A RESOLUTION

Concerning the Fiber Optic Project and the Eastern Micronesia Cable (EMC), urging the parties and stakeholders to cooperate and expedite the implementation of this project.

WHEREAS, the Eastern Micronesia Cable (EMC) is a critical infrastructure investment providing broadband connectivity for the FSM to Nauru and Kiribati via Kosrae, with grant funding from Australia, Japan and the United States; and

WHEREAS, the ongoing litigation between the Open Access Entity and the FSM Telecommunications Corporation brings some uncertainty to the ability of the FSM to be able to join the EMC Project due to delays; and

WHEREAS, on October 25, 2022, the FSM Supreme Court Trial Division issued a partial summary judgment disposing most of the legal issues presented and declaring that the IRU Deed executed by the parties is a valid and enforceable legal document; and

WHEREAS, it is crucial for the FSM to commit to the EMC Project and terminate any further litigation that will obstruct implementation of this project; now, therefore,

BE IT RESOLVED by the Twenty-Second Congress of the Federated States of Micronesia, Sixth Special Session, 2022, that Congress hereby wishes to express policy discretion and its intention for the FSM to join the EMC Project that guarantees broadband connectively for the FSM via Kosrae, and further urge all parties
to the court litigation involving the Open Access entity and the
FSM Telecommunications Corporation (Civil Action No. 2021-010) to
respect the trial court decision issued on October 25, 2022 and
forego any appeal; and

BE IT FURTHER RESOLVED, that certified copies of this
resolution be transmitted to the President of the Federated States
of Micronesia, the Secretary of the Department of Transportation
Communications & Infrastructure, the Secretary of the Department
of Justice, the Open Access Entity and the FSM Telecommunications
Corporation.

Date: 11/28/22              Introduced by: /s/ for Ferny S. Perman

Florencio S. Harper
(by request)