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28 April 2009

Mr. David Archbold  
Managing Director  
Information and Communications Technology Authority  
Grand Cayman, Cayman islands

Dear Sir,

**Re: Determination Request/Infrastructure Sharing/Application for Determination 4 April 2008**

TeleCayman Limited (TeleCayman) respectfully requests that the Authority issue an Order requiring the Government of the Cayman Islands (Government) to make duct space available, at a cost oriented rate, in accordance with its Application for Determination dated 4 April 2008 (Application). The only modification to the Application is that TeleCayman will not require the insertion of a sub duct but rather will provide Government a 10.5 mm fibre for installation by Government or a contractor of its choice.

As you are aware the initial Application to the Authority for duct space infrastructure sharing was well over a year ago. Since that time TeleCayman has made a number of submissions to the Authority, it has met with Government and had even substantially modified its requirements with a view to resolving the issues favourably for all parties concerned. Despite its best efforts TeleCayman has been unable to obtain any form of arrangement with Government for the sharing of duct space. Unfortunately, Government has failed to recognize the obligations contained in the Infrastructure Sharing Regulations to proceed in good faith (subsections 6(a), 8(10), 11(c), and (d)) with a view to concluding as quickly as possible (section 5). Despite its best efforts TeleCayman has been unable to even obtain a formal and unequivocal response to its modified requirements. Accordingly, TeleCayman requests that the Authority issue an Order addressing its initial Application for Determination dated 4 April 2008.

TeleCayman has been successful in concluding an arrangement with LIME for duct space in much of George Town and has invested significantly in installing fibre in this area. However, TeleCayman requires access to Government duct space to complete a fibre ring to provide full

redundancy and value to its business customers. Further, TeleCayman will grow its fibre network in the future and will require access to additional duct space which may not be available from LIME but would be available from Government.

TeleCayman has made extensive submissions to the Authority and Government as to the benefits to the economy of the Islands and business customers from having a separate and totally distinct network available, especially in the event of an emergency or catastrophic event such as a hurricane. Further, TeleCayman has demonstrated that its request for infrastructure sharing is in accord with the Law, the Regulations and the clear terms of the Licence issued to Government. TeleCayman reiterates those comments which are supportive of its Application as contained in correspondence date 4 April 2008, 29 April 2008, 8 August 2008 and 11 December 2008. TeleCayman respectfully requests that the Authority consider the previous submissions in its deliberations prior to issuing an Order.

TeleCayman wishes to express disappointment with the manner in which Government has addressed resolution of the issue of duct space infrastructure sharing. 10.5mm is the thickness of a pencil. It is difficult to comprehend the reasons of Government for intentionally frustrating an attempt to improve Cayman infrastructure to the benefit of the Islands, as a whole, and the business community, in particular, in these difficult financial times. Government is creating another reason to bypass the Cayman Islands for businesses requiring state of that art communications.

In liberalizing the telecommunication market Government invited new entrants to obtain licenses and invest significantly in the Cayman Islands subject to an established regulatory framework which provided for infrastructure sharing. Further, Government itself obtained a Licence specifically providing for sharing of its infrastructure. Despite the numerous benefits to the Islands as a whole, and business customers in particular, Government continues to frustrate any attempts to arrive at an arrangement agreeable to both parties. Accordingly, TeleCayman requires the Authority to issue a decision in accord with the Law, the Regulations and the Government Licence.

Yours sincerely,



Richard Brazeau  
President and Chief Financial Officer  
Javelin Connections Bermuda Limited  
(Parent of TeleCayman Limited)

Cc Mr. Orrett Connor, MBE, JP, Cabinet Secretary  
Tim Hubble, Cabinet Office  
Gilbert McLaughlin, CSD  
Wesley Howell, CSD