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

Re: In the Matter of the Application of Momentum Telecom, Inc. for Certificate of Public Necessity and Convenience

Docket No. 08-2496-01

To the Commission:

As this Commission is aware, Momentum Telecom, Inc. initially filed an application for Certificate of Public Necessity and Convenience to provide local exchange service in the State of Utah within the service territories of Qwest, and in the local exchange areas of Price and Moab ("Momentum's Application." Carbon/Emery Telcom, Inc., the incumbent local exchange carrier in Price, Utah, moved to intervene in Momentum's Application. Thereafter, Momentum filed an amended application seeking to add Wendover, Utah to the areas it would seek to serve. Momentum filed a second amended application on October 6, 2008, in which Momentum withdrew its application with regard to Wendover, Moab and Price. However, Momentum's Second Amended Application requested certification to provide service "throughout Utah excluding those exchanges with fewer than 5,000 access lines and served by incumbent local exchange carriers with fewer than 30,000 access lines.

In a technical conference held with the Division of Public Utilities, Momentum indicated that its intent is to merely provide service in the Qwest territories. Momentum indicated that it was not seeking a certificate in any of the incumbent local exchange carriers' service areas. This position was confirmed in a letter filed by Momentum with the Commission on October 13, 2008. In the letter dated October 13, 2008, Momentum indicated that in the event it wanted to begin serving in a rural ILEC's territory, it would file a new Petition with the Commission seeking such authority. Momentum was clear that it was not seeking authority to serve in a rural ILEC territory at this time. As a result of Momentum's clarified position, Carbon/Emery Telcom,

Inc. agreed to withdraw its opposition to Momentum's Second Amended Application. However, Carbon/Emery's withdrawal of opposition is contingent upon Momentum's certificate of public convenience and necessity being limited to Qwest territories.

While the Division of Public Utilities' recommendation to the Commission with regard to Momentum reflects these facts, the Division does not specifically recommend that the Commission limit its Order to granting Momentum authority to serve Qwest territories only. Based upon the negotiations of the parties, Carbon/Emery respectfully requests that the Commission's Order approving Momentum's application for a certificate of public convenience and necessity be specifically limited to Qwest Territories. Carbon/Emery further requests that the Commission's order require Momentum to file a new Application in the event that Momentum seeks authority to serve any rural ILEC territories.

Sincerely,

BLACKBURN & STOLL, LC

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