AN ACT

To amend section 389 under Chapter 3 of title 21 of the Code of the Federated States of Micronesia (Annotated) as amended, pertaining to assets and liabilities of the Open Access Entity, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Section 389 of title 21 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended to read as follows:

“Section 389. Establishment of Open Access Entity and authority to acquire assets and assume liabilities and obligations.

(1) Should the Secretary certify that it is in the interests of the Federated States of Micronesia for a corporation owned by the Government to be established under this section in order to own and operate submarine and terrestrial cable assets within the Federated States of Micronesia or serving the Federated States of Micronesia (the Open Access Entity), the corporation shall be deemed to be established as at the vesting date, and with such assets and liabilities, specified in such certificate.

(2) The Open Access Entity shall provide international and domestic connectivity for the transmission of data for communications services as a
wholesaler but not at retail. Such connectivity shall be provided on non-discriminatory and cost-based terms; PROVIDED, HOWEVER, that the Open Access Entity shall provide connectivity free of charge to the Corporation, established by Section 202 of Title 21 of the Code of the Federated States of Micronesia, from Pohnpei to Chuuk and Chuuk to Guam on terms substantially similar to those demanded by the Open Access Entity from the Corporation on the HANTRU1 Cable System.

(3) The assets, liabilities and obligations referred to in a certificate issued under subsection (1) or any amending or supplementary certificate issued by the Secretary may be described specifically or by class, and no objection shall be taken in any court to the accuracy or completeness of such description.

(4) Nothing in this section shall restrict or prevent the Open Access Entity from acquiring other assets or undertaking other activities that in the opinion of the board of the Open Access Entity are required in order to provide the services referred to in subsection (2)."
Section 2. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

July 20, 2017

/s/ Peter M. Christian
Peter M. Christian
President
Federated States of Micronesia