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Information & Communications Technology Authority

3 December 2009

Mr. Victor Corcoran
Chief Executive Officer
Digicel Cayman Limited
3rd Floor, Cayman Financial Centre
36A Dr Roy's Drive
PO Box 700
Grand Cayman KY1-1107

Dear Mr. Corcoran,

Re: Public Consultation on Deep Packet Inspection & Similar Technologies

The Authority acknowledges receipt of the confidential and redacted versions of Digicel's responses to the questions in the above-mentioned proceeding (dated 1 September 2009) and Digicel's confidentiality claim (dated 2 September 2009).

After careful consideration, the Authority has concluded that it may be appropriate to place on the public record the information provided by Digicel in its responses to questions 25 (a), (b), (c) and (d) of Consultation Document 2009-4. Therefore, in accordance with s. 4(1)(h) of the Information and Communications Technology Authority Law (Confidentiality) Regulations, 2003, the Authority now affords Digicel an opportunity to file a reply. In order to prevent public disclosure of this information, Digicel must demonstrate that any specific direct harm likely to result from disclosure of its responses to questions 25 (a), (b), (c) and (d) outweighs the public interest in disclosure.

Furthermore, the Authority notes that, as part of its submissions, Digicel has confirmed that it is currently using a limited form of DPI for its broadband ISP network. The Authority is concerned that this use of DPI may not have been adequately communicated to customers. Moreover, the Authority considers that this continuing use of DPI may give Digicel a competitive advantage, as other operators are prevented from installing or implementing DPI or similar technologies under the Authority's 10 July 2009 directive. Accordingly, Digicel is hereby directed to demonstrate why it should be allowed to use DPI pending the completion of this proceeding.

Digicel is hereby directed to file comments on both of these matters no later than **18 December 2009**.

Yours sincerely,



David Archbold
Managing Director