

LIME. For Living. Everyday.



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May 4, 2012

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

Dear Mr. Archbold,

Re: Number Portability Rules Dispute – Paint Pros

Cable and Wireless (Cayman Islands) Limited, trading as LIME, (“**LIME**”) refers to Digicel Cayman Limited’s letter of complaint to the Information and Communication Technology Authority (ICTA) dated March 27, 2012 in which Digicel notified the Authority of a dispute brought under Section 4.3 alleging that LIME had breached the porting process rules by the following conduct:

1. approaching the customer during the porting process;
2. raising an expectation that a customer can port back within 90 days of porting out.

Further, Digicel asserts that it is not engaging in customer re-win tactics, despite LIME’s specific customer information confirming Digicel’s use of such tactics.

LIME wishes to inform the ICTA that it denies these allegations. Please find enclosed LIME’s letter to Digicel dated March 21, 2012, which sets out LIME’s position in accordance with the Business Process Rules (the “**Rules**”).

In light of the foregoing, LIME asks the Authority to resolve these issues and confirm that:

1. The Rules do not include the Cooling-Off period within the porting process;
2. That LIME contacted the customer after the porting process was complete;

3. That it is possible for a customer to return to a Donor Network prior to ninety (90) days of porting out to a Recipient Network.

Yours faithfully,
Cable and Wireless (Cayman Islands) Limited, trading as LIME

'Signed'

Anthony Ritch
General Manager

c.c. Chris Hayman, Chief Executive Officer, Digicel.
Rod Kirwan, Group General Counsel, LIME

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March 21, 2012

Mr. Victor Corcoran
Chief Executive Officer
Digicel Cayman Limited
Regatta Office Park, Leeward One
1158A West Bay Road
P.O Box 700
Grand Cayman KY1-1107
Cayman Islands

Dear Mr. Corcoran

Re: Number Portability Rules: Dispute

Cable and Wireless (Cayman Islands) Limited, trading as LIME (“**LIME**”) is in receipt of your 19 March 2012 letter (the “**Letter**”) alleging that LIME had breached the porting process rules by (1) approaching a customer during the porting process and (2) by raising an expectation that a customer can port back within 90 days of porting out. LIME strongly denies these allegations.

Regarding the first allegation, LIME agrees that Principle 20 of the Business Process Rules (the “**Rules**”) states:

20. The Donor Operator should not contact the customer to seek any further information nor to seek to ‘retain’ the customer during the porting process.

However, LIME would draw your attention to paragraphs 7 and 8 in section 2 of Appendix A of the Rules:

7. On receipt of the Instruction Request, the Donor Operator will deactivate the customer number from its network and send an Instruction Response to the centralised order handling system which will close the port on the system.
8. The centralised order handling system will send the E164 Broadcast message to all service providers requesting they update their own routing databases to route calls to the customer via the Recipient Operator’s network.

We also refer to the diagram of the porting process at page 37 of the Rules, which clearly shows the porting process ending with the number being considered ported after the broadcast of the E.164 message by PortingXS. In other words, once the PortingXS platform broadcasts the E.164 message, the porting process is completed, and Donor Operator's communication with the ported-out customer is no longer governed by Principle 20.

In the present case, the customer's number was ported out on the 15th of March. By Digicel's own admission in the Letter, LIME's account manager did not contact the customer until after the advertisement had been published in the Caymanian Compass on the 16th of March, which was after the customer had ported out. Digicel is, therefore, categorically incorrect that LIME's approach to the customer was in breach of the Rules, and LIME demands that Digicel retract that statement.

With regard to Digicel's statement that "the cooling –off period exists only to allow the customer to contact the recipient operator, and not to allow the donor operator to contact the customer", LIME notes that section 3.7 of the Rules specifies that "a customer who chooses to port their number will be subject to the same processes as a ceasing customer such as receiving a final bill issue." Operators will as a matter of course contact customers regarding payment of final bills, including applicable early termination fees. In any event, as noted above, this communication takes place after the porting process is completed and is therefore not prohibited by the Rules.

We note Digicel's suggestion that the porting process includes the Cooling-Off Period. While LIME is willing to refer this matter to the Business Process Committee of the LNP Consortium for discussions on amending the Rules, the Rules currently do not include the Cooling-Off Period within the porting process, contrary to Digicel's statement.

Regarding the second allegation, LIME notes that the Rules are explicit that customers can return to a Donor Network through the Cooling-Off Period process. It would, therefore, be incorrect to say that in no circumstances can a customer return to a Donor Network prior to ninety (90) days of porting out to a Recipient Network.

Finally, LIME notes Digicel's statement regarding "customer re-win tactics that Digicel is not engaging in." This statement is not accurate. As one example, Mr. Rowland Celestial (number 324-4992) ported to LIME on 12 March 2012. We have been advised that, on 19 March 2012, Digicel offered the customer a significant discount on a Blackberry handset and other corporate services, if the customer were to port back.

Please do not hesitate to contact the undersigned if you should have any questions.

Sincerely yours
Cable and Wireless (Cayman Islands) Limited, trading as LIME

'Signed'

Dwayne Mellaneo
Acting General Manager

c.c. Victor Corcoran, CEO, Digicel Cayman Ltd.
Rod Kirwan, Group General Counsel, LIME