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November 13, 2008

Public Service Commission of Utah  
Heber M. Wells Building, Fourth Floor  
160 East 300 South  
Salt Lake City, Utah 84111

*Re: Docket No. 08-2496-01, URTA's Response In the Matter of the Application of Momentum Telecom, Inc. for Certificate of Public Necessity and Convenience*

Dear Commissioners:

This letter is URTA's response to Momentum Telecom, Inc.'s October 13, 2008 letter to the Commission in which Momentum clarified its application for a Certificate of Public Convenience and Necessity to provide public telecommunications services. Specifically, Momentum stated that "[t]hrough its Seconded Amended Application, Momentum Telecom, Inc., seeks the Commission's approval to operate as a competitive local exchange carrier in Utah in the geographic service territories served by Qwest as the incumbent local exchange carrier. If at a future date, Momentum seeks to expand its service territory beyond the Qwest region, Momentum will seek approval of the same from the Commission at that time."

This clarifying language addresses URTA's principal concerns with Momentum's application. There remains a concern, however, that the Commission's traditional exemption of exchanges with fewer than 5,000 access lines controlled by companies with fewer than 30,000 access lines does not reflect Momentum's amendment or commitment. In fact, were the Commission to impose just the traditional exemption, Momentum would be able to enter all of the exchanges it sought to enter before it amended its application without any additional action. URTA therefore requests that the Commission limit Momentum's certificate to Qwest's service territory only and require further that any expansion in Momentum's service territory would have to be reviewed and approved by the Commission in a future proceeding. This is the only way to give meaning to Momentum's amendment and to completely eliminate URTA's objection to the application.

Sincerely,

CALLISTER NEBEKER & MCCULLOUGH

Stephen F. Mecham

cc: Parties