

**David Laliberte**

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**From:** David Laliberte  
**Sent:** Monday, April 26, 2010 4:55 PM  
**To:** Nadine Ramsay  
**Cc:** 'cprose'; 'nickypap@cwky.blackberry.net'; 'Simon Morris'; 'bob.kanner@telecayman.com'; 'Richard Brazeau'; 'Marie Reinke'; 'Neil Maybin'; 'Tom Kinstler'; 'Vandendries, Frans'; 'Ritch, Anthony'; 'Austin, Donald'; 'Victor Corcoran'; 'Raul Nicholson-Coe'; 'Gawaine Forbes'; 'Jan Tjernell'; 'John Stevenson'; 'Mike Edenholtm'; 'cayman@deloitte.com'; 'Al Suckoo'; 'Andrew Bolton'; 'Don Seymour | dms Management Ltd.'; David Archbold  
**Subject:** RE: DPI Extension Request

Dear Licensees,

This is to confirm that the Authority concurs to extending the deadline to file these submissions to **28 April 2010**.

Regards,

David Laliberte

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**From:** Nadine Ramsay [mailto:Nadine.Ramsay@digicelgroup.com]  
**Sent:** Monday, April 26, 2010 4:11 PM  
**To:** David Laliberte  
**Cc:** 'cprose'; 'nickypap@cwky.blackberry.net'; 'Simon Morris'; 'bob.kanner@telecayman.com'; 'Richard Brazeau'; 'Marie Reinke'; 'Neil Maybin'; 'Tom Kinstler'; 'Vandendries, Frans'; 'Ritch, Anthony'; 'Austin, Donald'; 'Victor Corcoran'; 'Raul Nicholson-Coe'; 'Gawaine Forbes'; 'Jan Tjernell'; 'John Stevenson'; 'Mike Edenholtm'; 'cayman@deloitte.com'; 'Al Suckoo'; 'Andrew Bolton'; 'Don Seymour | dms Management Ltd.'  
**Subject:** DPI Extension Request

Good afternoon Mr. Laliberté,

Further to your conversation earlier with Raul, please accept this email as Digicel's formal request for an extension to file submission in accordance with paragraph 55 of the decision on Deep Packet Inspection issued on 23<sup>rd</sup> March 2010. We request an extension until Wednesday April 28, 2010.

Kind regards,

**Nadine Ramsay**  
Executive Assistant  
Digicel Cayman Ltd  
Direct Line - 1 345 623 6020  
Fax 1 345 623 3329

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**From:** David Laliberte [mailto:david.laliberte@icta.ky]  
**Sent:** Monday, April 12, 2010 12:26 PM  
**To:** 'cprose'; 'nickypap@cwky.blackberry.net'; 'Simon Morris'; 'bob.kanner@telecayman.com'; 'Richard Brazeau'; 'Marie Reinke'; 'Neil Maybin'; 'Tom Kinstler'; 'Vandendries, Frans'; 'Ritch, Anthony'; 'Austin, Donald'; 'Nadine Ramsay'; 'Victor Corcoran'; 'Raul Nicholson-Coe'; 'Gawaine Forbes'; 'Jan Tjernell'; 'John Stevenson'; 'Mike Edenholtm'; 'cayman@deloitte.com'; 'Al Suckoo'; 'Andrew Bolton'; 'Don Seymour | dms Management Ltd.'

**Subject:** DPI Reconsideration Request

To: DPI – CD-2009-4 distribution list

See attached submission from Digicel, and subsequent correspondence between the Authority and Digicel, below.

Regards,

**David Laliberté**

Information and Communications Technology Authority  
PO Box 2502, 3rd Floor, Alissta Towers  
85 North Sound Road, George Town  
Grand Cayman, Cayman Islands, KY1-1104

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**From:** Gawaine Forbes [<mailto:Gareth.Forbes@digicelgroup.com>]  
**Sent:** Monday, April 12, 2010 12:08 PM  
**To:** David Laliberte; Jan Tjernell  
**Cc:** Victor Corcoran; Nadine Ramsay; David Archbold  
**Subject:** RE: DPI Reconsideration Request

Yes it is acceptable.

