

Mark Connors

From: Vandendries, Frans [frans.vandendries@time4lime.com]
Sent: 26 October 2012 12:19
To: Nadine Ramsay
Cc: Consultations; David Archbold; Mark Connors; Chris Hayman; Raul Nicholson-Coe; Andrew Gorton; Kevin Barrins; Gawaine Forbes; Jan Tjernell; Deirdre.Mellamphy@telebermuda.com; Gregory.Swan@telebermuda.com; Jayne Woollard; Regulatory@lime.com; anthony.ritch@lime.com; frans.vandendries@lime.com; david.burnstein@time4lime.com
Subject: Re: Cayman - FTR and Transit Rate Proceeding - CD2012-1

Dear Mr. Archbold,

LIME has reviewed the 12 October 2012 Digicel letter. LIME notes that the issue of disclosure of confidential information has already been extensively litigated in the FLLRIC proceedings. The Authority most recently ruled in March 2012, in response to a Digicel February 2012 request for full disclosure of the modules (including the fixed module that is the subject of the latest request), that "these requests were fully dealt with in the Authority's 14 January 2010 disclosure determination".

A review of that January 2010 determination shows that the Authority reviewed the fixed module in its entirety and already determined the type of information that should be disclosed and the type of information that should be redacted. Further, the circumstances of this latest disclosure request by Digicel are exactly the same as in March 2012 and January 2010 - a review of a cost model with a view to using the outputs for setting interconnection prices. There have been no changes to the structure of the model or to the principles behind its construction or to the uses to which the outputs will be put, that could constitute "different circumstances" that could justify a different balancing of Digicel's interest in disclosure and LIME interest in protecting its confidential information. A confidentiality proceeding should not be used as a tool for gaining competitively sensitive information to the detriment of other competitors in the market.

In addition, LIME redacted all confidential information using the rules set out by the Authority in January 2010 for "masking" confidential data. In other words, the masked data is reasonably similar to the "real" data and Digicel and other interested parties should have no trouble assessing the validity of the model or the reasonableness of the results, or in presenting alternative information to the Authority if they so wish.

Yours sincerely,

Frans

On 12 October 2012 15:34, Nadine Ramsay <Nadine.Ramsay@digicelgroup.com> wrote:

Dear Mr. Archbold,

Please find attached the letter in relation to the subject matter above. A hard copy will be delivered to the ICTA's office today.

Regards,

Nadine Ramsay | CEO Executive Assistant

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