

## ANNEX 1 – PROPOSED LICENCE AMENDMENT

The Licence granted to the Cable & Wireless (West Indies) Ltd. (trading in the British Virgin Islands as “LIME BVI”) for the operation of a public telecommunications network and for the provision of telecommunications services to the public dated May 25, 2007 shall be amended as follows:

1. Article 2.1(b) shall be amended by inserting the following as paragraphs (P) and (Q):
  - (P) **Terrestrial International Private Leased Circuit (IPLC) Services;**
  - (Q) **International Managed Data Services (IMDS)**
  
2. Article 8.1 shall be amended by inserting the following as subparagraph (iv):
  - iv. **Should the Licensee be designated as a supplier dominant in the markets for the provision of terrestrial International Private Leased Circuit (IPLC) Services and or for International Managed Data Services (IMDS), the Licensee shall:**
    - a) **provide such services to any other licensee or user of such services in the British Virgin Islands at rates which do not exceed the rates set out in Annex 9;**
    - b) **notwithstanding (a) above, provide such services to any other licensee or user of such services in the British Virgin Islands at rates which do not exceed the cost of self-provision;**
    - c) **upon request by the Commission from time to time, provide the Commission with information in relation to the Licensee’s offer of rates to other licensees or users of such services in the British Virgin Islands in such form and within such period of time as may be required by the Commission.**
  
3. Article 9.4 shall be amended as follows:
  - i. Subparagraph (c) shall be numbered as subparagraph (d);
  
  - ii. The following shall be inserted as subparagraph (c):

**Interconnection Default rates shall not apply where the Commission has determined the Licensee to be a supplier dominant in the markets for the provision of terrestrial International Private Leased Circuit (IPLC) Services and or for International Managed Data Services (IMDS) in accordance with Section 26(4) of the Act. Should the Commission determine that the Licensee is a supplier dominant in the markets for the provision of terrestrial International Private Leased Circuit (IPLC) Services and or for International Managed Data Services (IMDS), the provisions of Article 8.1(iv) shall apply.**
  
4. Annex 1 shall be amended:

1. by inserting the definition of “**International Managed Data Services (IMDS)**” after the definition of “International Call Completion Rate” as follows:

**“International Managed Data Services (IMDS) means the packet-based services that provide managed connectivity between multiple user sites, at least one of which is located outside of the British Virgin Islands.”**

2. by inserting the definition of “**International Private Leased Circuit (IPLC) Services**” after the definition of “International Managed Data Services (IMDS)” as follows:

**“International Private Leased Circuit (IPLC) Services” means the services provided over submarine cables, which offer users the exclusive use of a point to point, dedicated transparent transmission path for voice, data or video between a location in the British Virgin Islands and a location outside of the British Virgin Islands.”**

5. The following shall be inserted as Annex 9:

**ANNEX 9**

**PRICE CAPS APPLICABLE TO THE SUPPLY OF INTERNATIONAL CONNECTIVITY SERVICES**

**1. Rate Ceiling**

**1.1 Effective from [the Effective Rate Revision Date], the Licensee shall charge and shall be paid rates for the provision of terrestrial International Private Leased Circuit (IPLC) Services and or for International Managed Data Services (IMDS) by other licensees or users of such services in the British Virgin Islands, which do not exceed the rates set out below:**

	<b>Set-up fee</b>	<b>Monthly rental cost</b>
<b>IPLCs</b>	US\$x US\$x US\$x	US\$x per E1 per month US\$x per DS3 per month US\$x per STM1 per month US\$x per STM4 per month
<b>MPLS</b>		US\$x per month

**1.2 The Licensee acknowledges that these rates set out in 1.1 above constitute a ceiling and represent the maximum rates that the Licensee may charge.**

2. The Licensee shall execute revised agreements with other licensees or users of such services in the British Virgin Islands for the provision of terrestrial International Private Leased Circuit (IPLC) Services and or for International Managed Data Services (IMDS) to give effect to the rates prescribed in paragraph 1 above from [the Effective Rate Revision Date] and shall submit

**each such Agreement to the Commission no later than one week after *[the Effective Rate Revision Date]*.**