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Information & Communications Technology Authority

2 April 2014

Mr. Frans Vandendries
Vice President, Legal, Regulatory & Corporate Affairs
LIME/Cable and Wireless (Cayman Islands) Limited
PO Box 293
Grand Cayman KY1-1104
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Cc: Mr. Chris Hayman, CEO
Digicel Cayman Limited
P.O. Box 700
Grand Cayman, KY1-1107
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Via email

Dear Frans,

Re: Digicel Complaint re LIME's LTE Marketing

I refer to your letter to the Authority, dated 7 February 2014.

In that letter, LIME submitted that the Authority should decline to deal with Digicel's Determination Request, as made to the Authority on 30 December 2013 (though dated 27 December 2013, the 'Determination Request'), on the basis that Digicel has not followed the appropriate process as set out in the Dispute Resolution Regulations, 2003 (the 'Regulations').

In particular, LIME referred to Regulation 4 of the Regulations which states that:

[Digicel] shall not submit a determination request to the Authority unless it has first made good faith and reasonable efforts to settle such dispute directly with [LIME].

LIME submitted that, as it has yet to receive any communication addressed to it by Digicel in this matter, the Authority should exercise its power under Regulation 10(e) of the Regulations and decline to deal with the Determination Request.

In reply, the Authority considers that, based on the content of the correspondence that has passed between the Parties as to each's 4G LTE advertising campaign and given the nature of this dispute, even if Digicel were to seek to settle this particular dispute with LIME it is unlikely that the dispute would be resolved.

Therefore, the Authority concludes that the Determination Request should be dealt with under the procedures set out in the Regulations.

While Regulation 6(2) of the Regulations specifies that a respondent should file a written response within 20 days of receiving the Determination Request, the Authority notes that LIME took over the provided 20 days to respond to the Determination Request and LIME's response did not address the substance of Digicel's Determination Request.

Given the above, LIME should provide any written response to the Determination Request by **5 p.m. 15 April 2014** via email to consultations@icta.ky and copying Digicel.

If no response is received by that time and date, the Authority will proceed to consider the dispute on the basis that no response to the Determination Request has been submitted by LIME.

Please feel free to contact me if you would like to discuss any of the above.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Glen Daykin', written over a circular stamp or seal.

Glen Daykin
Acting Managing Director