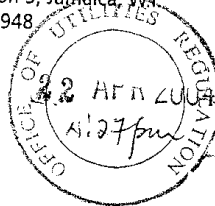



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Mossel (Jamaica) Limited

Digicel

The Bigger. Better GSM Network



April 22, 2004

 Mr. J Paul Morgan
Director General
Office of Utilities Regulations
36 Trafalgar Road
Kingston 10

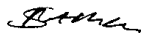
Dear Mr. Morgan,

With respect to the attached Application for Reconsideration, we are submitting this as a precautionary filing as we are unable to configure our information systems to deliver retrospectively the information that has been required by the Office in the timeframe stipulated. Indeed we are unsure whether it would be possible to deliver the information requested retrospectively at all and certainly not in the format outlined. Moreover we believe that the Determination was aimed at prospective provision of information i.e. for forthcoming quarters. Consequently we believe that the first quarter for which this information should be provided is July-Sept 2004. This would be submitted in November 2004 as per the requirement in Determination 2.3 for reports to be submitted 6 weeks after the end of each quarter.

Since the OUR announced its decision, Digicel has begun a process to ensure that the data is supplied on a timely basis and is both accurate and consistent. This process has involved setting up an internal working group that draws on resources from the relevant departments including our Carrier Services, Finance, Regulatory and Technical teams, all of which will have an important contribution to make.

Should the Office confirm that the information should only be provided prospectively we believe that we are likely to be able to assemble most or all of this information subject to further assessment of how we can configure our information delivery systems.

Yours sincerely



Stacey Mitchell
Group Company Lawyer

Directors: Denis O'Brien (Chairman), Ossie Kilkenny, Leslie Buckley, Seamus Lynch, Lucy Gaffney, Anthony Chang, David Hall (Secretary)

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April 22, 2004

Mr. J Paul Morgan
Director General
Office of Utilities Regulations
36 Trafalgar Road
Kingston 10

Dear Mr. Morgan,

Re: Application for Reconsideration of the Determination Notice on Telecommunications Markets Information Requirements

Pursuant to Section 60 (4) of the Telecommunications Act ("the Act") Mossel (Jamaica) Limited (t/a Digicel) hereby applies to the Office of Utilities Regulations ("the OUR") for a reconsideration of the captioned Determination Notice issued by the OUR on April 8, 2004.

A-Determination the subject hereof

Determination 2.3

The data requirements report should be submitted six weeks after the end of each quarter.

B-Grounds for re-consideration

The ground on which Digicel seeks to have this decision reconsidered is that the company is unable to configure its information systems to deliver the information retrospectively and certainly not in the format outlined. This inability to comply with the determination came to light only subsequent to the publication of the determination as a result of our efforts to comply with the requirements.

Based on our understanding of Determination 2.3, Digicel was lead to believe that this was a prospective requirement governing quarters occurring after the date of the Determination Notice and was not to be retrospectively applied.

This however does not appear to be the case as the covering email from Patrick Williams which accompanied the Determination Notice requested information for the quarter

Directors: Denis O'Brien (Chairman), Ossie Kilkenny, Leslie Buckley, Seamus Lynch, Lucy Gaffney, Anthony Chang, Davic

January to March 2004, and also for the periods July-September and October to November 2003.(Presumably this was meant to say December).

C-Reliefs sought

By way of this application for re-consideration of Determination 2.3, Digicel seeks the following reliefs:

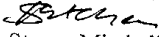
1. Modification of the Determination so that its effect is made clear to be prospective and to require that the first quarter for which information the Determination applies is July – September 2004.

D-Addition of further determinations

1. The applicant reserves the right to add to the determinations requested for reconsideration.

E-Amendment and/or addition of grounds

1. The applicant reserves the right to amend or delete any of the grounds herein specified and to add any number of new grounds which the applicant or its advisors may deem necessary.

Yours sincerely

Stacey Mitchell
Group Company Lawyer



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4 June 2004

Mr J Paul Morgan
Director General
Office of Utilities Regulation
36 Trafalgar Road
Kingston 10

Dear Mr Morgan

**Application for Reconsideration of the Determination Notice on
Telecommunications Markets Information Requirements**

Pursuant to section 60(4) of the Telecommunications Act ("Act") Mossel (Jamaica) Limited ("Digicel") applied to the Office of Utilities Regulation ("OUR") on 22 April 2004 for a reconsideration of the above Determination Notice issued by the OUR on 8 April 2004.

In section E of the original application for reconsideration Digicel reserved the right to add any new grounds which it deemed necessary. We are now doing so. For the avoidance of doubt, we also re-emphasise one of the grounds on which we had based our request for re-consideration initially.

The OUR suggests in paragraph 2.9 of its determination that the fact that each employee is bound by section 7(1) of the Act to maintain confidentiality of the information submitted by market players to the OUR is sufficient to ensure that confidential information will not fall into the wrong hands. Digicel thinks that it is inevitable, irrespective of any such duty on employees, that the more copies of a document that are made available and the greater the number of people that have access to the information, the higher the chance that the information will fall into the wrong hands even if this is purely accidental. Indeed there is evidence of a recent case where confidential information about Digicel was provided to other parties by the OUR. While the OUR has made it clear that this was an accident the damage had already been done. Much of the information that has now been requested by the OUR is extremely confidential and could be used by a competitor to cause considerable damage to the commercial position of another. Digicel believes that it is more than reasonable that the OUR should place further restrictions on the access by its staff to such information.

The OUR is permitted by the Act to require a licensee to furnish information where it has reasonable grounds for doing so. By the use of the word "reasonable" the Act makes it clear that this does not provide the OUR with carte blanche to collect all information in an operator's possession about its activities. Digicel believes that this restricts the OUR to collecting information when it will be used by the OUR for a specific and limited purpose.

Digicel therefore adds the following grounds for reconsideration:

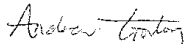
1/ the OUR should provide details of the policy it has for maintaining the confidentiality of information; restrict the circulation of this confidential information to a limited number of named employees in agreement with licencees; provide a statement on receipt of such information from licencees that it will not be used for purposes other than that for which it was collected; agree with licencees in advance the format in which information should be published;

2/ the OUR should only ask for information when it is needed. Digicel is prepared to have a discussion with the OUR about what information Digicel can collect given its data assembly systems from July 2004 onwards which can then be presented on reasonable demand.

3/ Further, for the avoidance of doubt, we hereby make it clear, as we believe can be seen from our original letter, that one of the grounds for reconsideration is that the Determination Notice was only meant to apply prospectively i.e. starting with the quarter July-September 2004.

In your letter of 21 May you asked us for details of the difficulties we had with configuring our information systems to provide retrospective information. We are preparing a response to your letter.

Yours sincerely



Andrew Gorton
Regulatory Manager