



CABLE & WIRELESS
CAYMAN ISLANDS

Cable & Wireless (C.I.) Ltd.
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Our ref: GR CR/GR 15.24
25 October 2006

Mr. David Archbold,
Managing Director,
Information and Communication Technology Authority,
P.O. Box 2502,
3rd Floor Alissta Towers,
Grand Cayman, KY1-1104

Dear Mr. Archbold,

Re: Determination Request – Mobile Termination Rates

Cable and Wireless (Cayman Islands) Limited (“**C&W**”) is hereby filing a Determination Request pursuant to section 3 of the *Information and Communications Technology Authority (Dispute Resolution) Regulations 2003* (the “**Dispute Regulations**”). C&W submits that it and Digicel Cayman Limited (“**Digicel**”) have a significant dispute with respect to the validity of the mobile termination rate (“**MTR**”) of CI\$ 0.1845 per minute that was set by the 27 July 2004 Agreement between C&W, Digicel and Wireless Ventures (Cayman Islands) Limited.

As the attached correspondence¹ between C&W and Digicel will attest, C&W and Digicel are so far apart in their respective positions that further bilateral discussions on this subject with Digicel are unlikely to produce a resolution. Further, the issue in dispute is of critical significance to all ICT Licensees providing voice services in the Cayman Islands. Intervention and resolution by the Authority is, therefore, necessary in these circumstances.

C&W requests that the Authority issue a determination that:

1. an MTR of CI\$ 0.1845 per minute in the Cayman islands is not a cost-oriented rate as required by the *Information and Communications Technology Authority Law (2006 Revision)* (the “**Law**”) and the *Information and Communications Technology Authority*

¹ Letter from C&W to Digicel, “Mobile Termination and the July 2004 Agreement”, 20 September 2006; Letter from Myers & Alberga on Digicel’s behalf to C&W, “Mobile Termination and the July 2004 Agreement”, 4 October 2006; Letter from Quin & Hampson on C&W’s behalf to Myers & Alberga on Digicel’s behalf, “Cable & Wireless (Cayman Islands) Limited – Digicel (Cayman) Limited”, 25 October 2006.

(Interconnection and Infrastructure Sharing) Regulations, 2003 (the “**Interconnection Regulations**”);

2. an MTR of CIS 0.11 per minute would be such a cost-oriented rate under current regulations;
3. all mobile ICT Licensees in the Cayman Islands shall charge CIS 0.11 per minute for the termination on their mobile networks of calls originating in the Cayman Islands, until such time as a new rate is determined based on a forward-looking long-run incremental cost methodology to be developed by the Authority.

C&W submits that these determinations would ensure that mobile termination rates in the Cayman Islands would comply with the requirements of the Law and the Regulations to be reciprocal, non-discriminatory, transparent, and cost-oriented (until FLLRIC rate is determined). C&W has included with this letter the prescribed \$750 processing fee. C&W has also attached an affidavit by the undersigned attesting to the fact that the matters set out in this letter are to that person’s knowledge and belief true and accurate.

As required by section 6(1) of the Dispute Regulations, a copy of this Determination Request shall be provided to Digicel on the same day as it is filed with the Authority.

By separate letter today, C&W has filed an application pursuant to section 68(3) of the Law and to section 6(h) of the Interconnection Regulations for the determination of a cost-oriented mobile termination rate for calls originating in the Cayman Islands and terminating on mobile networks in the Cayman Islands.

Yours sincerely
Cable & Wireless (Cayman Islands) Ltd..

“Signed”

Rudy B. Ebanks
Chief Regulatory & Carrier Relations Officer

c.c. J.D. Buckley, CEO, Digicel Cayman Limited
Timothy P. Adam, Chief Executive, C&W
Lawrence McNaughton, Executive Vice President Carrier Services, C&W
Hector Robinson, Quin & Hampson