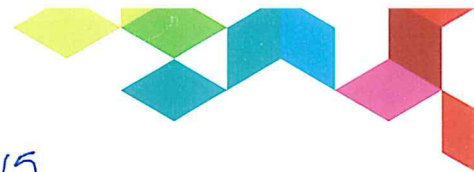


Ms. Hayes,
for your action.
22.5.15

RECEIVED

MAY 22 2015

TELECOMMUNICATIONS REGULATORY COMMISSION
BRITISH VIRGIN ISLANDS



Digicel

Digicel (BVI) Limited
PO Box 4168
Road Town
Tortola
VG1110
British Virgin Islands
Tel: +1 (284) 300 1000
Fax: +1 (284) 494 0111
www.digicelbvi.com

May 22, 2015

Ms. Sarah Hayes
Chief Economist
Telecommunications Regulatory Commission
27 Fish Lock Road
Road Town VG1110
Tortola

Dear Ms. Hayes,

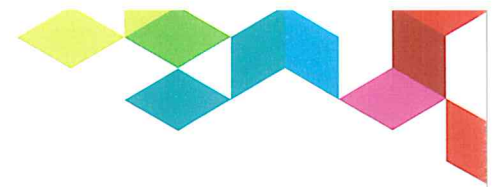
Before I get into the specifics of our response on the Broadband Market Analysis, I would like to make it clear from the outset that our position on this is based entirely on current market conditions in the BVI. This does not mean that our position would not be different if the proposals were made at a different time.

According to the consultation document, the TRC proposes to declare Lime dominant in:

- i. the retail market for fixed broadband service
- ii. the market for wholesale broadband access. The TRC considers that wholesale broadband access can be achieved by:
 - full local loop unbundling
 - sub-loop unbundling/shared access
 - bit stream access
 - resale of lines

If Lime is declared dominant in the retail market for fixed broadband service, the TRC would regulate Lime's retail prices by amendment to Lime's licence. The TRC also proposes to impose Quality of Service obligations on Lime.

Throughout the consultation document it is stated that there are barriers to entry in the retail broadband market and the market for wholesale broadband access. It was also noted that there is no incentive for other operators to roll out similar networks. However, as you are aware, the roll out of



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Digicel's full fibre network in the BVI is imminent. You would also be aware that we have requested access to Lime's ducts so that we may properly roll out our network throughout the BVI.

In light of these market developments, we consider that the TRC's proposals for the regulation of wholesale broadband access do not assist us in the furtherance of our objectives at this time. Rather, our interest lies in the enforcement of current access obligations as set out in the Interconnection and Access Regulations. Quite respectfully, we believe that this is the quickest and most effective route to introducing real competition in the retail broadband market in the BVI at this time and not the measures set out in the consultation document. We further submit that as soon as there is genuine competition in the broadband market, subscribers will ensure public suppliers maintain reliable high-speed broadband services thus obviating the need for regulatory intervention in this respect.

Please do not hesitate to let me know whether you would like further information or to otherwise engage us on the above.

Yours sincerely,

Conor Looney
Chief Executive Officer