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November 25, 2020

Utility Regulation and Competition Office
3rd Floor, Alissta Towers
85 North Sound Rd.
Grand Cayman

Dear Sir or Madam,

Re: ICT 2020 – 1 | Digicel (Cayman) Limited’s Response to Consultation on Internet Exchange Points (IXP) Regulatory Framework

Digicel thanks the Utility Regulation and Competition Office (“OfReg”) for the opportunity to submit its comments on the Consultation referred to at caption.

The comments as provided herein are not exhaustive and Digicel's decision not to respond to any particular issue(s) raised in this consultation or any particular issue(s) raised by any party relating to the subject matter generally does not necessarily represent agreement nor does any position taken by Digicel in this document represent a waiver or concession of Digicel’s rights in any way. We expressly reserve all rights in this matter generally.

Below please find general comments followed by consultation responses in Appendix A.

General Comments

Digicel acknowledges that the industry and the OfReg have engaged in the past, dating back to 5 May 2016 relating to the establishment of an IXP in Cayman in light of the cable cut suffered in Miami. nAs was the case in 2016, Digicel welcomes the opportunity to discuss those matters that would result in greater benefit to the people of Cayman first and foremost, and also to ISP providers within Cayman.

The OfReg under section A – *Background (paragraph 5)* of the Consultation document suggests that while the ISPs agreed to a set of high-level principles to be used to govern the operations of an IXP in Cayman, and further claims that it was never established as the ISPs were unable to come to an agreement. This statement does not correctly communicate the concerns raised by the ISPs at the time. This is because the ISPs, and in this instance Digicel, were concerned that while the OfReg’s then initial statement on the project reasonably led ISPs to believe that a certain IXP service provider was at that stage merely an option

as a service provider and that appropriate steps would have been taken later on in the process to properly and lawfully engage a service provider, it was later realised that the IXP service provider was in fact the OfReg's preferred and chosen service provider. Digicel raised objections, which included a recommendation that the services of the IXP service provider should have been subject to an RFP process in which potential applicants would be expected to make submissions on matters including: Technical design; Standard operating procedures; Service level agreements; Capex and Opex costs; and levels of experience and expertise. With time moving on none we cannot see where this has happened.

When considering the magnitude of the initiative and its importance to the development of telecommunications and ICT's in the Cayman Islands, we considered that this suggestion was not an unreasonable.

Notwithstanding the above, Digicel in principle agrees with the OfReg on the benefits of establishing an IXP, including but not limited to resilience, not depending on overseas connections, reduced latency, and security of communication between parties. Additionally, Digicel acknowledges the volume of global analysis, literature and recommendations available in the public domain of establishing and IXP as a strategic national asset to better serve a country, business, consumer and commerce interests.

Digicel acknowledges the OfReg's statement under section C – Discussion (paragraph 25) that the existence of an IXP is unnecessary and moot until such time the OfReg has established, after the necessary consultation process followed, the necessary licensing and regulatory framework that would be used to authorize and ultimately govern the operations of an IXP. This realization by the OfReg is welcome.

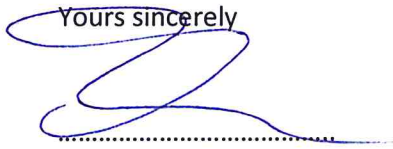
Digicel however records its objections to the OfReg's statement under the same section at paragraph 34. The OfReg asserts that in the past ISPs have been unwilling to establish and connect to an IXP voluntarily and therefore deems it necessary to mandate ISPs to connect to an IXP in Cayman. Digicel iterates its objections from 2016 and set out again in the preceding paragraphs. Digicel, and no doubt no ISP in Cayman, should be forced to connect to an IXP, which has been established without proper procedures being followed, and where necessary Digicel will take such other steps to protect its interest.

Digicel welcomes the statement under Section C.3 Governance (paragraph 50), and looks forward to continued engagements and consultations relating to the Governance aspects of the IXP and the relevant construct relating to board composition and advisory services to be provided by ISPs.

For the avoidance of any doubt, Digicel remains of the view and agrees that the Cayman Islands would benefit from the establishment of an ISP Peering Point, and if the Country and Government is committed to the development of an IPX as a strategic National Asset Digicel is willing to work together with OfReg, other ISP's and The Government to achieve its goals. Digicel requests this consultation process continue and draft determinations, regulations and polices be finalised after extensive consideration of incumbent ISPs concerns are reviewed and adopted to form the outcome.

In closing, thank you for giving us this opportunity to provide our feedback on this Framework.

Yours sincerely



Ms. Diane McAuliffe
Chief Executive Officer
Digicel (Cayman) Limited