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26 August 2015

Mr. Randy Merren  
Managing Director  
Infinity Broadband Ltd.  
Suite 21 Cayman Grand Harbour  
Grand Cayman  
CAYMAN ISLANDS

**Via email**

Dear Mr. Merren,

**Re: Request for Information**

On 12 September 2014, the Information and Communications Technology Authority (the 'Authority' or 'ICTA') received a determination request filed by Infinity Broadband, Ltd ('Infinity') under the Information and Communications Technology Authority Dispute Resolution Regulations (2003), relating to the provision by DataLink, Ltd ('DataLink') of its pole attachment services (the 'Dispute').

On 2 October 2014, DataLink submitted its response to the dispute determination request submitted by Infinity.

Infinity is obliged under its Licence (Licence Condition 4.1), the Dispute Resolution Regulations, 2003 (Regulation 8) and the Authority Law (2011 Revision,) to provide the Authority in the manner and at the times required by the Authority, on reasonable notice, any information requested.

On 26 June 2015, the Authority requested that Infinity provide the Authority with the following information:

1. Please provide a copy of the non-redacted version of the Deed of Variation between CUC and Infinity relating to the Master Pole Joint Use Agreement, dated 22 November 2005.
2. Please provide a detailed breakdown of the costs incurred by Infinity for the purchase and maintenance of assets required by Infinity to be used for the purpose of attaching Infinity's communication cables on CUC's Poles.
3. Please provide a detailed breakdown of the costs estimated for the purchase of bucket truck(s) that may be required to be used by Infinity for the purpose of attaching Infinity's communication cables on CUC's Poles.
4. Please list all the relevant fees that DataLink has applied to Infinity's use (or expected use) of CUC's Poles, on a quarterly basis from Quarter 1 (January-March) 2012 through to the end of Quarter 1 (January-March) 2015, as shown in Table 1.
5. Please list all the relevant information requested in Table 2, provided on a quarterly basis from Quarter 1 (January-March) 2012 through to the end of Quarter 1 (January-March) 2015.

On 8 July 2015, Infinity submitted its response to the Authority's request for information.

In response to the Authority's request under point 1, Infinity provided the requested information and stated that:

*"Attached are two version of non-redacted Deed of Variation, the first is dated 19 March 2012 and the other is dated 20 March 2012. The only difference found between these two documents relates to clause 1(e) "E. Attaching Utility shall install its Attachment at the top of the Assign Space". This clause was not on the 19 March 2012 version."*

In response to the Authority's request under point 2, Infinity submitted an Asset Register for, "...all equipment and components purchased for Infinity's construction department."

In response to the Authority's request under point 3, Infinity submitted that it, "...has not purchased any bucket trucks to attach its communications cables on CUC's Poles, but it has bought heavy trucks with cranes and ladders, those are detailed on the Asset Register provided for question 2."

In response to the Authority's request under point 4, Infinity submitted Table 1, listing all the relevant fees that DataLink has applied to Infinity's use (or expected use) of CUC's Poles, on a quarterly basis from Quarter 1 (January- March) 2012 through to the end of Quarter 1 (January-March) 2015.

In response to the Authority's request under point 5, Infinity submitted Table 2, listing all the relevant information requested in Table 2, provided on a quarterly basis from Quarter 1 (January-March) 2012 through to the end of Quarter 1 (January-March) 2015.

The Authority has examined the information Infinity has provided in its submission and requires that Infinity provide it with the following additional information:

1. Please provide a redacted version of the information that Infinity provided in Table 1 and Table 2, for which Infinity claimed confidentiality, for the public record.
2. Based on the information provided by Infinity in Table 2 of its submission, the Authority understands the total number of CUC poles to which Infinity has attached its fibre optic cables to be #\_\_\_#, as of Q1 2015. Please confirm whether this is correct or not.
3. Based on the information provided by Infinity in Table 2 of its submission, the Authority understands the total length of fibre optic cables deployed by Infinity in Grand Cayman to be #\_\_\_# metres, as of Q1 2015, noting that #\_\_\_# metres of fibre optic cables are attached on CUC poles. Please (a) confirm whether this is correct or not; and (b) provide a detailed clarification as to the methods how Infinity has deployed the remaining #\_\_\_# metres of fibre optic cables which are not attached on CUC poles (i.e. by laying cables underground in ducts owned by Infinity, laying cables in ducts owned by other entities, laying direct-buried cables in the ground or by other methods of cable deployment).
4. Using the information provided by Infinity in Table 2 of its submission, the Authority estimates the average length of Infinity's fibre optic cables between two CUC poles to be around #\_\_\_# metres. Please confirm whether this is correct or not. If this estimate is incorrect, please clarify how Infinity has calculated the total length of its fibre optic cables attached on CUC poles, as reported in Table 2 of Infinity's submission.
5. Please (1) indicate in writing to the Authority that Infinity does not intend to make any confidentiality claim in relation to the content of its response to the Authority; or (2) provide a redacted version of Infinity's response to the Authority, dated 8 July 2015, redacting the portions of the response that Infinity considers confidential and providing the reasons for each confidentiality claim

and the other requirements for confidentiality claims as specified in the ICTA Law (Confidentiality) Regulations, 2003 (<http://www.icta.ky/docs/Regs/ICTA-%20Confidentiality%20Regulations.pdf>), by **5 p.m., 5 September 2015**.

Unless otherwise indicated, Infinity is required to provide its response to the information requested above by **5 p.m., 16 September 2015**.

If Infinity files any information in confidence with the Authority, it should also file redacted versions for the public record along with the reasons for each confidentiality claim and the other requirements for confidentiality claims as specified in the ICTA Law (Confidentiality) Regulations, 2003.

At this time, the Authority is providing this letter in confidence to Infinity. However, in order to maintain a full public record, Infinity is hereby directed by **5 p.m., 5 September 2015**, to either: 1) indicate in writing to the Authority that it does not intend to make any confidentiality claim in relation to the content of this ICTA letter; or, 2) provide a redacted version of this letter to the Authority redacting the portions of the questions that it considers confidential and providing the reasons for each confidentiality claim and the other requirements for confidentiality claims as specified in the ICTA Law (Confidentiality) Regulations, 2003 (<http://www.icta.ky/docs/Regs/ICTA-%20Confidentiality%20Regulations.pdf>).

Yours sincerely,

[signed]

Dr. Russell Richardson  
General Counsel and Deputy Director Industry Affairs