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Information & Communications Technology Authority

Our ref: ICTA/193/193-01

14 January 2010

Mr. Anthony Ritch
Country Manager
Cable and Wireless (Cayman Islands) Limited
PO Box 293
Grand Cayman KY1-1104
CAYMAN ISLANDS

Dear Mr. Ritch,

**Re: Digicel/LIME Interconnection Agreement Dispute
– Application to Join Interested Parties**

In its 8 January 2010 letter, LIME requested that TeleCayman and WestTel be treated as interested parties in the above-mentioned proceeding, in accordance with section 13 of the Dispute Resolution Regulations (the "Regulations"). In addition, LIME requested that the Authority require TeleCayman and WestTel to file written submissions or to acknowledge in writing that they will accept the application of the Authority's determination to their interconnection agreements. LIME further requested that the Authority explicitly state that any determination on rates resulting from this proceeding will be applied to TeleCayman and WestTel.

On 13 January 2010, Digicel filed a letter with the Authority opposing LIME's request. Digicel argued that its determination request arose from specific circumstances, which are not applicable to TeleCayman and WestTel. Further, Digicel noted that LIME did not provide any evidence to suggest that it has tried and failed to negotiate interconnection agreements with these operators. Therefore, Digicel urged the Authority to deny LIME's request in its entirety.

After careful consideration, the Authority has concluded that there is no basis for an order under section 13 of the Regulations. LIME did not file any evidence to support its assertion that the Authority's determination in this matter "will have a significant impact on all ICT Licensees". Indeed, the Authority notes that the status of the TeleCayman and WestTel interconnection negotiations differs significantly from Digicel's. In the case of WestTel, the negotiations were completed several months ago and the agreement has been finalized. In the case of TeleCayman, the Authority does not have any evidence to suggest that the six issues identified by Digicel in its determination request are contentious in any interconnection negotiations with LIME.

Given these differences, the Authority considers that it is not appropriate to require TeleCayman and WestTel to file submissions in this proceeding. The Authority has also concluded, for the same reason, that it is not appropriate to issue a ruling stating that any determination on rates resulting from this proceeding will be applicable to TeleCayman and WestTel.

The Authority would like to stress that it is not opposed to hearing TeleCayman and WestTel's submissions in this proceeding. In the Authority's view, however, a mandatory order under section 13 of the Regulations is not the appropriate mechanism to solicit and receive such submissions. While the Authority is not convinced that any determinations in this proceeding will necessarily have a significant impact on all licensees, it does recognize that any such determinations may influence current or future interconnection agreement negotiations. Therefore, the Authority considers that it is preferable to issue a non-mandatory request for information under section 8(a) of the Regulations. Additionally, TeleCayman and WestTel can always initiate their own dispute resolution requests if either considers such action appropriate.

Accordingly, the Authority hereby confirms that, under section 8(a) of the Regulations, TeleCayman and WestTel may file comments on the six issues identified by Digicel in its determination request by no later than **26 January 2010**. If TeleCayman or WestTel file any such comments, they are to send a copy to both Digicel and LIME at the same time the comments are filed with the Authority.

In the event that TeleCayman or WestTel do file comments, Digicel and LIME may file any reply to those comments by **2 February 2010** and any such reply should be copied to the party whose comments are being replied to as well as the other party in this dispute at the same time the comments are filed with the Authority.

The Authority notes that the full public record of the proceeding is available on the ICTA website at: http://www.icta.ky/da_publications.php#request .

Yours sincerely,



David Archbold
Managing Director

cc: TeleCayman
WestTel
Digicel