

July 21, 2015

Information and Communications Technology Authority  
PO Box 2502  
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85 North Sound Road  
Grand Cayman KY1-1104

Attn: Dr Russell Richardson

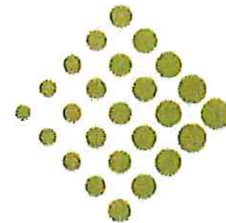
Dear Russell,

**Re Request for Information (Infinity Determination Request).**

We refer to your letter of June 26, 2015 related to the Infinity Broadband, Ltd ('Infinity') Determination Request to the Information and Communications Technology Authority (the 'Authority') submitted on September 12, 2014 relating to the allocation of communications space used for the attachment of telecommunications cables on poles owned by Caribbean Utilities Company, Ltd. ('CUC') and managed by DataLink, Ltd ('DataLink') as sub-licensee ('the Dispute').

We note your request to provide the following, in order for the Authority to continue its investigation into the Dispute, and provide the following explanations and attachments as listed in the same order as your request.

1. A non-redacted copy of Appendix A (Pole Attachment Fees) of the CUC/DataLink Master Joint Use Pole Agreement, dated 20 March 2012 (for which confidentiality is claimed as set out below).
2. A copy of the non-redacted version of the Deed of Variation between CUC and Infinity relating to the Master Pole Joint Use Agreement, dated 22 November 2005 (for which confidentiality is claimed).\*
3. A copy of the non-redacted version of Schedule B to the Agreement for Licensed Occupancy of CUC Poles by LIME, dated 5 November 1996 (for which confidentiality is claimed).\*
4. We confirm that the Quarterly Attachment Fee and the Quarterly Pole Rental Fee relate to the same service provided by DataLink. For example, in Appendix A of the 2005 Master Pole Joint Use Agreement between Infinity and CUC (which was novated to DataLink), the attachment fee is stated and Item 1F notes that the annual amount will be billed in quarterly installments, hence the term Quarterly Attachment Fee. The 2012 Deed of Variation section 1 (f) 1 (iii) further defines these quarterly payments as a "Quarterly Pole Rental Fee". The two terms are, however, synonymous.



5. We attach Table 1 - a list per Licensee of all the relevant fees (per pole) that have been applicable in relation to the use (or expected use) of CUC's Poles, on a quarterly basis from Quarter 1 (January – March) 2012 through to end of Quarter 1 (January – March) 2015.
6. We attach Table 2, which includes the requested operational information regarding the Poles used (or expected to be used) by each Licensee (Attaching Utility), on a quarterly basis from Quarter 1 (January-March) 2012 through to end of Quarter 1 (January-March) 2015.

» Since receiving its ICT Licence in 2012, DataLink has attempted to negotiate a replacement Master Joint Use Pole Agreement with LIME and with Infinity with a view to ensuring essentially the same terms and conditions for all attaching ICT Licencees.

We respectfully request that the non-redacted information continue to be treated as strictly confidential under Regulation 3(b) of the Information and Communications Technology Authority Law (Confidentiality) Regulations 2003, on the basis that the information is financial, commercial, scientific or technical information that has been treated consistently as being confidential and is not otherwise publicly available.

The specific information that we request be kept confidential includes the following:

1. A non-redacted copy of Appendix A (Pole Attachment Fees) of the CUC/DataLink Master Joint Use Pole Agreement, dated 20 March 2012.
2. A copy of the non-redacted version of the Deed of Variation between CUC and Infinity relating to the Master Pole Joint Use Agreement, dated 22 November 2005.
3. A copy of the non-redacted version of Schedule B to the Agreement for Licensed Occupancy of CUC Poles by LIME, dated 5 November 1996.

DataLink is seeking confidentiality of the commercially sensitive financial information and calculations listed above. CUC and DataLink have taken all necessary measures to protect the confidentiality of this information to date, including restricting access to the documentation to a limited number of employees on a need to know basis. In addition, all employees are subject to express obligations in regard to confidentiality of information.

We request that the information be kept confidential for the life of the agreements.

Yours sincerely,

Claire Stafford  
Company Secretary



Licensee (Attaching Utility)	Relevant Fee (per pole)	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
DataLink	Quarterly Reservation Fee													
	Quarterly Attachment Fee													
	Quarterly Pole Rental Fee	Please see note 1 below.												
	Attachment Permit Fee													
Infinity	Quarterly Reservation Fee		###	###	###	###	###	###	###	###	###	###	###	###
	Quarterly Attachment Fee		###	###	###	###	###	###	###	###	###	###	###	###
	Quarterly Pole Rental Fee													
	Attachment Permit Fee													
LIME	Quarterly Reservation Fee													
	Quarterly Attachment Fee													
	Quarterly Pole Rental Fee/New				###	###	###	###	###	###	###	###	###	###
	Poles Installed/Replaced Fee	Please see note 2 below.												
Logic	Quarterly Reservation Fee							###	###	###	###	###	###	###
	Quarterly Attachment Fee							###	###	###	###	###	###	###
	Quarterly Pole Rental Fee													
	Attachment Permit Fee													

1. DataLink pays attachment fees to CUC for all pole attachments by every service provider on a quarterly basis. DataLink does not currently have any attachments in its assigned space.

