

# BROADCASTING COMMISSION

More Choices, Better Access and Higher Quality

## QUARTERLY MONITORING & COMPLIANCE REPORT

JULY - SEPTEMBER 2007

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# INTRODUCTION

The Commission conducted technical inspections on only two (2) subscriber television (STV) licensee's facilities during the current reporting period, prior to the passage of Hurricane Dean. After the storm, inspections were put on hold to allow licensees to bring their systems back to pre-hurricane standards. Follow-up visits were however conducted with licensees to determine the status of their operations. Reports gathered by the Commission indicated that most licensees suffered some impact. Sixty-five percent (65%) reported that they had suffered severe damage, while the other thirty-five percent (35%) sustained at least minor damage to their systems.

A total of thirty (30) complaints were received during the period. This total represents a noticeable decrease of forty-four percent (44%) when compared to the corresponding reporting period in the previous year, and a twenty-five percent (25%) decrease when compared to the previous quarter April to June, 2007.

On August 31, 2007, the Commission introduced a new basis for calculating grant-of-licence fees, to replace the former "regulatory cost recovery" approach. The **Television and Sound Broadcasting Regulations** have been amended to reflect the new "economic value" approach, under which STV licence fees are calculated according to the geographical spread and estimated market value of the zone(s) the licensee obtains under a new or amended 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 major reduction of sixty-six percent (66%) when compared to the corresponding period in 2006.

**Table 1** details the complaints received about programming standards between July and September, and the nature of the investigations conducted by the Commission, while **Figure 1** illustrates the trend in programming standards investigation received in similar reporting periods since 2004.

**Table 1**  
**Content Standards Reports: July - September 2007**

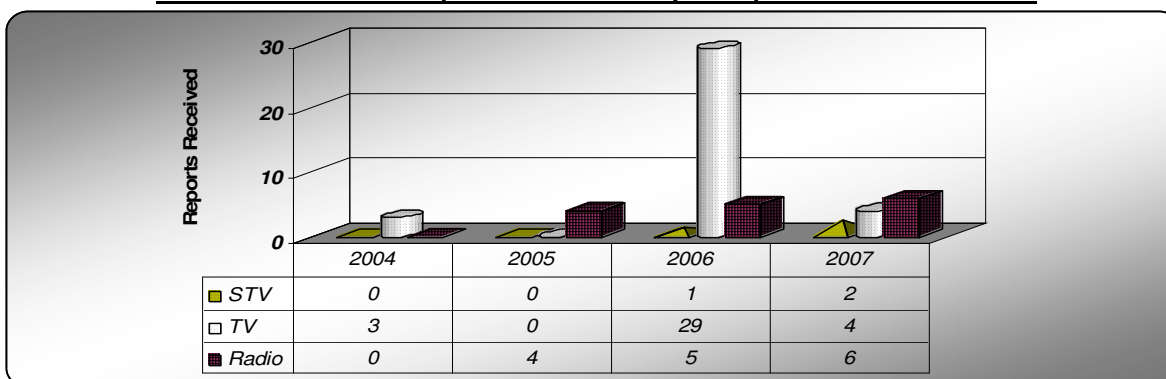
LICENSEES	NATURE OF COMPLAINTS RECEIVED					<i><b>TOTAL</b></i>
	Problematic Sexual Content	Problematic Language	Unencrypted Adult Material	Violent Content	Number of advertisements aired	
CVM Television Limited				1	1	<b>2</b>
Entertainment Systems Limited			1			<b>1</b>
Grove Broadcasting Company Limited (IRIE FM)		1				<b>1</b>
Grove Broadcasting Company Limited (ZIP FM)	2					<b>2</b>
Omni Cable Company Limited			1			<b>1</b>
Radio Jamaica Limited (HITZ 92FM)	2					<b>2</b>
Radio Jamaica Limited (Nationwide News Network)		1				<b>1</b>
Television Jamaica Limited		1		1		<b>2</b>
<b>TOTAL</b>						<b>12*</b>

*\* Complaints*

*include allegations that may not have necessarily resulted in findings of breach*

*listed above*

**Figure 1**  
**Content Standards Reports Trends: July - September 2004 - 2007**



# TECHNICAL COMPLIANCE

One third of the complaints received concerned the technical quality of licensees' transmissions. This figure represents a noticeable reduction of thirty-three percent (33%) when compared to the corresponding period in 2006 and a minor decrease of seventeen percent (17%) when compared to the previous quarter April to June 2007.

