

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|-------------|--------------------|---|----------------------|---------------|---------------|---------------------|-----------------------------|--------------|-------|
| 36-36 (COR) | Joe S. San Agustin | AN ACT TO AUTHORIZE A COMMERCIAL SUBMERGED LAND LICENSE BETWEEN THE GOVERNMENT OF GUAM AND TELEGUAM HOLDINGS LLC, DOING BUSINESS AS GTA, FOR THE PURPOSE OF LANDING SUBMARINE CABLE AT ALUPANG, TAMUNING, GUAM. | 1/19/21 1:52 p.m. | | | | | | |

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 36-36 (COR)

Introduced by:

Joe S. San Agustin 

**AN ACT TO AUTHORIZE A COMMERCIAL
SUBMERGED LAND LICENSE BETWEEN THE
GOVERNMENT OF GUAM AND TELEGUAM
HOLDINGS LLC, DOING BUSINESS AS GTA, FOR THE
PURPOSE OF LANDING SUBMARINE CABLE AT
ALUPANG, TAMUNING, GUAM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that TELEGUAM HOLDINGS LLC, doing business as GTA, hereinafter “GTA,” had been negotiating with the Chamorro Land Trust Commission for a submerged land license in order to land certain submarine cables in the village of Tamuning, Guam. The submerged parcel in Tamuning is more particularly described as a section of the Alupang Reef Flat and channel where submarine cables would be buried to render needed and additional connectivity for the island and residents.

I Liheslaturan Guåhan further finds that GTA has been a provider of telecommunications services in Guam for over sixty years serving residential, business, and local and federal government customers in Guam. GTA is the Incumbent Local Exchange Carrier and Carrier of Last Resort for Guam with unique local and federal obligations to provide telecommunications within Guam and plays a critical role in providing international telecommunications connectivity, including access to the internet.

1 GTA previously executed a submerged land license agreement with the
2 Chamorro Land Trust Commission in Piti as a member of the South East Asia – US
3 Cable System Consortium (the “Consortium”), which built and implemented a state
4 of the art, high capacity fiber-optic submarine cable system connecting Guam,
5 Philippines, Indonesia, Hawaii and USA to support critical communications
6 requirements. GTA’s proposal to bring in and provide additional submarine cable
7 capacity for telecommunications connectivity between Guam and the world will
8 result in improved telecommunications efficiency for the island and its residents and
9 businesses. GTA’s proposal for the additional submarine cables would provide
10 additional redundancy which is critical to ensure that telecommunications remain
11 viable during natural catastrophes and other emergency conditions. Further, there
12 are a number of existing submarine cables traversing Guam which are either coming
13 to end-of-life or will be decommissioned in the coming years. There is a necessity
14 for new private investment of state-of-the-art submarine cables for the island to
15 ensure continued economic and social growth.

16 It is the intent of *I Liheslaturan Guåhan* to authorize *I Maga’hågan Guåhan*
17 to negotiate and enter into a submerged land license with GTA for the purpose of
18 bringing additional telecommunications infrastructure to serve the population with
19 increased ability to reach the world.

20 **Section 2. Authorization to Enter Into a Commercial Submerged Land**
21 **License with GTA.** Notwithstanding any other provision of law, or rule or
22 regulation, *I Liheslaturan Guåhan* authorizes *I Maga’hågan Guåhan* to negotiate
23 and enter into a commercial submerged land license with Teleguam Holdings LLC,
24 doing business as GTA, for the purpose of landing a submarine cable at Alupang
25 Reef Flat and channel, which shall be for a period of twenty-one (21) years with an
26 option to renew for an additional twenty (20) years.

1 **Section 3. License Fee Requirements.** The annual license fee shall be
2 determined based on the highest of two (2) commercial appraisals of the Licensed
3 Properties selected and paid for by GTA. The payment of the annual license fee
4 shall be paid at the signing of the submerged land license and on subsequent
5 anniversaries. The license fee shall be subject to an adjustment every five years from
6 the commencement date of the submerged land license, provided that that the annual
7 license fee shall be no less than ten percent (10%) of the annual license fee under the
8 first five (5) years of the license term. The commercial appraisals obtained by GTA
9 in connection with the submerged land licenses shall be done in accordance with 2
10 GCA § 2107(b).

11 **Section 4. Deposit of Revenues and Fees.** The revenues generated from the
12 commercial submerged land license authorized in Section 2 of this Act shall be
13 divided and deposited equally into the Guam Ancestral Lands Commission's
14 Chamorro Home Loan Fund and Chamorro Land Trust Operations Fund."

15 **Section 5. Date of Enactment.** This Act shall be effective upon enactment.

16 **Section 6. Severability.** If any provision of this Act or its application to any
17 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
18 *not* affect other provisions or applications of this Act that can be given effect without
19 the invalid provision or application, and to this end, the provisions of this Act are
20 severable.