



**CABLE & WIRELESS**

Cable & Wireless  
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Our ref: GRCR/GR 15.19  
04 December 2007

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

Dear Mr. Archbold:

**Re: Public Consultation on Costing Model CD2005-1 – Final Comments – Digicel Letter**

Cable and Wireless (Cayman Islands) Limited (“**C&W**”) was appalled to receive the 3 December 2007 letter from Digicel Cayman Limited (“**Digicel**”). Digicel has demonstrated by that letter a deep lack of respect for other licensees in this market, and a profound contempt for the orders of the Authority.

In its 8 November 2007 letter (which Digicel acknowledges receiving), the Authority set a new timetable for the filing of comments and reply comments. All interested parties, including Digicel, had the same reasonable time for filing their comments. If Digicel was in fact legitimately trying to meet the deadline but needed another full week to do so, this would have been patently obvious to them well before 30 November 2007, when they purport to have written to the Authority’s counsel, or before late in the afternoon of 3 December 2007, when they applied for an extension. Instead, Digicel chose to act in the most prejudicial manner possible, by waiting until **after** the deadline, and **after C&W had filed its comments with the Authority and all interested parties**, to ask for an extension. If the Authority were to grant Digicel its request for an extension of the time to file, Digicel would have had the benefit of knowing C&W’s position a full week before filing their own position, and then would have the opportunity to file reply comments. C&W cannot comment on whether or not this would “adversely impact on the Authority’s continued work on this matter” but the prejudice to C&W would be incalculable and irreparable.

Further, Digicel would have been well aware of the Authority's 4 January 2006 letter, referenced by the Authority in its 8 November 2007 letter, requiring all interested parties to copy each other "in order to ensure that all interested parties have a full record of the proceeding and are aware of other parties' submissions". The Authority's intent and desire for transparency and fairness in both letters is clear to even the most casual reader. Yet Digicel purports to have written only to the Authority on 30 November 2007, in clear disregard for the Authority's efforts to set an orderly and fair process.

Unfortunately, this is not an isolated example of Digicel's lack of respect for the Authority's timetables. As the Authority's 8 November 2007 letter makes painfully obvious, the Authority repeatedly solicited from Digicel a request to disclose information submitted in confidence, and Digicel complied only when the Authority finally ordered them do so by a specific date. Digicel then proceeded not to comply with either the procedures set out in the *Information and Communications Technology Authority (Confidentiality) Regulations* or those in the Authority's 4 January 2006 letter, by not serving either C&W or any other interested party, such that the disclosure request proceeding, and therefore the remainder of the CD 2005-1 proceeding, was unduly delayed.

It is a stretch to read into the above anything other than a deliberate course of action by Digicel to frustrate and delay the proceeding established by CD 2005-1 and to prejudice as much as possible other licensees in the Cayman Islands. To put it another way, if the Authority were to grant Digicel's request for an extension of the time to file comments, the Authority would be sending a clear signal to all members of the public that its procedures and order can be ignored with impunity and that some licensees will be favoured above others.

Further, such discretion that the Authority has to extend the timetable imposed in its determination of 8 November 2007 may only be exercised on proper grounds. Digicel has provided the Authority with no explanation for its failure to comply with the Authority's timetable. As such the Authority has no basis on which it could properly exercise its discretion to extend time pursuant to Digicel's application. This is compounded by the fact that Digicel's application was not made until after the time for filing had passed.

In the circumstances, C&W urges the Authority to deny Digicel's request for an extension of time to file comments in the FLLRIC Costing Manual proceeding established by CD 2005-1.

Yours faithfully,  
Cable & Wireless (Cayman Islands) Ltd.



Rudy B. Ebanks  
Chief Regulatory and Carrier Relations Officer

cc: Timothy Adam, Chief Executive C&W  
Ian Tibbetts, Chief Operating Officer C&W  
Frans Vandendries, Vice President Regulatory Affairs C&W  
Erik Whitlock, Regional Vice President Regulatory Finance C&W  
Interested Parties in CD (2005) - 1