

## Yannick Whorms

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**From:** Sonji Myles  
**Sent:** Tuesday, November 24, 2015 3:05 PM  
**To:** Russell Richardson; Yannick Whorms  
**Subject:** Fwd: Complaint Regarding LIME's 4G LTE Marketing

### Sonji Myles (Mr)

Licensing, Compliance & Cybersecurity Officer / Deputy FOI Manager

#### Information & Communications Technology Authority

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P.O. Box 2502 | Grand Cayman KY1-1104 | CAYMAN ISLANDS



Begin forwarded message:

**From:** Sonji Myles <[sonji.myles@icta.ky](mailto:sonji.myles@icta.ky)>  
**Subject:** Complaint Regarding LIME's 4G LTE Marketing  
**Date:** January 16, 2015 at 3:48:26 PM GMT-5  
**To:** <[Raul.Nicholson-Coe@digicelgroup.com](mailto:Raul.Nicholson-Coe@digicelgroup.com)>  
**Cc:** <[Martin.Bould@digicelgroup.com](mailto:Martin.Bould@digicelgroup.com)>, Russell Richardson <[Russell.Richardson@icta.ky](mailto:Russell.Richardson@icta.ky)>

Dear Raul,

I refer to Digicel's letter of complaint "*LIME's Misleading statements regarding their 4G LTE Coverage*" submitted under the Information and Communications Technology Authority (Dispute Resolution) Regulations, 2003 ("Regs") and received by the Authority on 19th December 2014, and Digicel's request of yesterday for the Authority to set out where in the procedure the complaint is.

The Authority has reviewed this complaint and the procedure followed, and is of the view that the requirements for a determination request have not been met which are necessary for the Authority to resolve the referenced grievance under the Regs.

The process set out in Regulations 3 and 4 of the Regs require an attempt at resolution between the concerned parties. Failing any resolution or response from the licensee the grievance is claimed against and after the expiration of 30 days, the aggrieved party may submit a determination request to the Authority.

Regulations 5 sets out the requirements for submitting a determination request to the Authority which includes:

- a \$750.00 non-refundable processing fee;
- an undertaking in respect to costs arising from any process or procedure initiated by the Authority in respect to the determination request; and
- a \$100.00 refundable processing fee if the referring party is not an individual.

From the information before the Authority, LIME and Digicel have until 18 January 2015 to try and resolve the grievance (Reg. 3 (4) of the Regs). Additionally, the letter of complaint includes an undertaking that the combined required fees of \$850.00 would be paid to the Authority on the 22nd December 2014. Our records only reflect a payment of \$250.00 being made by Digicel to the Authority on 22nd December 2014 (cheque#065806). Additionally, no cost undertaking as required by Regulation 5 (e) (ii) has been provided by Digicel.

As set out above, Digicel needs to follow the procedure in the Regs. Therefore, LIME and Digicel have until 18 January 2015 to try and resolve the grievance. If after the end of this period there is no resolution, and assuming that the Authority considers that there have been good faith and reasonable efforts to settle the grievance (as required under Reg. 4 of the Regs.), then Digicel can then bring its determination request to the Authority under Regulation 3 (4) of the Regs, provided that Digicel has also paid the outstanding fees (being C\$ 600) and provided its cost undertaking.

In relation to whether or not there have been good faith and reasonable efforts to settle the grievance, please confirm by return whether or not any other correspondence has been sent by either Digicel or LIME on this matter, and also whether any meetings have been held on this matter.

Regards,

**Sonji Myles (Mr)**

Licensing & Compliance Officer

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