2. Lime is charged a fee for every pole installed or replaced, the fee varies by pole height as follows:

Pole Height	Prior to Q4 2014	Q4 2014 Onwards
30"	-	###
35"	###	###
40"	###	###
45"	###	###
50"	###	###
55"	###	###
60"	###	###
65"		###
70"		###
75"		###
80"		###

Licensee (Attaching Utility)	Information	Note#	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Logic	Total number of Poles reserved								###	###	###	###	###	###	###
	Total number of poles occupied (attached)	1	See Note below												
	Total number of new pole attachments with approved permits		###	###	###	###	###	###	###	###	###	###	###	###	###
	Number of identified unauthorized Attachments (Audited)	2	No audits were completed during this period, unable to confirm.										###	###	###
	Total number of Estimates or Actuals Sent for Make-Ready work (poles)	3	###	###	###	###	###	###	###	###	###	###	###	###	###
	Total Number of Estimates or Actuals Paid for (Poles)		###	###	###	###	###	###	###	###	###	###	###	###	###
	Total number of Made-Ready and Available Poles	3/4								###	###	###	###	###	###
Infinity	Total number of Poles reserved	5		###	###	###	###	###	###	###	###	###	###	###	###
	Total number of poles occupied (attached)	1	See Note below												
	Total number of new pole attachments with approved permits		###	###	###	###	###	###	###	###	###	###	###	###	###
	Number of identified unauthorized Attachments (Audited)	2	No audits were done during this period, no unable to confirm										###	###	###
	Total number of Estimates or Actuals Sent for Make-Ready work (poles)	3	###	###	###	###	###	###	###	###	###	###	###	###	###
	Total Number of Estimates or Actuals Paid for (Poles)	9										128	Note 9	Note 9	Note 9
	Total number of Made-Ready and Available Poles	3/4								###	###	###	###	###	###
LIME	Total number of Poles reserved	6													
	Total number of poles occupied (attached)	1	See Note below												
	Total number of new pole attachments with approved permits		###	###	###	###	###	###	###	###	###	###	###	###	###
	Number of identified unauthorized Attachments (Audited)	7	See Note below												
	Total number of Estimates or Actuals Sent for Make-Ready work (poles)	8	###	###	###	###	###	###	###	###	###	###	###	###	###
	Total Number of Estimates or Actuals Paid for (Poles)														
	Total number of Made-Ready and Available Poles	3/4								###	###	###	###	###	###
DataLink	Total number of Poles reserved														
	Total number of poles occupied (attached)		###	###	###	###	###	###	###	###	###	###	###	###	###
	Total number of new pole attachments with approved permits		###	###	###	###	###	###	###	###	###	###	###	###	###
	Number of identified unauthorized Attachments (Audited)	2	###	###	###	###	###	###	###	###	###	###	###	###	###
	Total number of Estimates or Actuals Sent for Make-Ready work (poles)		###	###	###	###	###	###	###	###	###	###	###	###	###
	Total Number of Estimates or Actuals Paid for (Poles)		###	###	###	###	###	###	###	###	###	###	###	###	###
	Total number of Made-Ready and Available Poles	4								###	###	###	###	###	###

- NOTES:**
1. We are unable to verify this number as it is unknown. This number includes both poles with approved permits as well as unauthorized attachments. The total number of unauthorized attachments are unknown. After a permit is issued, an attachment can only be confirmed by completing an on-site audit.
  2. These are only for poles that have been audited.
  3. In cases where the number of poles made-ready is greater than the number of Estimates sent, these are for areas where CUC was required to complete make-ready work to resolve safety violations caused as a direct result of unauthorized attachments.
  4. This is the total number of poles made-ready and available for attachment for all.
  5. As per agreement, no reservation fee after Dec 31, 2014.
  6. LIME contract does not include a reservation fee but rather a fee relating to the installation and replacement of poles as itemised in table 1.
  7. LIME has copper attached to the majority of Joint Use Poles, however when their fibre attachments are made whilst the copper attachment remains, without submitting an application to attach they are considered to have made unauthorized multiple attachments and these are being addressed with LIME.
  8. This number is based on the number of applications to attach received.
  9. No make-ready invoice issued subsequent to Q2 2014 have been paid in full.

\*\*\* A total of ### additional new approved permits to attach were issued to Logic following payments made between April 28th and 9th July 2015.