



February 16, 2007

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**Re: Comments on Responses to "Competitive Safeguards- Draft Rules- Notice of Proposed Rule Making"**

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Cable & Wireless Jamaica (C&WJ) is pleased to comment on the responses received from both Digicel and Reliant Enterprise Communications Limited (Reliant) on "*Competitive Safeguards- Draft Rules- Notice of Proposed Rule Making*" published by the OUR on November 30, 2006.

C&WJ agrees with Reliant's response to paragraph 3.2.2 of the Draft Rules that mobile technology plays a significant role in the voice market both for domestic calls, outgoing international calls and incoming international calls. In this respect and in accordance with section 28 (3) of the Telecommunications Act 2000, C&WJ submitted to the OUR on January 25<sup>th</sup> an application for non-dominance classification in all the fixed voice markets in which the OUR had previously classified C&WJ as dominant.

This is on the basis that these markets are now wider and should include substitutable services provided over the mobile networks in addition to the services provided over the fixed network. By way of example, as at December 2006, C&WJ's fixed network carried less than 10% of all international outgoing traffic from Jamaica.

C&WJ notes Digicel's proposed amended language at paragraph 4.3 of its response in relation to safeguarding proprietary information supplied by competitors. C&WJ wishes to place on record that it exercises the utmost propriety in safeguarding information supplied by competitors in accordance with paragraph 6.1 of "*Cable & Wireless Jamaica's Reference Interconnect Offer*", published February 2001:

Determination 6.1 reads in its entirety:

*"Determination 6.1: The Office has determined that the organizational arrangements, information flows and responsibilities set out below are to be inserted in the revised version of the RIO to provide safeguards for the handling of proprietary information supplied by competing carriers.*

Directors:  
Mr. Leonardo deBarros - Chairman  
Mr. Rodney Davis - President & CEO  
Miss Lisa Agard  
Mr. Andrew B. Cocking  
Mr. Francis Mount  
Hon. Patrick Rousseau, O.J.  
Mr. Mark Thompson  
Mr. Don G. Wehby  
Mr. Milton Weise



**CABLE & WIRELESS**

- *All communications between competitive carriers and C&WJ shall flow through a separate organization. This organization will be referred to herein as, the Carrier Services Division, or CSD.*
- *"Customer Facing Divisions" of C&WJ are defined for purposes herein to include the units responsible for the wireless services operations of C&WJ, and the marketing and customer services units for all retail telecommunications services.*
- *The CSD shall be organizationally separate from other units in the company, and shall report directly to a corporate officer.*
- *The CSD unit shall not share offices with any customer-facing division of C&WJ. Separate buildings are not required, but the offices must be clearly separated from the others.*
- *All employees of the CSD shall receive training materials informing them of their responsibilities for the handling of confidential information, and shall certify that they understand and agree to meet these responsibilities.*
- *The CSD shall not share employees with any other unit of C&WJ.*
- *There will be no restriction on the movement of personnel to or from the CSD.*
- *All communications and information received from competitive carriers, including but not limited to customer identification and location, traffic forecasts, and service plans and parameters shall be received only by the CSD, shall be marked as "Confidential" and shall not be shared with any customer facing division.*
- *Communications from operating divisions to customer-facing divisions, including, but not limited to, network traffic loads, service quality results and construction plans, shall not contain any confidential information originating from competitive carriers, except insofar as it is aggregated with other information and not separately identified.*
- *Internal audits of the handling of confidential information shall be performed by C&WJ within six months after the effective date of the RIO and no less frequently than annually thereafter. The results of the audits and plans for action in response to the results, if any, shall be reported to the Office at least two months after completion of the audit."*

To date there has been no experience of any employee in the Carrier Services Division transferring to the retail business unit whether through promotion or otherwise.

Yours sincerely,

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Regulatory Advisor  
Legal, Regulatory & Public Policy