Ninety percent (90%) of the technical reports received from July to September related to the poor quality of the cable signals provided to subscribers; while ten percent (10%) concerned alleged interference with signals transmitted by a broadcast television licensee.

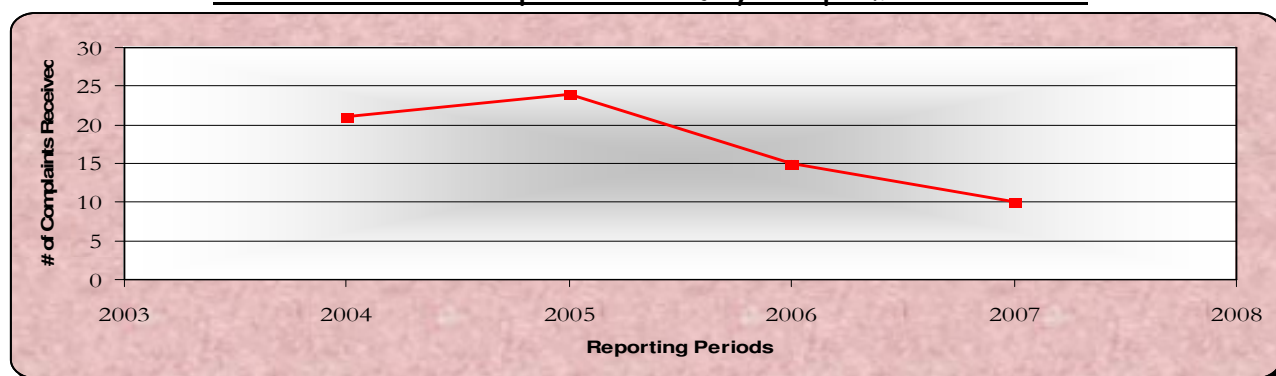
**Table 2** details the nature of the investigations conducted, while **Figure 2** illustrates the trend in technical complaints received in similar reporting periods since 2004.

**Table 2**  
**Technical Standards Reports: July - September 2007**

LICENSEES	NATURE OF COMPLAINTS RECEIVED			
	Poor audio and video signals	Frequent breakdowns	Interference	TOTAL
Columbus Communications Limited (FLOW)	1		1	2
Combined Communications Limited	1			1
CVM Television Limited			1	1
D&L Cable & Satellite Network Company	1			1
Jamaica Amalgamated Cable Systems	2	2		4
Wilson's Electronics Limited	1			1
<b>TOTAL</b>				<b>10*</b>

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

**Figure 2**  
**Technical Standards Reports Trend: July - September 2004-2007**



# CUSTOMER SERVICE COMPLIANCE

Eight (8) or twenty-seven percent (27%) of the total complaints received were reports of poor customer service from subscribers to licensed cable operators. This figure represents a one hundred and sixty-seven percent (167%) increase when compared to the corresponding period in 2006 and a one hundred percent (100%) increase when compared to the previous quarter, April to June 2007.

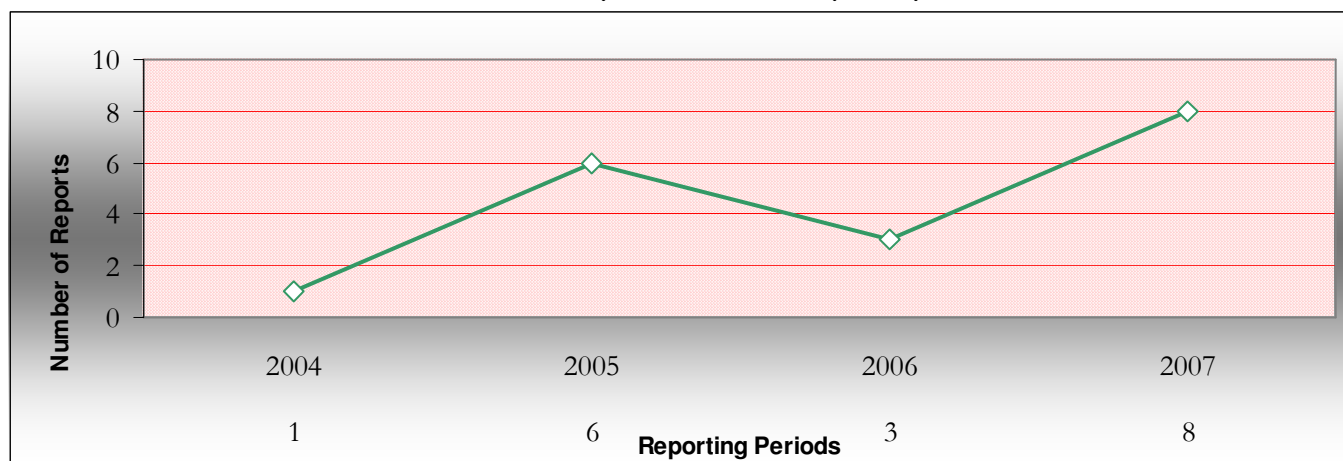
**Table 3** details the nature of the investigations conducted by the Commission, while **Figure 3** illustrates the trend in customer service complaints received for similar reporting periods since 2004.

