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Information & Communications Technology Authority

Our ref: ICTA/80/105/105-11

19 April 2012

Mr. Victor Corcoran  
Chief Executive Officer  
Digicel Cayman Limited  
PO Box 700  
Grand Cayman KY1-1107

Mr. Anthony Ritch  
General Manager  
Cable and Wireless (Cayman Islands) Limited trading as LIME  
PO Box 293  
Grand Cayman KY1-1104

Dear Mr. Ritch and Mr. Corcoran,

**Re: ICT Decision 2011-3 follow-up proceeding disclosure request**

In a letter dated 29 March 2012, Digicel Cayman Limited ("Digicel") submitted what it characterized as being "comments on LIME's FLLRIC model, MTR and other information filed by LIME in response to the Authority's decision on 22 December 2011." In that letter, among other things, Digicel provided the number of minutes for four particular types of voice traffic on Digicel's network for 2010 and 2011. Those figures, the figures of traffic from the public FLLRIC model that Digicel was comparing them to, and the associated calculated percentage differences were provided in confidence to the Authority. In addition, Digicel claimed its estimate of the impact on the MTR resulting from using the Digicel demand numbers was confidential. Digicel provided a redacted version of its letter for the public record.

In a letter dated 4 April 2012, Cable and Wireless (Cayman Islands) Limited ("LIME"), among other things, requested the disclosure of the information that was redacted by Digicel in its 29 March 2012 letter.

Under section 4(1)(g) of the *Information and Communications Technology Authority (Confidentiality) Regulations, 2003*, the party claiming confidentially may file a reply to a request for disclosure within ten days after the date of the request. Digicel has not filed a reply to LIME's disclosure request.

The Authority notes that the directions on the further process in paragraph 368 of Decision 2011-3, stated that "[t]he Authority stresses that the parties' submissions in this follow-up process should relate solely to the changes to the model pursuant to this decision and must not attempt to reargue items on which the Authority has already made determinations in this or previous decisions." The Authority repeated that instruction in its 8 March 2012 letter to the parties when it stipulated the remaining process for this follow-up proceeding.

In its attempt to introduce new, unchallenged evidence at the final comment stage of this follow-up proceeding, Digicel has alleged that the comparative demand information it provided was not previously available to it. The Authority notes that the FLLRIC model demand information to which Digicel is comparing its demand estimates has been on the public record since early 2010 and Digicel has been given ample opportunity in the proceeding leading up to Decision 2011-3 to provide suggested changes or comments on those figures. While Digicel's 2010 and 2011 demand data wouldn't have been available at that time, demand data for previous periods should have been available and Digicel could have provided such information during the previous proceeding.

The demand estimates were subject to extensive review in the previous proceeding and in Decision 2011-3, the Authority determined that LIME's unadjusted demand inputs can reasonably be used for the purpose of determining a FLLRIC based MTR.

As Digicel is now attempting to reargue an item on which the Authority has already made a determination, it is outside the scope of the follow-up process and the Authority will give no consideration to the demand information and alleged impact on the MTR that were filed by Digicel in this follow-up proceeding. As the Authority will give no consideration to those items, no disclosure is necessary and therefore, the Authority denies LIME's disclosure request. The comment phase of this proceeding is now closed.

Yours sincerely,

[signed]

David A Archbold  
Managing Director

cc: FLLIRIC distribution list