



**CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2016-16**

***Declaration and Position of a License Agreement
for TeleGuam Holdings, LLC, dba GTA, Submerged Land Use***

WHEREAS, Title 21, Guam Code Annotated, Chapter 75, Section 75107 (c), authorizes the Chamorro Land Trust Commission, the Licensor, to grant licenses for terms of not to exceed twenty-one (21) years to public utility companies; and

WHEREAS, except as otherwise provided by law, Licensor has jurisdiction over submerged lands transferred to the Government of Guam by the United States pursuant to the Territorial Submerged Lands Act, 48 USC 1700 et seq.; and

WHEREAS, TeleGuam Holdings, LLC, dba GTA, the Licensee, is a provider of telecommunications services in Guam for over sixty years serving residential, business, and local and federal government customers in Guam; and

WHEREAS, Licensee plays a critical role in providing international telecommunications connectivity, including access to the internet; and

WHEREAS, Licensee is a member of the South East Asia – US Cable System Consortium (the “Consortium”), which is endeavoring to build and implement a state of the art, high capacity fiber-optic submarine cable system connecting Guam, Philippines, Indonesia, Hawaii and USA to support critical communications requirements; and

WHEREAS, this new submarine cable will improve physical capacity of telecommunications connectivity between Guam and the world, which will result in improved telecommunications efficiency; and

WHEREAS, the submarine cable will also provide additional physical redundancy, which is critical to ensure that telecommunications remain viable during natural catastrophes and other emergency conditions; and

WHEREAS, Licensee, as the Consortium’s designated landing party for Guam, has determined that the most efficient area to land the submarine cable is through the Tepungan channel and reef flat on Pedro C. Santos Memorial Park in Piti, Guam in order to reach Licensee’s existing facility directly across Marine Corps Drive in Piti; and

WHEREAS, Licensee is currently seeking a U.S. Army Corps of Engineer permit for work in waters of the U.S. and is providing its Guam Coastal Management Program Consistency Certification application in accordance with the Coastal Zone Management Act; and

WHEREAS, Licensee is currently seeking a seashore clearance permit through the Guam Seashore Protection Commission, pursuant to the Seashore Protection Act of 1974 for work within the seashore reserve identified below; and,

WHEREAS, Licensee has reached an agreement with the Mayor of Piti and the Piti Municipal Planning Council for the use of Pedro C. Santos Memorial Park in Piti (“Santos Park”); and

WHEREAS, Licensor has determined that the uses proposed by the Licensee are appropriate use of the Tepungan reef flat and channel described herein; and

WHEREAS, license agreement shall include compensation over the term of the agreement to include an escalation rate of ten percent on each fifth year anniversary of the commencement date. An assessment of the fair market value shall be conducted prior to the end of the fifth year and the compensation rate will be reevaluated. Licensee shall bear all costs for determining fair market value at the fifth (5th) year; and

WHEREAS, on October 20, 2016, Licensor voted to approve the grant of a license to Licensee.

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the issuance of a license agreement to TeleGuam Holdings, LLC, dba GTA, for the purpose of laying a submarine cable on submerged lands controlled by the Chamorro Land Trust Commission; and
2. Licensee shall compensate Licensor for the use of the submerged lands for the duration of the terms of the license agreement; and
3. The license agreement shall not be for a period greater than twenty-one years but may be renewed upon written notice declaring intent and desire to enter negotiations to renew the agreement; and
4. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution, with the license agreement, to the Attorney General of Guam and the Governor of Guam for their respective approvals.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 20th DAY OF OCTOBER 2016.



**PASCUAL A. SABLAN, Chairman
Chamorro Land Trust Commission**

Date: OCT 25 2016



**MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission**

Date: OCT 25 2016