**Table 3**  
**Customer Service Standards Reports: July - September 2007**

LICENSEES	NATURE OF COMPLAINTS RECEIVED					
	Tardiness in addressing complaints	Unwarranted disconnection	Changes to programming line-up without notice	Difficulties contacting company	Unlicensed provision of service	TOTAL
Columbus Communications Jamaica Limited (FLOW)	1				2	3
Logic One Limited				1		1
Mikes Electronics & Cable Network Limited			1			1
SAUCE Communications Network Limited	1	1			1	3
<b>TOTAL</b>						<b>8*</b>

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

**Figure 3**  
**Customer Service Standards Reports Trends: July - September 2004-2007**



# COMPLAINTS RESOLVED

Except for matters that fall outside of the Commission's mandate, all reports of possible breaches 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. Twenty-six (26) investigations or seventy-nine percent (79%) of the total complaints investigated were resolved between July and September 2007.

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

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

	Complaints Resolved (including those brought forward from the previous quarter)
Subscriber Television	20
Broadcast Television	2
Broadcast Radio	4
<b>Total</b>	<b>26</b>

**Table 5**  
***Resolution of Complaints by Category***

CATEGORIES	TOTAL
<b>Resolved to complainant's satisfaction</b>	
Subscriber Television	9
<b>Commission investigation complete</b>	
Subscriber Television	6
Broadcast Television	1
<b>New investigation to be pursued</b>	
Subscriber Television	3
Broadcast Radio	1
<b>No evidence of breach of content standards</b>	
Broadcast Television	1
Broadcast Radio	1
<b>No further remedial action required for breach committed</b>	
Broadcast Radio	1
<b>Complaint withdrawn by complainants</b>	
Subscriber Television	1
<b>Complied with required remedial action for breach of licence</b>	
Subscriber Television	1
Broadcast Radio	1
<b>Total</b>	<b>26</b>

# BREACHES

A total of six (6) notices of breach were issued during the reporting period. This represents a major decrease of eighty-three (83%) when compared to the corresponding period in 2006, and a reduction of sixty-three percent (63%) when compared to the previous period of April to June 2007.

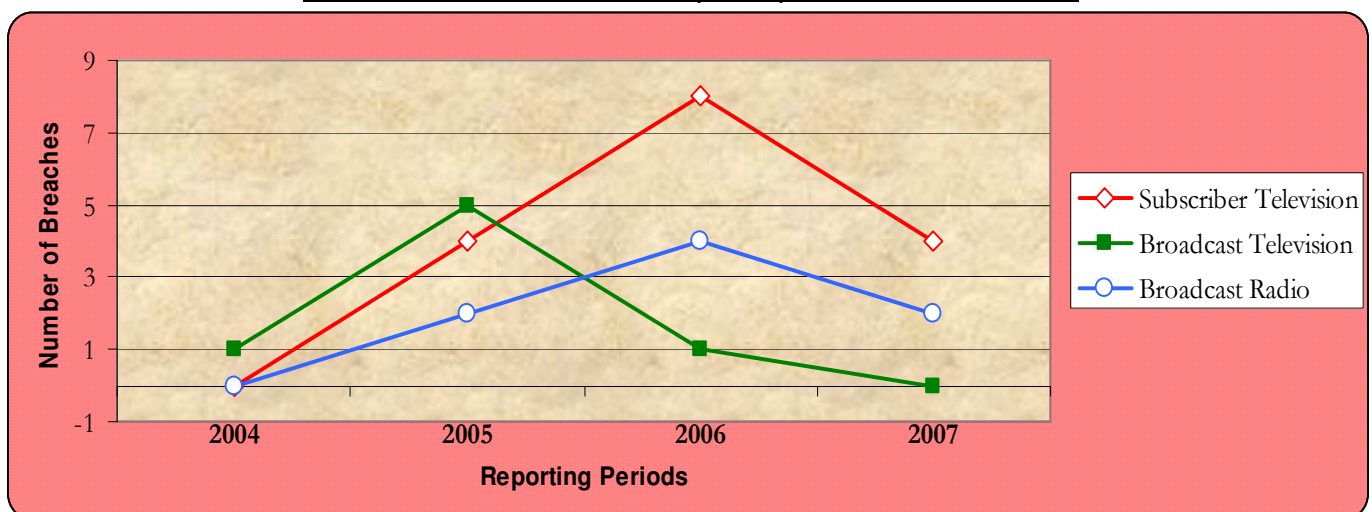
There was a downward trend in the number of recorded breaches for each sector in this reporting period. This reduction can be attributed to:

