



PO Box 2502 G.T.
Grand Cayman
Cayman Islands
Tel: (345) 946-ICTA (4282)
Fax: (345) 945-8284
Web: www.icta.ky

Information & Communications Technology Authority

ICTA/80/105/07

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To: Distribution List

Further Process for the Indirect Access Public Consultation (CD (2003) 7)

I. Introduction

The purpose of this letter is to describe the requirement for further process in the Indirect Access public consultation proceeding (CD (2003) 7).

On 11 November 2003, the Information and Communications Technology Authority ("the Authority" or "ICTA") launched a public consultation to investigate Indirect Access regulations as a means of facilitating competition for international direct dial (IDD) services (Ref: CD (2003) 7). Comments in this proceeding were due 12 December 2003.

On or before 12 December, the Authority received comments from four parties: Cable & Wireless (Cayman Islands) Ltd., Digicel, North Rock Communications (Cayman) Ltd., and TeleCayman.

On 17 December 2003, Blue Bison filed its comments. On 18 December 2003, C&W filed an addendum to its initial comments. On 24 February 2004, Blue/Cool Call filed its comments.

The Authority received a second set of comments from TeleCayman, on 13 February 2004, which contradicted TeleCayman's initial comments, filed 12 December 2003. In its latter comments, TeleCayman offered no explanation for its contradictory comments. The Authority sent a letter to TeleCayman dated 19 February 2004, requesting that the company clarify its conflicting views no later than 1 March 2004. TeleCayman filed its clarification comments on 5 March 2004.

WestTel filed its comments (dated 5 March 2004) on 4 March 2004. Subsequently, at least one other licensee that did not file comments has expressed an interest in participating in this proceeding.

Attached to this letter are the 13 February 2004 and 5 March 2004 comments of TeleCayman, the 24 February 2004 comments of Blue/Cool Call, and the 4 March 2004 comments of WestTel; all remaining comments are posted to the ICTA website (see, www.icta.ky/dev/da_public.php).

II. Requirement for further process

A fundamental objective of the Authority under the ICTA Law, 2002 is to promote the development of competition in the provision of ICT services and ICT networks. In order to determine whether the development of a competitive marketplace would be furthered by mandating Indirect Access at this time, it is imperative that the Authority have an accurate and informed record. Among other things, this will assist the Authority in properly assessing the benefits and the costs of mandated Indirect Access. The Authority is not satisfied that the existing record in the Indirect Access public consultation meets this requirement.

Based on this concern, the Authority has decided to adopt further process for this proceeding. First, the Authority is extending the deadline for submitting initial comments to qualifying parties only, where a "qualifying party" is defined as a party that:

- (1) did not file comments previously in this proceeding; or
- (2) did file comments previously in this proceeding and would like to correct an error or misstatement in its initial comments.

Please note that the Authority is not inviting parties who have already filed initial comments in this proceeding to submit additional comments. The deadline for qualifying parties to submit comments is identified in Section III below.

Secondly, the Authority invites all parties that filed comments in this proceeding to file reply comments. Parties choosing to file reply comments are to limit the scope of their comments to those issues raised in other parties' initial and clarifying comments; reply comments should not address new issues, as this is not an opportunity to add comments. The deadline for submitting reply comments is identified in Section III below.

III. Filing dates

A. Initial Comments

The Authority requests that qualifying parties file any initial comments or corrections to their initial comments with the Authority in electronic format, copying all parties on the distribution list, no later than **16 March 2004**.

B. Reply Comments

Parties wishing to file reply comments must do so with the Authority, in electronic format, copying all parties on the distribution list, by **6 April 2004**.

In addition to the above electronic distribution requirements, all submissions are to be filed with the Authority in hard copy.

The Authority re-iterates it is critical for parties with an interest in this proceeding to provide their comments in writing, with supporting rationale, on a timely basis. Comments are due by close of business on the day of the deadline.