

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Application of)
)
MOMENTUM TELECOM, INC.) Docket No. _____
For a Certificate of Authority)
To Provide Resold Interexchange)
Services In the State of South Dakota)

Momentum Telecom, Inc. ("Momentum"), through its attorneys and pursuant to S.D. Codified Laws § 49-31-76 and S.D. Admin. R. Chapter 20:10:24 hereby submits this Application for a Certificate of Authority to provide resold interexchange telecommunications services throughout the service territory of Qwest Corporation ("Qwest"). In support of this Application, Momentum provides the following information:

- 1. The applicant's name, address, telephone number, facsimile number, E-mail address and whether the applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership.**

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<http://www.momentumtelecom.com/>

Momentum is a corporation formed under the laws of the State of Delaware.

- 2. A description of the legal and organizational structure of the applicant's company.**

MBS Holdings, Inc. is the parent company of Momentum Telecom, Inc. Momentum Telecom Wholesale and MBS Management, LLC are the only affiliates of Momentum Telecom, Inc.

MBS Holdings, Inc., the parent company of Momentum Telecom, Inc. owns 100% of Momentum.

The address for the Momentum family of companies is the same as Momentum.

Officers:

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Director:

Alan Creighton is the sole Director of Momentum Telecom, Inc.

- 2. The name under which the applicant will provide local exchange services if different than in question (1) of this section:**

Not applicable.

- 3. If a corporation:**

- a. The location of its principal office, if any, in this state and the name and address of its current registered agent.**

Momentum does not maintain an office in South Dakota.

Momentum's registered agent is:

CT Corporation Systems
319 South Coteau Street
Pierre, SD 57501-3187

- b. The state in which the applicant is incorporated and the date of incorporation.**

Momentum was incorporated in Delaware on April 20, 2000.

- c. If its an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State.**

A copy of the Certificate of Authorization: Foreign Corporation is attached as Exhibit A.

- 4. A list and specific description of the types of services the applicant seeks to offer.**

Momentum intends to offer its interexchange toll services to small cable providers and similarly situated wholesale customers.

- 5. A detailed statement of how the applicant will provide its services.**

Momentum will resell the services of various underlying interexchange carriers in order to offer such services to its wholesale customers.

- 6. A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant.**

Momentum intends to provide its interexchange services throughout the territory served by Qwest in South Dakota.

- 7. Financial information including: for the most recent 12 month period, financial statements consisting of balance sheets, income statements, and cash flow statements.**

See CONFIDENTIAL Exhibit B, financial statements.

- 8. The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters and a description of how the applicant handles customer service matters.**

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Momentum will handle any customer service matters with its wholesale customers on a company to company basis.

9. **Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services.**

Momentum intends to bill its wholesale customers directly.

10. **Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents.**

Due to the nature of Momentum's wholesale service offerings and the fact that Momentum will not be soliciting any retail end user customers in South Dakota for its services, it is improbable that Momentum could even perform an unauthorized switch of a local service customer.

11. **Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services.**

The rates, terms and conditions for its wholesale telecommunications services will be contained in its tariffs relative to the same.

12. **Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term or condition of any telecommunications service being provided to the customer.**

Momentum will notify the customer of any materially adverse change to any rate, term or condition of any telecommunications service via a direct communication at least thirty days in advance of the same.

13. **A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in the given state, if applicable.**

Momentum has never been denied registration or certification as a telecommunications carrier in any state, and, to its knowledge, is in good standing with the appropriate telecommunications regulatory agency in each of the states where it is so registered or certified.

Momentum has provided basic local exchange and interexchange telecommunications services to retail end user customers since 2000 in the following states and the dates of approval:

Alabama (6/16/2000); Arkansas (2/13/2008) ; Florida (03/28/2002); Georgia (8/7/2001); Kentucky (04/2/2004); Illinois (1/16/2008); Indiana (04/08/2008); Louisiana (10/12/2004); Mississippi (10/2/2001); North Carolina (01/29/2002); South Carolina (12/05/2001); Tennessee (07/13/2001); Wisconsin (11/27/2007)

Additionally, Momentum is authorized to provide the telecommunications services sought to be provided through this Application in the following states and dates of approval:

Arkansas (2/13/2008); Illinois (1/16/2008); Indiana (04/08/2008); Montana (4/14/2008); Wisconsin (11/27/2007)

- 14. A description of how the applicant intends to market its local exchange target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in the sale of the services.**

Momentum intends to market to its wholesale target market on a direct, company to company basis. Momentum does not engage in multilevel marketing with respect to its wholesale customer base.

- 15. Federal Tax Identification Number. 63-1248402**
South Dakota sales tax number.

- 16. The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered.**

In the Southeastern states, Momentum does provide local exchange and interexchange services to retail end user customers, unlike what Momentum is seeking to offer in South Dakota.

In 2006, two allegations of slamming were reported to the Georgia Public Service Commission and the Mississippi Public Service Commission, although no formal matter was docketed for either incident. Each allegation was determined not to be a slamming violation by the Commission due to the Third Party Verification recording that Momentum possessed with respect to each customer request to switch its services to Momentum.

- 17. A written request for waiver of those rules believed to be inapplicable.**

Momentum does not seek any such waiver at this time.

18. **Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.**


Momentum will provide any additional relevant information requested by the Commission.

WHEREFORE, Momentum Telecom, Inc. respectfully requests that the South Dakota Public Utilities Commission grant this Application to issue Momentum Telecom, Inc. a Certificate of Authority to permit Momentum to provide resold interexchange telecommunications services in the State of South Dakota.

Respectfully submitted,

MOMENTUM TELECOM, INC.

By: _____


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Dated: April 18, 2008