

19 November 2004

Elaine Leung
Head of Economics and Regulation
Information and Communications Technology Authority
PO Box 2502 GT
3rd Floor, Alissta Towers
85 North Sound Road
Grand Cayman
Cayman Islands

Dear Elaine,

Indirect Access Response – Claim for Confidentiality

Digicel Cayman Ltd (“Digicel”) hereby claims confidentiality in respect of some aspects of its response dated 19 November 2000 to the Authority’s Indirect Access consultation. We claim confidentiality pursuant to Section 3 (b) and (d)(ii) of the *Information and Communication Technology Authority (Confidentiality) Regulations, 2003* (“Regulations”).

Consequently, Digicel is hereby submitting a redacted version of the response in accordance with section 4(1)(c) of the Regulations as well as a complete version.

Digicel requests confidentiality in respect of its answers to questions 10, 13 and 14, 15 and part of its answer to question 2A. We make this request as the answers contain highly commercially sensitive information with respect to network roll-out, traffic figures, service offerings and business plans that is treated consistently in a confidential manner by Digicel. Disclosure could reasonably be expected to prejudice significantly the competitive position of Digicel as it would provide competitors with an unfair competitive advantage by allowing to adjust their network build plans and service offerings.

Digicel has taken the following steps to secure the confidentiality of the letters: minimising the number of staff with access to these documents; warning staff that this information remains confidential and should not be shared with anyone outside the two companies; ensuring that these letters are stored in areas secured from access by any other person.

The fixed sector is not currently subject to competition which makes information about the roll-out of competing fixed infrastructure and fixed service offerings and an even more sensitive matter.

Digicel claims confidentiality of this information for a period of 5 years.

In the event that you require any additional information or clarification about this response please do not hesitate to contact me.

Yours sincerely,

“Signed”

JD Buckley
CEO Digicel Cayman Ltd