

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:

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

4 "Section 389. Establishment of Open Access Entity and
5 authority to acquire assets and assume liabilities and
6 obligations.

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

17 (2) The Open Access Entity shall provide
18 international and domestic connectivity for the
19 transmission of data for communications services as a

1 wholesaler but not at retail. Such connectivity shall
2 be provided on non-discriminatory and cost-based terms;
3 PROVIDED, HOWEVER, that the Open Access Entity shall
4 provide connectivity free of charge to the Corporation,
5 established by Section 202 of Title 21 of the Code of
6 the Federated States of Micronesia, from Pohnpei to
7 Chuuk and Chuuk to Guam on terms substantially similar
8 to those demanded by the Open Access Entity from the
9 Corporation on the HANTRU1 Cable System.

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

16 (4) Nothing in this section shall restrict or prevent
17 the Open Access Entity from acquiring other assets or
18 undertaking other activities that in the opinion of the
19 board of the Open Access Entity are required in order to
20 provide the services referred to in subsection (2)."

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1 Section 2. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

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7 July 20 , 2017

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11 /s/ Peter M. Christian
12 Peter M. Christian
13 President
14 Federated States of Micronesia

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