



The Bigger, Better Network.

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July 21, 2011

Mr. David Archbold  
Managing Director  
Information and Communication Technology Authority  
3<sup>rd</sup> Floor Alissta Towers  
P.O Box 2502  
Grand Cayman KY1-1104  
Cayman Islands

Dear Mr. Archbold,

We do not share your position with respect to the last two paragraphs of your letter of July 13, 2011. We have stated clearly in ours of July 6th 2011 that the voting mechanism as you have determined cannot operate in law to rob us or another party within the country, operator or not, of its right to agree willingly to terms and conditions imposed by a third party', in this case the proposed data base operator.

We have accepted that the consortium has voted on the draft contract and pursuant to the determination you have made, that vote expresses the view of the consortium. Digicel is on record as having NOT accepted the draft terms of proposed clauses 3.2 and 8.2.

Whilst it is perfectly legal for the other operators to sign with PostingXS and by so doing accept the terms imposed by the contract, they are not entitled to direct that we legally bind ourselves in this contract where we have expressly indicated we do not wish to be.

This is trite law of contract and we fail to see how the ICT could now deliberate on a matter of contract law as a dispute under the ICT Law.

We still hope we can agree with Porting XS, terms which are genuinely beneficial and agreeable to us but until then do not see the relevance of a Determination Request on this matter which is a matter of contract with PortingXS.

If we have not heard to the contrary from the ICTA by July 28, we proposed to proceed with discussion with PortingXS based on our contract.

Please feel free to contact us if you wish to discuss further.

Yours sincerely,

Victor Corcoran  
Chief Executive Officer

**Directors:** Denis O'Brien (Chairman), Michael Alberga, Leslie Buckley, Conor O'Dea