OF BREACH:** Failure to provide requested information  
**COMMISSION DECISION:** Breach of licence  
**REMEDIAL ACTION:** Information requested provided  
**STATUS:** Resolved to complainant's satisfaction

**DATE OF BREACH:** 16-Jan-08  
**COMPLAINT NUMBER:** 07/12/28/1009-001  
**NATURE OF BREACH:** Failure to provide requested information  
**COMMISSION DECISION:** Breach of licence  
**REMEDIAL ACTION:** Information requested provided  
**STATUS:** Complainant no longer subscriber of Mega Intl.



