

14. Admit that there is no contract between FSMTC and OAE concerning the FTTH project in Yap.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

15. Admit that there is no contract between FSMTC and OAE concerning the FTTH project in the other states of Chuuk, Pohnpei and Kosrae.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

16. Admit that OAE does not have current staffing to install, repair or maintain terrestrial fiber in Yap.

ANSWER→ Denied as speculative. The OAE hasn't yet implemented its FTTH project in Yap. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

17. Admit that FSMTC already has built terrestrial fiber in Yap to all of the major businesses.

ANSWER→ Admitted in part. The OAE is aware that FSMTC has built terrestrial fiber networks in some areas of the FSM, including in Yap. However, to the OAE's

EXHIBIT "F"

knowledge, FSMTC's terrestrial network is not an open access network and so could not be employed by multiple competing operators, as is proposed for the OAE's terrestrial network. The OAE denies as ambiguous that "terrestrial fiber" has been built to "all of the major businesses", as the terms "terrestrial fiber" and "major business" are not specifically defined. The truth of this averment is otherwise wholly within FSMTC's knowledge. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

18. Admit that construction of FTTH in Yap would involve duplication of terrestrial fiber already built and operating by FSMTC.

ANSWER → Denied. This question calls for speculation and therefore the OAE cannot verify the truth of such averment. Further, the meaning of the term "duplication" in this context is ambiguous, as it is unclear from the question whether duplication is meant to refer to installation of terrestrial fiber in the same places where FSMTC has already made installations or in different places servicing the same customer, or whether it is meant to refer to installation of the same or similar technology, or any or all of these. It is also unclear whether "duplication" is a meaningful term when comparing the installation of next generation hardware that is superior to existing infrastructure, or where new hardware is used as the backbone for an open access terrestrial network, while the existing infrastructure does not share open access. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM

Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

19. Admit that the FTTH plan in Yap requires building cables to the cable landing station in Yap directly to individual homes.

ANSWER→ Denied. It is not clear what is being referred to by the “FTTH plan in Yap.” Further, this calls for speculation, as the OAE’s FTTH projects proposed for Yap have not been finalized. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

20. Admit that OAE will be competing directly with FSMTC for the provision of terrestrial fiber to homes in Yap.

ANSWER→ Denied. The OAE provides no retail services. FSMTC is currently the OAE’s only customer and the only operator using the services provided by the OAE. The OAE’s purpose is not to compete or to give any one competitor an advantage in the market, but to provide low cost open access to bottleneck facilities on equitable terms. The OAE’s ownership of bottleneck facilities would reduce costs for all operators including FSMTC while stimulating innovation in retail services.

21. Admit that OAE has not yet connected any terrestrial fiber connections in Yap.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

22. Admit that OAE has not yet laid any fiber cable as part of the FTTH project in Yap.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

23. Admit that OAE has not yet connected any terrestrial fiber connections in Chuuk.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

24. Admit that OAE has not yet laid any fiber cable as part of the FTTH project in Chuuk.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

25. Admit that OAE has not yet connected any terrestrial fiber connections in Pohnpei.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

26. Admit that OAE has not yet laid any fiber cable as part of the FTTH project in Pohnpei.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

27. Admit that OAE has not yet connected any terrestrial fiber connections in Kosrae.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

28. Admit that OAE has not yet laid any fiber cable as part of the FTTH project in Kosrae.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

29. Admit that Pohnpei State has not signed the implementation agreement with the FSM for the FTTH project. Defense Exhibit 20, Preliminary Injunction Hearing.

ANSWER→ Admitted. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

30. Admit that if Pohnpei State does not sign the implementation agreement the FTTH project will not be approved by the World Bank in its current form.

ANSWER→ Denied. This calls for speculation regarding future circumstances. Admitted only that the existing project terms would likely need to be amended in order to proceed without Pohnpei's participation. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

31. Admit that if Pohnpei State does not sign the implementation agreement the FTTH project may be canceled by the World Bank.

ANSWER→ Denied. See Response to Request to Admit #30.

32. Admit that if Pohnpei State does not sign the implementation agreement the FTTH project will be substantially delayed.

ANSWER→ Denied. See Response to Request to Admit #30.

33. Admit that FSMTC has already installed terrestrial fiber internet cables to all current subscribers on Weno Island in Chuuk.

ANSWER→ Admitted only that FSMTC has implemented a terrestrial fiber project in Chuuk. The OAE does not know the actual number of subscribers or type/quality of services, or whether such services may be offered to wholesale customers on an open access basis, which information would be within FSMTC's knowledge and control. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary

jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.

34. Admit that FSMTC has already installed terrestrial fiber internet cables to a majority of customers on Pohnpei Island.

ANSWER→ Admit only that FSMTC has implemented a terrestrial fiber project in Pohnpei. See further Response to Request to Admit #33.

35. Admit that FSMTC has already installed terrestrial fiber internet cables to customers on Kosrae Island.

ANSWER→ Admit only that FSMTC has implemented a terrestrial fiber project in Kosrae. See further Response to Request to Admit #33.

36. Admit that the FTTH project will require duplication of installed terrestrial fiber internet cables and connections already established by FSMTC in Yap, Chuuk, Pohnpei and Kosrae.

ANSWER→ Denied, as this question calls for speculation as to future circumstances and therefore the OAE cannot verify the truth of such circumstances. See further Response to Request to Admit #18.

37. Admit that OAE currently has no plan for its FTTH project to avoid duplication of installed terrestrial fiber internet cables and connections already established by FSMTC in Yap, Chuuk, Pohnpei and Kosrae.

ANSWER→ Denied, the OAE has been developing its FTTH plans, which it has shared and sought consultation with FSMTC from their earliest development. See further Response to Request to Admit #18.

38. Admit that FSMTC has signed no contract that prevents it from building and installing terrestrial fiber internet cables and connections in any of the four states of the FSM.

ANSWER→ Admitted only that FSMTC has signed no such contract with the OAE. New investment in communications facilities is otherwise governed by the Telecom Act.

39. Admit that OAE has not offered any compensation to FSMTC for the terrestrial fiber internet cables and connections FSMTC has already built.

ANSWER→ Admitted. FSMTC is the only party using such services and the FSMTC IRU Deed expressly provides under Section 5.2 that the OAE and its other customers will not be charged by the FSMTC for recovery of its sunk costs in the property and facilities for which it granted a right of use to the OAE. The OAE otherwise does not use any of FSMTC's terrestrial infrastructure.

40. Admit that OAE by seeking to build FTTH from a cable landing station directly to individual homes is acting as a retailer.

ANSWER→ Denied. The OAE has no retail customers and is statutorily prohibited from providing retail services. The OAE provides wholesale services to operators who sell those services to retail customers. This issue was exhaustively testified to be Mr. Pieter Bakker during the injunction hearing. The OAE further objects that inquiries regarding FTTH are outside of the contested issues over which the FSM Supreme Court has primary jurisdiction. Disputes over sharing or co-investment in telecommunications facilities are subject to initial review and fact finding by the TRA.