

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Resolution No. ³⁵⁰⁻³⁰ (45)

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Introduced by:

T.C. Ada

R. J. Respicio

Judith T. Won Pat, Ed.D.

A.B. PALACIOS

F.F. BLAS, JR.

V. ANTHONY ADA

Relative to ensuring that a fair and competitive telecommunications landscape is preserved maintained and promoted on Guam for the benefit of all island consumers.

1 BE IT RESOLVED BY I MINA'TRENTA NA LIHESLATURAN
2 GUAHAN:

3 WHEREAS, in the Guam Telecommunications Act of 2004, 12 GCA,
4 Chapter 12, the Guam Legislature, the Governor of Guam, and the entire
5 community supported the privatization of the nation's last government-
6 owned and operated telephone entity in the United States then called Guam
7 Telephone Authority; and

8 WHEREAS, in that Act, policymakers posited that "it is in the public
9 interest to provide the people of Guam with modern, innovative, accessible and
10 affordable telecommunications services and products"; and

1 **WHEREAS**, in that Act, policymakers further mandated in their
2 findings that *“investment in telecommunications infrastructure encouraged through*
3 *competition will further economic growth in Guam and meet the growing demands of*
4 *Guam’s consumers”*; and

5 **WHEREAS**, policymakers stated that they *“encourage the entry of new*
6 *providers of telecommunications services, encourage the introduction of new*
7 *telecommunications services and products for the consumers and Guam, and increase*
8 *investment in telecommunications infrastructure in Guam”*, and

9 **WHEREAS**, after enacting the Guam Telecommunications Act of 2004,
10 the Guam Telephone Authority was subsequently privatized to enable the
11 intent of that policy through private investment and competition within a
12 regulated framework for the benefit of island consumers; and

13 **WHEREAS**, since that time, competition in telecommunications has
14 flourished, and as a result, Guam today has one of the most extensive
15 telecommunication networks in the United States with our island being one of
16 the most connected places on earth with 12 submarine cables linking us with
17 the rest of the world and three cable landing stations that allow local
18 interconnections for alternate cable routing and diversity, and

19 **WHEREAS**, there are multiple fiber rings with overlapping island-wide
20 coverage enabling ultra-fast Ethernet services, and other high-capacity
21 broadband services, and every school, library, village community center and
22 government buildings on island has broadband access With much of this
23 infrastructure buried and supported by back-up power to ensure that these

1 important anchor institutions continue to have broadband access in the event
2 of a typhoon or other emergency situation.

3 **WHEREAS**, according to the Federal Communications Commission,
4 about 90% of all Guam homes and businesses already have broadband access
5 with speeds up to 20Mbps; only four other states and territories in the entire
6 country having broadband penetration rates higher than Guam, and

7 **WHEREAS**, there are presently numerous providers, including four
8 wireless carriers and multiple Wireline and pay TV operators (including one
9 provider of last resort), competing in the deployment of broadband
10 infrastructure and for the delivery of broadband services to community
11 anchor institutions and all other kinds of customers, and

12 **WHEREAS**, of all the infrastructure challenges and issues that our
13 islands faces, ranging from water and wastewater to electricity and the Port
14 Authority of Guam to roads and solid waste, telecommunications
15 infrastructure has been heralded as an infrastructure on island which is up to
16 par, ready and capable of handling current and anticipated future demands,
17 including the military build-up of our island, as evidenced in Civilian-
18 Military Task Force Reports, Industry Forums, and common knowledge; and

19 **WHEREAS**, in the wake of the successful privatization of this market,
20 the people of Guam are interested in ensuring that this competitive balance is
21 maintained and that private investment continues to be stimulated without
22 any one competitor being given government assistance to overbuild existing
23 network facilities; and

1 **WHEREAS**, while We applaud the goals of the American Recovery and
2 Reinvestment Act to ensure that all un-served and under-served communities
3 receive the needed stimulus funding to develop state-of-the-art broadband
4 networks, we are concerned that such funds, if channeled to one entity or
5 competitor could have a disruptive effect on the businesses and companies
6 already established there and the fair, competitive landscape in place; now,
7 therefore, be it

8 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan* does hereby, on
9 behalf of the people of Guam, request that the National Telecommunications
10 Information Administration recognize that any American Recovery and
11 Reinvestment Act award that would provide funds for an overbuild of
12 existing telecommunications infrastructure in Guam could result in adverse,
13 unintended consequences on the competitive market and effective
14 infrastructure that is presently in place and working to meet consumer
15 demands ahead of the National Broadband Plan; and be it further

16 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan* does hereby
17 recommit to affirm its policy articulated in the Guam Telecommunications Act
18 of 2004 to vigorously preserve and promote free market principles for the
19 island's telecommunications industry; and be it further

20 **RESOLVED** that the NTIA, if awarding or approving broadband grant
21 monies for any entity in Guam, equally apportion such grant monies to all
22 established telecommunications companies, to ensure that the fair and level
23 and competitive playing field in the island telecommunications industry is

1 preserved, maintained and enhanced with such stimulus funds; and be it
2 further

3 **RESOLVED**, that the Speaker certify, and the Secretary of the
4 Legislature attest to, the adoption hereof and that copies of the same be
5 thereafter transmitted to Lawrence Strickling, NTIA Administrator; to U.S.
6 Department of Commerce; and to the Honorable Felix P. Camacho, *I*
7 *Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I* MINA'TRENTA NA
LIHESLATURAN GUÅHAN ON THIS DAY OF _____, 2010.**

JUDITH T. WON PAT, Ed.D.
Speaker

TINA ROSE MUÑA BARNES
Secretary of the Legislature