**G. Gawaine Forbes**

Senior Manager - Legal & Regulatory  
Digicel Group

e-mail: [gareth.forbes@digicelgroup.com](mailto:gareth.forbes@digicelgroup.com)  
Tele: 876 511 5298  
fax: 876 920 4626  
Mobile: 876 878 4378

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**From:** David Laliberte [<mailto:david.laliberte@icta.ky>]  
**Sent:** Monday, April 12, 2010 12:04 PM  
**To:** Gawaine Forbes; Jan Tjernell  
**Cc:** Victor Corcoran; Nadine Ramsay; David Archbold  
**Subject:** RE: DPI Reconsideration Request

Dear Gawaine,

Thanks for your quick response. In the interest of full transparency, I will forward this trail of e-mail to the DPI distribution list. I take it that this is acceptable to Digicel as well.

David

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**From:** Gawaine Forbes [<mailto:Gareth.Forbes@digicelgroup.com>]  
**Sent:** Monday, April 12, 2010 11:59 AM  
**To:** David Laliberte; Jan Tjernell  
**Cc:** Victor Corcoran; Nadine Ramsay; David Archbold  
**Subject:** RE: DPI Reconsideration Request

7/9/2010

Dear David,

Thanks for discussing this with me just now.

As explained we were concerned that the decision required compliance within 21 days while we were of the view we had 14 days to ask for a reconsideration and ICTA a further 28 days to respond. In the circumstances since the decision was effective during a reconsideration application, we could be forced to comply with a decision prior to a determination of the appeal of the said decision.

However in light of the fact that we can consider the decision to be a determination not that a breach of the Licence **has** occurred, but that there is a **suspicion** that a breach might have occurred, we will by our submissions seek to dispel that suspicion. Once ICTA has made a final determination upon review of our submission, we may, if needs be, request a reconsideration.

We are therefore comfortable with the approach suggested in your e mail and appreciate your even-handedness in dealing with this matter.

**G. Gawaine Forbes**

Senior Manager - Legal & Regulatory  
Digicel Group

e-mail: [gareth.forbes@digicelgroup.com](mailto:gareth.forbes@digicelgroup.com)

Tele: 876 511 5298

fax: 876 920 4626

Mobile: 876 878 4378

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**From:** David Laliberte [mailto:david.laliberte@icta.ky]

**Sent:** Monday, April 12, 2010 11:28 AM

**To:** Jan Tjernell; Gawaine Forbes

**Cc:** Victor Corcoran; Nadine Ramsay; David Archbold

**Subject:** FW: DPI Reconsideration Request

**Importance:** High

Dear Jan/Gareth,

Further to our phone conversations, the Authority would like to suggest that Digicel's request for reconsideration (filed on 8 April 2010) be put on hold, pending a final determination on Digicel's compliance or otherwise with clause 12 of its licence. As discussed this morning, the Authority intends to issue a final determination on this issue following the receipt of the submissions requested in paragraph 55 of the 23 March 2010 decision. Once a final determination is issued, Digicel will be free to exercise any right it may have under the ICTA Law to seek reconsideration or to appeal the decision.

Just to be clear... This email is NOT an acknowledgement that the 23 March 2010 determination and/or our upcoming final determination on compliance with clause 12 are subject to the section 78 reconsideration process. However, if Digicel wants to apply for reconsideration (and argue that these decisions are subject to the section 78 process), it can make these arguments after we have issued a final determination on Digicel's compliance with clause 12 of the licence.

Please confirm whether this approach is acceptable to Digicel.

David Laliberte

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**From:** Nadine Ramsay [mailto:Nadine.Ramsay@digicelgroup.com]

**Sent:** Thursday, 08 April, 2010 6:18 PM

**To:** David Archbold

**Subject:** DPI Reconsideration Request

Good Afternoon Mr. Archbold,

Please see attached document for your attention. A hard copy will be mailed to your office.

Kind regards,

**Nadine Ramsay | Executive Assistant to Chief Executive Officer | Digicel Cayman Ltd | Cayman Financial Centre, 36A Dr Roys Drive, PO Box 700, Grand Cayman - KY1-1107 | Mobile: +13453276015 - Ext - 13456236020 - Fax 1 3456233329**

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