



CABLE & WIRELESS



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March 11, 2005

Mr. Patrick Williams
Economist
Office of Utilities Regulation
36 Trafalgar Road
Kingston 10.

Dear Mr. Williams,

Re: **Application for Reconsideration of Determination Notice (Tel 2004/04) on
'Telecommunications Markets Information Requirements' – Advance Notice
of Reconsideration Decision**

Reference is made to your e-mail dated February 25, 2005 and a letter regarding the same matter, received from the Office on March 3, 2005 and dated March 1, 2005. In both correspondence, reference was made to the captioned and a schedule for completion of the matter attached.

In our discussions, subsequent to receipt of the e-mail, I had requested the actual Application for Reconsideration that Digicel had made which you have sent, thank you. Very importantly, you had advised that the Office has taken a decision to follow a consultative process in handling Applications for Reconsideration, which C&WJ supports.

The matter now being reviewed by the Office affects both Cable & Wireless Jamaica (C&WJ) and Digicel similarly. Both Companies had filed Applications for Reconsideration with the Office. C&WJ submitted its Application for Reconsideration on April 22, 2004 and the Office responded on May 17, 2004 upholding its decision in its entirety. C&WJ was unaware that Digicel's Application for Reconsideration was still under review.

C&WJ proposes to the Office that it reopens C&WJ's Application for Reconsideration on the grounds that the contention of the Companies are similar and that the reopening of C&WJ's Application will provide an opportunity for other interested parties to assist the Office in assessing the merit of its Application.

Both Digicel and C&WJ's contentions are similar in that concerns have been raised in the Applications for Reconsideration on:

Directors:
Mr. Leonardo deBarros - Chairman
Ms. Jacqueline Holding - President
Ms. Lisa Agard
Mr. Gary Barrow
Mr. Andrew Cocking
Mr. Charles Herlinger
Hon. Patrick Rousseau, O.J.
Mr. Fernando Simo
Mr. Milton Weise



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- Treatment of confidential information.
- The need for the Office to provide specific reasons for requesting detailed and sensitive information.
- Unreasonableness of retrospective reporting.

Apart from the Applications for Reconsideration submitted, both companies had stated that their information systems were not configured to produce information in the format required by the OUR and the possibility of significant expenditure to produce the same.

The Determination by the Office did not resolve the issues faced by the Companies and it is necessary for the Office to engage the industry in order to make progress to achieving its objectives. A Determination in and of itself will not achieve this.

C&WJ recommends that its Application for Reconsideration be reopened and a holistic approach taken to enable the Companies to provide the agreed information to the Office. C&WJ trust that the Office will see the merits of its proposal in assisting with meeting the objectives of the Office.

Yours sincerely,

MELESIA SUTHERLAND CAMPBELL
Regulatory Advisor
Legal, Regulatory & Public Policy