

Reply to: Jamal D. Young Esq.
Email: jamal.young@goldfieldcayman.com

September 16th, 2009

BY COURIER & FACSIMILE – 945-8284

Information & Communications Technology Authority
P.O. Box 2502
George Town, Grand Cayman
Cayman Islands

Attention: David Archbold

Dear Mr. Archbold,

Re: ICTA Decision 2008-4

We refer to the above matter and to previous correspondence herein, resting with your letter addressed to Mr. Don Seymour dated the 14th of August 2009.

The decision of the Information & Communications Technology Authority (ICTA) made on the 10th of October 2008 mandated that the Cayrock 96.5 FM (Cayrock) transmitter should be relocated from its site in the George Town area by no later than the 15th of July 2009. DMS continued to broadcast in contravention with the Decision.

The aforementioned letter from ICTA to Mr. Seymour gave DMS an additional two months, namely until the 15th of September 2009, to comply with the Order. The Authority stated therein that in their view, there was no legal basis to reconsider the original Decision but nevertheless extended their license to yesterday. In any event, it is our opinion however that DMS has been operating without a valid license since the 15th of July 2009 based on paragraph 44 of the ICTA Decision.

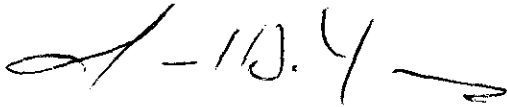
We note that the Authority indicated that it was not prepared to issue a new five year license to DMS until the Cayrock transmitter has either been relocated to a facility outside of the George Town and West Bay districts or has ceased transmitting. Alternatively, the Authority indicated that it is open to DMS to request that ICTA issue a new license to authorize the operation of only the three stations located at Northward. As stated in your letter, it is an offence to operate an FM radio station without a valid ICTA license pursuant to section 82 of the ICTA Laws.

Despite the foregoing, Cayrock is broadcasting today and our Client continues to experience blanketing interference from DMS' transmitter. Our Client cannot be expected to stand by while DMS receives an unfair advantage over other broadcasters in Grand Cayman.

Please confirm that the Authority has issued a cease and desist order under section 55 of the ICTA Law. If we do not receive such assurances by return, we will have no option but to make an application for leave to apply for Judicial Review to the Grand Court of the Cayman Islands immediately.

Yours truly,

GOLDFIELD CAYMAN ATTORNEYS-AT-LAW

A handwritten signature in black ink, appearing to read 'J.D. Young', with a horizontal line extending to the right.

Jamal D. Young

cc Leader of Government Business
Attention: McCeeva Bush

Minister for Communication
Attention: Julianna O'Connor

Chairman ICTA
Attention: Samuel Jackson