

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of:)
) Docket No. 08-2496-01
The Application of)
Momentum Telecom, Inc.)
For a Certificate of) Administrative Law Judge:
Public Convenience and) Ruben Arredondo
Necessity to Operate as)
a Competitive Local)
Exchange Carrier In Utah)

HEARING

TAKEN AT: Public Service Commission
 160 East 300 South, Room 401
 Salt Lake City, Utah

DATE: December 4, 2008

TIME: 9:59 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

(December 4, 2008 - Momentum Telecom)

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APPEARANCES

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WITNESSES

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1 DECEMBER 4, 2008 9:59 A.M.

2 P R O C E E D I N G S

3 THE COURT: We are here in the Matter of the
4 Application of Momentum Telecom for a Certificate of
5 Public Convenience and Necessity to Operate As a
6 Competitive Local Exchange Carrier in Utah,
7 Docket No. 08-2496-01.

8 And I'm Ruben Arredondo, the ALJ assigned by
9 the Commission to hear this matter.

10 I understand we have somebody on the phone;
11 is that right?

12 MS. HENRY: Good morning, your Honor. This
13 is Rose Mulvany Henry, Boulton, Cummings, Connors &
14 Berry, on behalf of Momentum.

15 THE COURT: Okay. Anybody else on the phone?
16 Okay.

17 And Mr. Ginsberg?

18 MR. GINSBERG: Michael Ginsberg. And here
19 today also is Casey Coleman, who is the Division's
20 representative for the Division of Public Utilities.

21 THE COURT: All right, thank you.

22 And over here on this side?

23 MR. ANDERSON: Sir, I'm Brett Anderson, with
24 Blackburn & Stoll, on behalf of the intervening party
25 Carbon/Emery.

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1 THE COURT: Okay.

2 MR. PEARSON: I'm Alexander Pearson, with
3 Kirton & McConkie, local counsel for Momentum Telecom.

4 THE COURT: Okay. All right, thank you. And
5 I guess that's it. What we're gonna do is basically
6 take administrative notice of all the applications
7 that have been filed.

8 I understand the most recent filing from
9 Momentum is a Verified Second Amended Application.
10 And also that letter that Momentum filed on
11 October 13, 2008. And also responses from various
12 parties.

13 And I understand that essentially everybody
14 understands Momentum is applying to limit -- or
15 willing to limit that certificate just to Qwest
16 certificated areas. And so with that, Mr. Ginsberg,
17 if you want to have Mr. Coleman testify.

18 MR. GINSBERG: Okay. Do you want to swear
19 him in, and?

20 THE COURT: Yeah.

21 (Mr. Coleman was sworn.)

22 ***

23 CASEY J. COLEMAN,
24 called as a witness, having been duly sworn,
25 was examined and testified as follows:

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1 DIRECT EXAMINATION

2 BY MR. GINSBERG:

3 Q. Would you state your name and position for
4 the record?

5 A. Yeah. My name is Casey J. Coleman. And I
6 work as a technical consultant to the Division of
7 Public Utilities.

8 Q. And you were the Division representative
9 assigned to review the Momentum application?

10 A. Yes.

11 Q. And filed a number of memorandums that the
12 Commission has taken administrative notice of?

13 A. Yes.

14 Q. Can you go ahead and briefly summarize your
15 findings and recommendations?

16 A. Sure. The Division reviewed, as we do with
17 all applicants, Momentum. There's been a number of
18 technical conferences and, and other elements that was
19 done as well with Momentum.

20 And through that process basically what we
21 determined was that Momentum is a company that is able
22 to show the technical expertise to become a
23 certificated carrier in the areas we talked about in
24 Qwest exchanges.

25 And so our recommendation was to grant them

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1 the CPC and then allow them to be able to serve as a
2 competitive local exchange carrier here in the state
3 of Utah.

4 THE COURT: Okay.

5 Q. (By Mr. Ginsberg) I've got -- is there any
6 conditions or any other recommendations you made that
7 are different for this application in any way?

8 A. Well, there are a couple that was in the
9 memo. You know, the -- Momentum had asked for the
10 bond of 100,000 to be waived.

11 Q. Okay.

12 A. Because of they're not gonna be collecting
13 any payments. You know, that's fairly standard with,
14 with many companies. We think that would be
15 applicable with it as well. So that's really the only
16 other thing that was outstanding.

17 Other than what was mentioned before, where
18 the other parties wanted to make sure that it was
19 limited to just Qwest areas, so.

20 MR. GINSBERG: That's all we would have.

21 THE COURT: Okay, thank you. Anything from
22 Ms. Mulvany Henry?

23 MS. HENRY: Nothing to add, your Honor.

24 THE COURT: Okay. Mr. Anderson?

25 MR. ANDERSON: Sir, our only concern was the

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1 language in the order to reflect what you've already
2 discussed --

3 THE COURT: Okay.

4 MR. ANDERSON: -- is that the application be
5 granted for the Qwest areas and not for the rural
6 ILECs.

7 THE COURT: Okay. All right.

8 And Mr. Peterson?

9 MR. PEARSON: Mr. Pearson.

10 THE COURT: Mr. Pearson.

11 MR. PEARSON: No. Thank you, your Honor.

12 THE COURT: All right then. If that's it --
13 anybody else have anything to add? All right, thank
14 you. Then we'll go off the record. And I'll make a
15 recommendation. The Commission will have an order
16 issued quickly. Thank you.

17 (The hearing was concluded at 10:03 a.m.)

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C E R T I F I C A T E

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Registered Professional Reporter and Notary Public in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 7, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

WITNESS MY HAND AND OFFICIAL SEAL AT KEARNS, UTAH
THIS 7th DAY OF December, 2008.

Kelly L. Wilburn, CSR, RPR
My Commission Expires:
May 16, 2009

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