

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MOMENTUM TELECOM, INC.	DOCKET NO. TCU-08-7
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ORDER IN LIEU OF CERTIFICATE

(Issued July 25, 2008)

On May 15, 2008, Momentum Telecom, Inc. (Momentum), filed with the Utilities Board (Board) an application for an order in lieu of a certificate of public convenience and necessity. In support of its application, Momentum states that it proposes to offer switching and interconnection services to cable providers or other wholesale customers. Momentum states that it intends to utilize an order in lieu of certificate to interconnect with incumbent local exchange carriers (ILECs) and that Momentum's wholesale customers would then offer competitive voice services to their retail consumers in the ILECs' service territories. Momentum also states that it intends to use an order in lieu of certificate to obtain telephone numbering resources from the North American Numbering Plan Administrator (NANPA).

Momentum requests an order from the Board in lieu of a certificate similar to orders issued to Level 3 Communications, LLC (Level 3), on June 20, 2005, in TF-05-31, and to Sprint Communications Company L.P. (Sprint) on March 3, 2006, in Docket No. SPU-05-21. The Board notes that the issuance of such an order would provide Momentum with essentially all of the rights and privileges of a certificate

holder, other than authorization to offer land-line local telephone service in Iowa. Momentum's application has been identified as Docket No. TCU-08-7 and no objections to the application have been received.

The Board has reviewed the application and supporting information filed by Momentum and finds that the wholesale business plan described therein is similar to that of Level 3 and Sprint. The Board recognizes that for a telecommunications provider to obtain telephone numbering resources from the NANPA, the rules of the Federal Communications Commission require that such a carrier be authorized to provide service in the state where the carrier seeks numbering resources.¹ The Board finds that Momentum appears to be situated similarly to Sprint and Level 3 and should be authorized to exercise interconnection rights under 47 U.S.C. § 251 and to obtain telephone numbering resources in its own name for use in providing the services it has described in its application. Therefore, the Board will grant the request and issue this order in lieu of a certificate. The Board finds this action is consistent with the General Assembly's intent as expressed in Iowa Code § 476.95, which requires that the Board exercise regulatory flexibility in a changing telecommunications environment.

IT IS THEREFORE ORDERED:

The Board will grant the request filed by Momentum Telecom, Inc., and issue this order in lieu of a certificate to provide Momentum Telecom, Inc., with sufficient rights, privileges, and obligations associated with a certificate of public convenience

¹ See 47 C.F.R. § 52.15(g)(2)(i).

and necessity issued pursuant to Iowa Code § 476.29 and 47 U.S.C. § 251 to enable Momentum to provide wholesale services as proposed in its application filed May 15, 2008, all subject to complaint, investigation, and any rules the Board may adopt in the future.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Margaret Munson
Executive Secretary, Deputy

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 25th day of July, 2008.