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Information & Communications Technology Authority

Our ref: ICTA/160/161-09

22 April 2015

Mr. Bill McCabe  
Chief Executive Officer  
LIME/Cable and Wireless (Cayman Islands) Limited  
PO Box 293  
Grand Cayman KY1-1104  
CAYMAN ISLANDS

Via email

**\*\*\* CONFIDENTIAL \*\*\***

Dear Mr. McCabe,

**Re: Introduction of New Service**

On 17 February 2015, LIME requested authorisation to offer a new #  
# service in the Cayman Islands called # # (the '**Service**') pursuant to  
paragraph 31 of Annex 5 to LIME's Licence.

On 27 February 2015, in order for the Information and Communications Technology  
Authority (the 'ICTA' or 'Authority') to continue its review of the service filing, the ICTA  
requested that LIME reply to the following interrogatories:

1. Please provide Tariff Pages for the proposed Service.
2. Please provide detailed calculations, along with all supporting documentation,  
used to determine # # specified in the imputation test  
for the proposed Service.
3. Please provide detailed calculations, along with all supporting documentation,  
used to determine # # utilization specified in the imputation test for the  
proposed Service.

On 9 April 2015, LIME provided its response to the Authority's interrogatories of 27  
February 2015.

However, the Authority considers that more information is required in order for it to make a determination as to what ICT Service the Service should be categorised as under paragraph 31 of Annex 5 to LIME's Licence.

In relation to interrogatory 1 (*Please provide Tariff Pages for the proposed Service*), LIME provided the following response:

*"Pursuant to paragraphs 5, 13, 26 and 28 of Annex 5 to LIME's 10 July 2003 ICT Licence, LIME is required to publish Tariff Pages for Category 1, 2, 4 and 5 services. By contrast, paragraph 20.1(a) of Annex 5 requires LIME "to publish all of its rates, terms and conditions (in a manner that is easily accessible and clearly indicates to user what terms and conditions apply to each ICT Service)" in respect of Category 3A services, while paragraph 20.1(b) exempts LIME from a publication requirement in respect of Category 3B services. In neither case is there a reference to "Tariffs".<sup>1</sup>*

*Since liberalisation in 2003, LIME has satisfied its Category 3 "publication" obligation by publishing in separate documents on its website (and in paper form upon request) the applicable service descriptions, rates and terms and conditions. In other words, provided that LIME's rates, terms and conditions are available "in a manner that is easily accessible and clearly indicates to user what terms and conditions apply to each ICT Service", LIME has the discretion to choose how to publish its rates, terms and conditions.*

*In this case, the Service clearly consists of the provision of #  
# . As set out in LIME's 25 January 2005 letter to the Authority  
regarding # #, and as acknowledged by the Authority in its  
29 March 2005 letter regarding # #, this is a Category ## service.  
#*

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<sup>1</sup> As agreed with the Authority in 2003, "Tariffs" are a single document incorporating a description of the service, applicable rates, as well as terms and conditions of service.

<sup>2</sup> #

#

#.#  
#

#.#  
#

#.#  
#

#.  
*In any event, LIME considers that, in the circumstances, #  
#."*

In relation to interrogatory 2 (*Please provide detailed calculations, along with all supporting documentation, used to determine # # specified in the imputation test for the proposed Service*), LIME provided its calculation of "Average Rate" as a function of "# #"<sup>3</sup> and "# #"<sup>3</sup> which is expressed in percentages and based on "# #".

In relation to interrogatory 3 (*Please provide detailed calculations, along with all supporting documentation, used to determine # # utilization specified in the imputation test for the proposed Service*), LIME provided a table showing the data

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<sup>3</sup> Emphasis added.

showing "utilization of plan # #" expressed in percentages, together with the following response to the Authority's interrogatory:

*"The utilization ratio was based on an analysis of customers' usage of the same # # plan offered by LIME's sister companies in five Caribbean countries where data was available. Usage from July 2014 to December 2014 was used in the analysis, which is summarized in the confidential table below."*

In reply, while LIME stated that "# #", the Authority notes that it has previously # #.<sup>4</sup>

Further, in reviewing the Quarterly Monitoring data filed by the Licensees, the Authority notes that LIME maintains the majority of the # # service in terms of "# # #" and "# # #".

Accordingly, in order for the Authority to continue its review of the service filing, LIME is requested to provide the Authority with:

1. An explanation, with supporting evidence, as to why the proposed Service should be treated differently from # # service since the Service is simply "# # #", as described in LIME's letter of 17 February 2015.
2. Supporting documentation showing the "# # #" as referenced by LIME in response to interrogatory 2.

When responding, please repeat the exact wording for each of the two requests for information above the corresponding response to each request.

As these requests for information may relate to information for which LIME has claimed confidentiality, in responding to the Authority, LIME may redact the portions of the requests it considers confidential. If LIME files any information in confidence with the Authority, it should also file Redacted versions for the public record along with the reasons for each confidentiality claim and the other requirements for confidentiality claims as specified in the *ICTA Law (Confidentiality) Regulations, 2003* (<http://www.icta.ky/upimages/commonfiles/1417429193ICTA-ConfidentialityRegulations.pdf>).

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<sup>4</sup> E.g. ICTA's letter to LIME, dated 27 November 2008, entitled "

#"

At this time, the Authority is providing this letter in confidence to LIME. However, in order to maintain a full public record, LIME is hereby directed by **1 May 2015** to either 1) indicate in writing to the Authority that it does not intend to make any confidentiality claim in relation to the content of this ICTA letter or 2) provide a redacted version of this letter to the Authority redacting the portions of the letter that it considers confidential and providing the reasons for each confidentiality claim and the other requirements for confidentiality claims as specified in the *ICTA Law (Confidentiality) Regulations, 2003*.

If you have any questions concerning the above, please feel free to contact the Authority via email at [regulatory@icta.ky](mailto:regulatory@icta.ky).

Yours sincerely,

[signed]

Dr Russell Richardson  
General Counsel and Deputy Director Industry Affairs