

Digicel™

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July 25, 2007

Mr David Archbold
Managing Director
Information and Communication Technology Authority
P.O. Box 2502GT
3rd Floor Alissta Towers
Grand Cayman

Dear Mr Archbold,

ICTA Decision for the Forward-Looking Long-Run Incremental Costing Consultation 2005-4 (the "Decision"): Cable & Wireless' responses to interrogatories

I refer to the redacted responses provided by Cable & Wireless ("C&W") dated 17 May, 25 May, 1 June, 8 June and 22 June 2007 to interrogatories issued on 16 April 2007 (ICTA/80/105/105-11) by and on behalf of the Authority.

Each response is redacted in places by C&W, which claims confidentiality under Regulation 3 of the Information and Communications Technology Authority (Confidentiality) Regulations 2003 (the "Regulations"). Pursuant to Regulation 4(f) of the Regulations, Digicel requests public disclosure of certain redacted materials (for the reasons elaborated on below) on the basis that they are not confidential or commercially sensitive, and that even if they are, there is a compelling interest in disclosure under Regulation 5(1) of the Regulations given the public nature and consequences of the FLLRIC process.

In particular, Digicel wishes to request disclosure of all of the following:

C&W submission 17 May 2007

Redacted figures and calculations at p. 35

Redacted LRIC figures and calculations, including the snapshot Excel spreadsheet at p.39

Redacted figures and calculations at p. 40

Redacted LRIC figures and calculations in both tables and accompanying text at p.44

Redacted figures and calculations, including LRIC figures at p.45

Redacted LRIC figures and calculation in table at bottom of p.48

C&W submission 25 May 2007 submission

Redacted figures and calculations for the tables at p.3

Redacted figures and calculations for the tables at p.4

C&W submission, 8 June 2007

Redacted Summary BU pure LRIC results for PSTN Access Residential Service (p.2)

Redacted BU pure LRIC and DLRIC results for PSTN Access Residential Service (p.7)

Redacted BU pure LRIC, DLRIC and FLLRIC results for PSTN Access Residential service (p.11)

Redacted BU pure and DLRIC results for Mobile Termination service and BTS network element (p.16)

Redactions: ' This proportion is ####%. Applying this to the FLLRIC markup value of ### gives the amount of FLLRIC allocated to the Mobile Termination Service. This is: ### x ####% = ### which is the value obtained in the paragraph marked Note 2 above.' (p.19)

Redactions Summary BU pure, DLRIC, FLLRIC LRIC results for Mobile Termination service and BTS network element (p.20)

Digicel wishes to challenge what it regards as yet another abuse of the redaction process by C&W. The exercise to develop a FLLRIC costing model for certain purposes is a public consultation exercise, the output of which is a generic financial model, not particular to an individual provider. This point is acknowledged by C&W in other responses, including, for example its response (Round 2, p.29) to question 3.6.1 of the latest round of interrogatories, where it refers to modeling exercise as 'predicated on building a hypothetical representative network'. As such, claims of confidentiality as to draft output calculations are untenable.

C&W also seeks to rely on its treatment of its own costing information on a confidential basis as somehow relevant for these purposes. That misses the point entirely, since the modelling exercise has clearly moved beyond the inclusion of C&W specific inputs. This request for disclosure concentrates on draft model outputs material which cannot be reasonably considered to qualify for confidential treatment simply because they are now being treated as confidential (i.e., being withheld) by C&W for its own, non-protected purposes.

Mr. David Archbold
July 25, 2007
Page 3 of 3

Equally mistaken are C&W's claims of significant but unspecified financial loss, none of which could flow from the publication of generic calculations. In particular, Digicel is at a loss to understand how disclosure of any of the requested information could allow competitors to develop targeted marketing or pricing strategy. Whatever its relevance to other C&W redactions, we submit that claims of this nature are little more than hyperbole in relation the information that we now seek.

Indiscriminate redaction of this nature obscures the public record, in addition to the operation of agreed imputation tests to be based on figures generated by the FLLRIC model. The ultimate outputs of the FLLRIC model (and consequentially the draft outputs) are also of significant commercial concern to Digicel since they are incorporated into agreed contractual mechanisms for the variation of interconnection rates. Furthermore, the disclosure of draft LRIC calculations across all of C&W's outputs is essential in order to allow headline detection of possible cost misallocation between C&W's various businesses. This, as the Authority will be aware, is a long standing concern of Digicel. Digicel submits that these three considerations are of paramount importance for the purposes of Article 5(1) of the Regulations.

Without full disclosure of the redacted information and access to the model in its current form, no interested party will be in a position to prepare meaningful responses to the replies to interrogatories, which we understand will be requested by the Authority once all of the replies to interrogatories have been received.

Separate and apart from this request, Digicel now believes that it is timely for its economic and accounting experts to have full access to all of the workings of the FLLRIC in its current form. Previously, access has been afforded to C&W costing models and information subject to conditions of confidentiality which Digicel representatives would again be prepared to undertake, but only in respect of genuinely commercially sensitive C&W inputs. Digicel has made this request directly to the Authority (as opposed to C&W which has carriage of the model) on the basis that other interested parties may also require access at this time, in which case the Authority is best placed to pursue this request with C&W.

Yours sincerely,



John D. Buckley
Chief Executive Officer

cc. Rudy Ebanks, Cable & Wireless (Cayman Islands) Limited