- (i) the Commission's recess in the month of August when no decisions were made about breaches;
- (ii) the Commission's deferral of some content and compliance matters in the month of September; and
- (iii) deferral of STV inspections due to the passage of Hurricane Dean.

Of the breaches committed, there were two (2) instances where STV operators were found in breach for failure to maintain their systems at the required technical standards, as detected during Commission inspections of their facilities. In one (1) other instance a licensee failed to adhere to the zoning restrictions of its licence by providing service outside of its licensed zone; one (1) subscriber television operator failed to maintain the required signal levels resulting in poor service to a subscriber; one (1) broadcast radio licensee contravened the **Children's Code for Programming**; while another broadcast radio licensee failed to keep tapes of its transmission.

**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 - July - September: 2004 - 2007**





## **BREACHES COMMITTED BY SUBSCRIBER TELEVISION LICENSEES**

### **Cornwall Communication Limited**

**DATE OF BREACH:** 10-Jul-07  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Remedial action outstanding

### **First Choice Cable Limited**

**DATE OF BREACH:** 10-Jul-07  
**NATURE OF BREACH:** Failure to maintain technical standards – Inspection of licensee system  
**COMMISSION DECISION:** Licensee in breach of licence  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Remedial action outstanding

### **SAUCE Communications Network Limited**

**DATE OF BREACH:** 26-Jul-07  
**COMPLAINT NUMBERS:** 07/07/04/1014-001  
**NATURE OF COMPLAINT:** Supplying cable service to area outside of licensed zones  
**NATURE OF BREACH:** Failure to adhere to zoning restriction of licence  
**COMMISSION DECISION:** Licensee in breach of **Licence**  
**REMEDIAL ACTION REQD:** No further sanction – illegal service withdrawn  
**STATUS:** Commission investigation complete

### **Starcom Cablevision Limited**

**DATE OF BREACH:** 02-Jul-07  
**COMPLAINT NUMBER:** 07/04/10/1014-001  
**NATURE OF COMPLAINT:** Poor audio and video signal & frequent breakdowns  
**NATURE OF BREACH:** Failure to maintain required technical standards  
**COMMISSION DECISION:** Licensee in breach of **Regulations**  
**REMEDIAL ACTION REQD:** Licensee directed to implement corrective measures  
**STATUS:** Complied with required remedial action

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

### **RJR Communications Group (FAME FM)**

<b>DATE OF BREACH:</b>	31-Jul-07
<b>COMPLAINT NUMBERS</b>	07/05/09/1016-002
<b>NATURE OF COMPLAINT:</b>	Transmission of graphic language and graphic sexual elements
<b>MATERIAL AIRED:</b>	"... <i>innar mi ball and in mi buddy</i> " and "... <i>mi can tan long pon it</i> "
<b>NATURE OF BREACH:</b>	Inappropriate scheduling of adult material
<b>COMMISSION DECISION:</b>	Licensee cited for breach of the <b>Children's Code for Programming</b>
<b>REMEDIAL ACTION REQD.:</b>	No further sanction - apology transmitted by the licensee
<b>STATUS:</b>	Commission investigation complete

