

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Application of)
)
MOMENTUM TELECOM, INC.) **Docket No.** _____
For a Certificate of Authority)
To Provide Local Exchange and)
Exchange Access Telecommunications)
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 20:10:32, hereby submits this Application for a Certificate of Authority to provide facilities-based local exchange and exchange access 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. If sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a listing of the full name and business address of each corporate officer and director; if a limited liability corporation, the full name and business address of each partner.**

Officers:

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Director:

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

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

Not applicable.

4. 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. A list of shareholders owning twenty (20) percent or more of the interest in the business.**

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

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

Momentum was incorporated in Delaware on April 20, 2000.

- d. 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.

- 5. A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services.**

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)

- 6. Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any.**

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.

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

7. A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:

a. Information indicating the class of customers the applicant intends to serve.

Momentum intends to offer its wholesale switching and interconnection services to small cable providers and similarly situated wholesale customers.

b. Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale.

Momentum will seek an interconnection agreement with Qwest and upon successful negotiation and execution of the same, as well as Commission approval of its request for certification, Momentum will be available to provide facilities based services very soon thereafter.

c. A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers.

Momentum will utilize its own soft switches and media gateways, which will be placed at its wholesale customers' premises, in conjunction with its customers' "last mile" portion of the network which typically consists of hybrid fiber coaxial facilities.

d. Information identifying the types of services it seeks authority to provide by reference to the general nature of the service.

Momentum intends to provide wholesale switching and interconnection services and exchange access services to its wholesale customers.

8. A service area map and narrative description indicating with particularity the geographic area proposed to be served by the applicant.

Momentum intends to mirror the service territory served by Qwest.

9. Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

See Exhibit B for biographical data describing the managerial, technical and educational experience of Momentum's key management personnel.

10. Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.

As Momentum intends to provide wholesale services only, its customer support is geared toward its wholesale segment of customers by offering 24/7 Tier II Support via a toll free telephone number. Further, Momentum is able to remotely monitor any media gateways it would deploy at its wholesale customer premises and remotely repair the same.

Momentum will resolve any customer complaints on a company to company basis.

11. Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services.

Momentum will facilitate access to emergency services utilizing either the infrastructure of Intrado or the underlying Incumbent Local Exchange Carrier as a service provided through the companies' interconnection agreement.

Momentum will provide operator and directory assistance services utilizing its arrangement with Deltacom.

Momentum will provide interexchange services by reselling those of Level 3, ANI or Deltacom.

Momentum does not believe the provision of telecommunications relay services is applicable to the wholesale service offerings that it proposes to offer, but it will work with the Incumbent Local Exchange Carrier to provide the same if the Commission deems it necessary.

12. Financial information including:

- a. For the most recent 12 month period, financial statements consisting of balance sheets, income statements, and cash flow statements.**

See CONFIDENTIAL Exhibit C, financial statements.

- b. If a public corporation, the applicant's latest annual report and report to stockholders.**

Momentum is a privately held corporation.

13. Information detailing the following matters associated with interconnection to provide proposed local exchange services.

- a. The identity of all local exchange carriers with which the applicant plans to interconnect.**

Ultimately, Momentum intends to seek interconnection agreements with all incumbent local exchange carriers whose service territories are open to competition. Initially, Momentum will seek such an agreement with Qwest.

- b. **The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start.**

Momentum will seek to initiate interconnection agreement negotiations with Qwest within the next six months.

- c. **A copy of any request for interconnection made by the applicant to any local exchange carrier.**

Momentum has not yet issued any requests for interconnection in South Dakota.

14. **A tariff or price list indicating the prices, terms and conditions of each contemplated local service offering.**

See Exhibit D, Tariff.

15. **Cost support for rates shown in the Company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services.**

As a competitive carrier, Momentum has determined the wholesale rates in its tariff based on market conditions.

16. **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.

17. **If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligation imposed pursuant to § 20:10:32:15 and applicant's plan for meeting the service obligations.**

At this time, Momentum is not seeking authority to provide local exchange services in the area of any South Dakota rural telephone company.

18. **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.**

Please see response to Question 5, above. 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.

- 19. 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.**

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- 20. 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.

- 21. 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.

- 22. 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.

- 23. 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.

- 24. 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.

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

Momentum does not seek any such waiver at this time.

- 26. Federal Tax Identification Number.**

63-1248402

- 27. 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 competitive facilities-based local exchange and exchange access telecommunications services in the State of South Dakota.

Respectfully submitted,

MOMENTUM TELECOM, INC.

By: _____



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Dated: April 11, 2008