



The Bigger, Better Network.

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December 18, 2009

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

Dear Mr. Archbold,

Re: Public Consultation on Deep Packet Inspection and Similar Technologies.

Thank you for your letter dated December 3rd on Public Consultation on Deep Packet Inspection and Similar Technologies.

We are not prohibited from using DPI by the legislation for the purpose which we have admitted. We continue to resist any attempts by ICTA to legislate otherwise and certainly without the benefit of any research, public consultation or analysis of our use which may even raise a prima facie case of abuse. We refer to your letter of July 23rd 2009 in which you were clear that you did not at this time find that DPI was offensive to the law or any regulations governing the telecommunications sector. Your reiteration therein that “the Authority said only that the use of DPI “arguably breaches the provisions of section 75 of the ICTA Law”, not that it does breach it.” therefore seems inconsistent with your subsequent directive to immediately cease the use prior to a fulsome consultation.

We direct you to recent developments in Australia only this week, where the federal government has mandated that ISP put in place certain filtering mechanisms and that changes will be made to the Broadcasting Services Act in 2010 to put this into effect. It is highly unlikely if not impossible that this can take place without the use of some form of DPI. Even a cursory review of the deployment of DPI internationally suggests the evidence is more in support of its use than against.

Further, we are entitled to protect our network from abuse, hackers or any risk to our customers’ privacy which DPI currently prevents. It is unreasonable and exposes our customers to risk of loss of data, and makes our network more susceptible to malicious attacks when the ICTA demands that we abandon our DPI based network management security tools until the completion of a process which currently has no deadline.

Directors: Denis O'Brien (Chairman), Michael Alberga, Leslie Buckley, Conor O'Dea

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We cannot accept that it is appropriate, without the ICTA even conducting a preliminary enquiry into how we (or the industry as a whole) engage DPI technology, for the Authority to direct that our security and traffic management measures be published to the public and to possibly unscrupulous persons or entities whose activities it was designed to curtail. If our rationale for its use is valid, (and there is no suggestion from ICTA or any other operator that it is not,) it would be dangerous and self defeating to publish to subscribers and non-subscribers alike, the details of the mechanisms we employ to deter fraudulent and illegal activities on our network.

We therefore would kindly request that the information we submitted in confidentiality is kept as such.

Likewise we feel we are entitled to use all legal means available to protect our network and customers and do not see how the ongoing use of any technology to achieve this objective is in anyway inappropriate or illegal

Yours sincerely

Digicel (Cayman) Limited

A handwritten signature in black ink, appearing to read "Victor Corcoran", followed by a horizontal line.

Victor Corcoran
Chief Executive Officer