



PO Box 2502
Grand Cayman KY1-1104
CAYMAN ISLANDS
Tel: (345) 946-ICTA (4282)
Fax: (345) 945-8284
Web: www.icta.ky

Information & Communications Technology Authority

Our ref: ICTA/80/105/105-11

16 August 2007

John D. Buckley
Chief Executive Officer
Digicel Cayman Limited
PO Box 700
Grand Cayman KY1-1107

Mr. Rudy Ebanks
Chief Regulatory and Carrier Relations Officer
Cable and Wireless (Cayman Islands) Limited
PO Box 293
Grand Cayman KY1-1104

Dear Mr Ebanks and Mr Buckley,

Re: C&W redactions in the FLLRIC (CD 2005-1) process

In a letter dated 25 July 2007, Digicel Cayman Limited ("Digicel") requested that the Information and Communications Technology Authority ("ICTA" or "Authority") order the public disclosure of certain information redacted by Cable and Wireless ("C&W") in its responses to ICTA interrogatories submitted on various dates between 17 May 2007 and 8 June 2007. Digicel's letter also set out the reasons for its request.

In the same letter, Digicel also requested that its economic and accounting experts have full access to all of the workings of the C&W FLLRIC model in its current form. Digicel stated that its representatives would be prepared to agree to conditions of confidentiality in respect to what it characterized as "genuinely commercially sensitive C&W inputs."

C&W replied to Digicel's request on 6 August 2007 stating that, with a single exception, the information Digicel is now requesting be publicly disclosed should remain

designated as confidential information. Regarding the exception, C&W noted that it had inadvertently redacted the MSC routing factors for call-sensitive mobile network traffic that were drawn from a public consultation and therefore were not confidential. C&W provided those routing factors in its letter.

In its letter, C&W also opposed Digicel's proposal to allow its experts to have full access to the C&W FLLRIC model.

Authority Analysis and Determination

The Authority notes that its determinations regarding confidentiality claims in this instance should not be taken as an indication of the manner in which such matters would be dealt with in the future in different circumstances.

Regarding the remaining disclosure requests, the Authority has reviewed each of the items in Digicel's request and notes that the information relates to specific C&W demand and cost information rather than to "generic calculations". Whilst the expectation that specific direct harm might result from disclosure is not, by itself, sufficient to justify maintaining a claim of confidentiality, based on all the material before it, the Authority is satisfied that the specific direct harm likely to result from disclosure outweighs the public interest in disclosure in these instances and therefore determines that C&W's confidentiality claims are justified and Digicel's disclosure requests are denied.

Regarding Digicel's request for a process to allow its experts to have full access to C&W's FLLRIC model, the Authority notes that in its 26 April 2006 letter dealing with Digicel's 27 March 2007 disclosure requests, the Authority denied a similar request from Digicel. The Authority remains of the view that the ICTA Law (Confidentiality) Regulations provide a process by which parties may request the disclosure of information that has been filed in confidence with the Authority and that the additional process requested by Digicel is not necessary. Therefore, the Authority denies that aspect of Digicel's request.

Yours sincerely,

[signed by Mark Connors for]

David A Archbold
Managing Director