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4 May 2009

Mr. David Archbold
Managing Director
Information and Communications Technology Authority
Grand Cayman, Cayman Islands

Dear Sir,

Re: Determination Request/Infrastructure Sharing/Application for Determination 4 April 2008

This is further to correspondence submitted by TeleCayman Limited (TeleCayman) on 30 April 2009 (and dated 28 April 2009) and correspondence from Government dated 6 April 2009 which was provided by David Laliberte 30 April 2009. TeleCayman was not copied by Government with the correspondence of 6 April 2009.

TeleCayman reiterates its request and submissions contained in its correspondence dated 28 April 2009 subject to deletion of its comments that Government had not responded to a modified request for infrastructure sharing. Given that TeleCayman now has on hand the Government response it wishes to make several additional comments.

It appears that Government now wishes to be exempt from the application of the Law, the Regulations and its Licence as to infrastructure sharing. TeleCayman notes that there does not exist any provision in the Cayman Islands regulatory framework, whether legislative or in the regulations, to exempt a Licensee from its obligations to share infrastructure. There is no opting out provision on the legislative obligation to share infrastructure. Government is not above the Law with respect to the legislative requirement to share infrastructure. In fact, Government currently shares its tower infrastructure with several Licensees. TeleCayman has been advised by counsel that any attempt by Government to avoid and/or circumvent the current Law, at this late date, would likely result in a successful application to the Courts for Judicial Review.

TeleCayman also notes that as an independent, quasi-judicial administrative body, the Authority needs to be extremely careful not to be acting or viewed as an extension of Government thereby compromising the role provided to it by legislation.

Government has not provided any basis for the refusal noted in its 6 April 2009 correspondence. In previous correspondence it simply made the statement that it had safety and security concerns but failed to provide any support or back up for this statement. Obviously it is incumbent upon the Authority to investigate as to how the introduction of a 10.5 mm cable to be installed by Government or its contractor could raise concerns of any nature. Without such investigation (and being satisfied thereto) any Licensee could simply state safety and security concerns (without support or back up) to avoid the obligation for infrastructure sharing.

TeleCayman requests the Authority to issue a decision in accord with the Law, the Regulations and the Government Licence.

Yours sincerely,



Richard Brazeau
President and Chief Financial Officer
Javelin Connections Bermuda Limited
(Parent of TeleCayman Limited)

Cc Mr. Orrett Connor, MBE, JP, Cabinet Secretary
Tim Hubbell, Cabinet Office
Gilbert McLaughlin, CSD
Wesley Howell, CSD