

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.

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

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

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

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

16 BE IT RESOLVED by the Twenty-Second Congress of the Federated
17 States of Micronesia, Sixth Special Session, 2022, that Congress
18 hereby wishes to express policy discretion and its intention for
19 the FSM to join the EMC Project that guarantees broadband
20 connectively for the FSM via Kosrae, and further urge all parties

1 to the court litigation involving the Open Access entity and the
2 FSM Telecommunications Corporation (Civil Action No. 2021-010) to
3 respect the trial court decision issued on October 25, 2022 and
4 forego any appeal; and

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

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12 Date: 11/28/22

Introduced by: /s/ for Ferny S. Perman

Florencio S. Harper
(by request)

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