### **St. Bess Radio FM Limited**

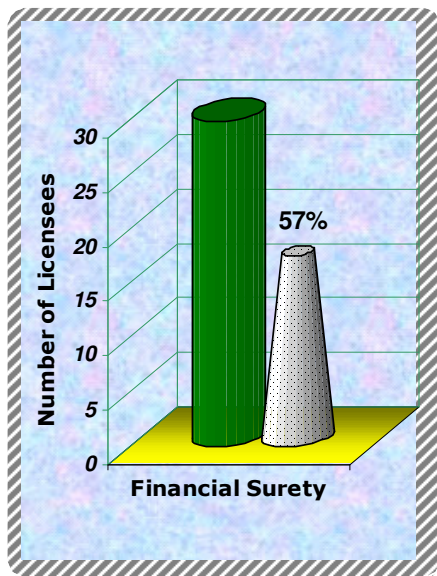
<b>DATE OF BREACH:</b>	31-Jul-07
<b>NATURE OF COMPLAINT:</b>	Graphic verbal expletives transmitted
<b>NATURE OF BREACH:</b>	Failure to supply slow tapes of transmission
<b>COMMISSION DECISION:</b>	Licensee in breach of <b>Regulations</b>
<b>REMEDIAL ACTION REQD:</b>	Licensee directed to implement corrective measures
<b>STATUS:</b>	Complied with required remedial action

# FINANCIAL COMPLIANCE

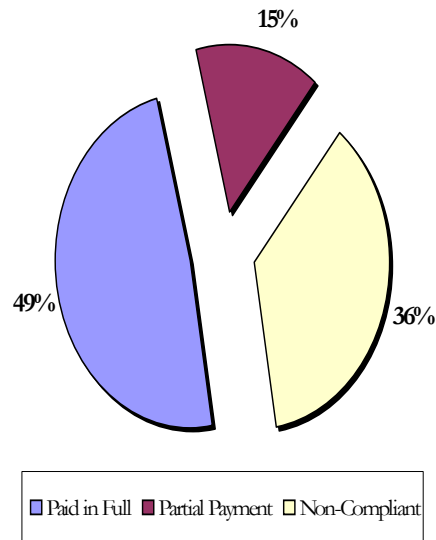
STV operators are required to pay the Commission, five percent (5%) of their gross subscription income. In addition, since 2006 STV licensees are required to submit a financial surety for Commission use in cases of chronic default on payment.

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

**Figure 5**  
**STV Financial Surety**



**Figure 6**  
**STV Fee Payment**



There was no change in the compliance level concerning the submission of financial surety. Of the thirty (30) eligible licensees, only seventeen (17), or fifty-seven percent (57%), have complied with this requirement.

In relation to licence fees due during the period, twenty-three (23) licensees paid in full; seven (7) licensees made partial payments and seventeen (17) were non-compliant. This performance compares negatively to the previous quarter of April to June 2007, when the Commission recorded payments from twenty-seven (27) licensees in full; fifteen (15) licensees making partial payment and six (6) licensees who were non-compliant.

The significant drop in the levels of compliance with licence fee payment can be attributed to licensees' requests for leniency to settle outstanding balances at a later date, while they re-allocated resources to repairing any damage sustained during the passage of Hurricane Dean.

**Table 6** overleaf, lists the standing of each cable operator.

**Table 6**  
**STV Licensees Financial Compliance**  
**Quarter ended September 30, 2007**

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

**Table 6 Cont'd**  
**STV Licensees Financial Compliance**  
**for quarter ended September 30, 2007**

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

# TECHNICAL MONITORING

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

Only two (2) subscriber television licensee's facilities were inspected during the period, as the passage of Hurricane Dean in August disrupted the operations of all cable licensees. According to reports received from cable operators, sixty-five percent (65%) suffered severe damage, while thirty-five percent (35%) sustained minor damage to their systems. As a result, inspections were suspended to allow the affected licensees to repair the damage and restore their systems.

The following is the list of the subscriber television licensees inspected and their respective areas of technical non-compliance.

**Table 7**  
**Technical Monitoring: July - September 2007**

	LICENSEE INSPECTED	NON-COMPLIANCE DETECTED	REMEDIAL ACTION TAKEN		STATUS
			Adequate	Inadequate	
1.	Marimaxx Communications Ltd	<b>Regulations:</b> 17 (4) (d), 17 (4) (e)			Awaiting response on remedial action taken by January 2008
2.	Odyssey Cable Vision Ltd	<b>Regulations:</b> 15 (a), 15 (b), 17 (4) (b) 17(4)(d), 17(4)(e) 17(1)(h), 24 (1)			Awaiting response on remedial action taken by December 2007

# CONCLUSION

Seventy percent (70%) of the reports usually received in any given reporting period concern the operations of cable licensees. However, most subscribers were understandably without service for late August and into September, due to damage caused by Hurricane Dean's passage on August 19, 2007. This absence of service may have contributed to the noticeable reduction of reports overall received by the Commission during the quarter.

Sixty-five percent (65%) of the reports received during the current reporting period were received prior to 'Dean', while thirty-five percent (35%) were received after the storm.