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Information & Communications Technology Authority

Our ref: ICTA/160/161-09
Your ref: GRCR/GR/15.24

21 August 2008

Mr. Rudy Ebanks
Chief Regulatory and Carrier Relations Officer
Cable and Wireless (Cayman Islands) Limited
PO Box 293
Grand Cayman
KY1-1104

Dear Mr. Ebanks,

Wireless Backup Leased Circuit

On 2 July 2008, Cable & Wireless (Cayman Islands) Limited ("C&W") submitted a request for authorization to offer a new Wireless Backup Leased Circuit ("WBLC") service - Tariff Item 506.

C&W's service filing included proposed General Tariff item pages and a proposed Service Provider Agreement Service Schedule ("wholesale Service Schedule") for the provision of the service to other ICT licensees.

On 10 July 2008, the Authority requested that C&W reply to Authority questions pertaining to the service filing. C&W provided responses to the Authority's questions on 21 July 2008.

C&W's letter of 2 July 2008 addressed the service categorization and the imputation test requirement for the proposed service. The Authority concurs with the suggested classification of "Category 1" and considers that the rates for the WBLC service pass the relevant imputation test as C&W has proposed a wholesale service.

However, the Authority notes that a number of the clauses in the proposed wholesale Service Schedule identify restrictions on the wholesale service related to the end-user of the service. The Authority notes that the customer for the wholesale arrangement is the ICT licensee and the Authority is of the view that it is inappropriate to include what C&W refers to as "simple resale" restrictions in the wholesale offering. The Authority considers that if a wholesale customer has a C&W DPLC between two designated locations, then, just like a C&W retail customer, the wholesale customer is eligible to subscribe to the WBLC service. The Authority does not consider it appropriate for C&W to restrict the uses that a wholesale customer may make of the service.

Therefore, the Authority approves the service filings subject to the following wording changes:

- Delete Note a) to the Rates and Charges table in the proposed Tariff Item 506.4.
- Delete "for Resale" from the wholesale Service Schedule title.
- In the wholesale Service Schedule item 2.3 replace "Subscriber locations" with "Customer designated locations".
- Revise the second sentence in item 2.3 of the wholesale Service Schedule to read: "The Customer must not use the Service or allow anyone else to use the Service..."
- Revise the first sentence in item 2.5 of the wholesale Service Schedule to read: "The Service is only available if the Customer has already subscribed to a DPLC Service at the same two locations where the WBLC is to be installed".
- Change "available to licensed" to "available or licensed" in item 2.7 of the wholesale Service Schedule
- Replace the words "at the undiscounted month-to-month terms" in item 4.3 in the wholesale Service Schedule with the words "at the then-current monthly rates".
- Replace the words "unless terminated by either Party" in item 4.3 in the wholesale Service Schedule with the words "unless terminated by the Customer".
- Delete the words "after the Initial Service Period has expired" in the first sentence in item 4.4 of the wholesale Service Schedule.
- Replace the wording of item 4.5 with "The contract for a WBLC shall be deemed to be terminated by the Customer if the Customer ceases to have a DPLC between the two locations designated by the Customer served by the WBLC".

The Authority makes the following determination:

The Authority approves C&W's service filling subject to C&W making the changes identified above and offering the wholesale service no later than the date C&W begins offering the service to retail customers.

Also, no later than the date C&W begins offering the service to retail customers, C&W is directed to provide the Authority with a copy of:

- the revised General Tariff item pages,
- the revised wholesale Service Schedule, and
- the communications notifying wholesale customers of the wholesale service.

Yours sincerely,

[signed by]

David A. Archbold
Managing Director