

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

Resolution No. 352-30 (LS)

Introduced by:

T. C. Ada
R. J. Respicio
Judith T. Won Pat, Ed.D.
Adolpho B. Palacios, Sr.
F. F. Blas, Jr.
V. Anthony Ada
T. R. Muña Barnes
Telo Taitague
Judith P. Guthertz, DPA
F. B. Aguon, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
v. c. pangelinan
Ray Tenorio

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, Title 12,
4 Guam Code Annotated, Chapter 12, *I Liheslaturan Guåhan* (the Guam
5 Legislature), *I Maga'lahren Guåhan* (the Governor of Guam), and the entire
6 community supported the privatization of the nation's last government-
7 owned and operated telephone entity in the United States, then called the
8 Guam Telephone Authority; and

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

12 **WHEREAS**, in that Act, policymakers further mandated in their
13 findings that *"investment in telecommunications infrastructure encouraged through*
14 *competition will further economic growth in Guam and meet the growing demands of*
15 *Guam's consumers"*; and

16 **WHEREAS**, policymakers stated that they *"encourage the entry of new*
17 *providers of telecommunications services, encourage the introduction of new*
18 *telecommunications services and products for the consumers and Guam, and increase*
19 *investment in telecommunications infrastructure in Guam"*; and

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

1 **WHEREAS**, since that time, competition in telecommunications has
2 flourished, and as a result, Guam today has one of the most extensive
3 telecommunication networks in the United States, with our island being one
4 of the most connected places on earth with twelve (12) submarine cables
5 linking us with the rest of the world, and three (3) cable landing stations that
6 allow local interconnections for alternate cable routing and diversity; and

7 **WHEREAS**, there are multiple fiber rings with overlapping island-wide
8 coverage enabling ultra-fast Ethernet services, and other high-capacity
9 broadband services, and every school, library, village community center and
10 government building on the island has broadband access, with much of this
11 infrastructure buried and supported by back-up power to ensure that these
12 important anchor institutions continue to have broadband access in the event
13 of a typhoon or other emergency situation; and

14 **WHEREAS**, according to the Federal Communications Commission,
15 about ninety (90%) of all Guam homes and businesses already have
16 broadband access with speeds up to 20Mbps; only four (4) other states and
17 territories in the entire country having broadband penetration rates higher
18 than Guam; and

19 **WHEREAS**, there are presently numerous providers, including four (4)
20 wireless carriers and multiple Wireline and pay TV operators (including one
21 (1) provider of last resort), competing in the deployment of broadband
22 infrastructure, and for the delivery of broadband services to community
23 anchor institutions and all other kinds of customers; and

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

8 **WHEREAS**, in the wake of the successful privatization of this market,
9 the people of Guam are interested in ensuring that this competitive balance is
10 maintained and that private investment continues to be stimulated without
11 any one (1) competitor being given government assistance to overbuild
12 existing network facilities; and

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

20 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan* does hereby, on
21 behalf of the people of Guam, request that the National Telecommunications
22 Information Administration (NTIA) recognize that any American Recovery
23 and Reinvestment Act award that would provide funds for an overbuild of

1 existing telecommunications infrastructure in Guam could result in adverse,
2 unintended consequences on the competitive market and effective
3 infrastructure that is presently in place and working to meet consumer
4 demands ahead of the National Broadband Plan; and be it further

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

9 **RESOLVED**, that the NTIA, if awarding or approving broadband grant
10 monies for any entity in Guam, equally apportion such grant monies to all
11 established telecommunications companies, to ensure that the fair, level and
12 competitive playing field in the island telecommunications industry is
13 preserved, maintained and enhanced with such stimulus funds; and be it
14 further

15 **RESOLVED**, that the Speaker certify, and the Legislative Secretary
16 attest to, the adoption hereof, and that copies of the same be thereafter
17 transmitted to Lawrence Strickling, NTIA Administrator; to the U.S.
18 Department of Commerce; and to the Honorable Felix P. Camacho, *I*
19 *Maga'lahen Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTA NA LIHESLATURAN GUÅHAN* ON THIS 27TH DAY OF APRIL, 2010.



JUDITH T. WON PAT, Ed.D.
Speaker



TINA ROSE MUÑA BARNES
Secretary of the Legislature