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Information & Communications Technology Authority

ICTA/TeleCayman

29 August 2006

Mr Rudy Ebanks  
Chief Regulatory & Carrier Relations Officer  
Cable and Wireless (Cayman Islands) Limited  
PO Box 293 GT  
Grand Cayman

Dear Mr Ebanks,

### **TeleCayman Determination Request MPLS/CJFS**

I am responding to your letter of today's date in relation to my e-mail of 23 August 2006 requesting the filing of documents by TeleCayman Limited (TCL) and Cable and Wireless (Cayman Islands) Limited (C&W). In that letter, at page 2, you pose four questions to which C&W requests a response. I shall seek to answer each in turn in this reply.

First, the precise nature of the proceeding is that commenced by TCL by Application on 11 July 2006.

Secondly, the staff of the Authority seek to supplement, at this stage of the proceeding, the pleadings that have been filed to date by the parties by certain key documents. These may be of assistance to the staff of the Authority in assessing which aspects of the allegations of the Applicant TCL, if any, merit further study. The Authority would, of course, rely on Article 4.1 of the C&W licence and all of its statutory powers contained in the ICTA Law (2006 Revision).

Thirdly, the documents sought are, in the view of staff of the Authority, by their nature key to any meaningful assessment of the allegations made by the Applicant TCL in this proceeding.

Fourthly, staff of the Authority seek to permit as full and fair a hearing as possible in this proceeding, by according, as far as possible, the opportunity for each side to see the entirety of the evidence adduced by the other side. At the same time, however, staff are of the view that, in a proceeding of this nature, both TCL and C&W may wish to avail themselves of the provisions of the ICTA (Confidentiality) Regulations, 2003, and produce significantly redacted versions of the documents in question, to minimize the commercial harm from disclosure.

It is not conventional, or indeed expected, in a proceeding of this nature that unredacted versions of the filed documents in question will be served on the other side. There is, of course, the opportunity to challenge the degree of editing undertaken, in accordance with s. 4(1)(f) of the ICTA (Confidentiality) Regulations, 2003.

Finally, staff of the Authority are of the view that adherence to the requirement to precede a determination request filed pursuant to s.5 of the ICTA (Dispute Resolution) Regulations, 2003, with a notice pursuant to s.3(1) is optional and not mandatory.

Yours truly,

Greg van Koughnett,  
General Counsel

cc. Mr Philip Brazeau  
Mr Raul Nicholson-Coe