

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UT-091666
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	PETITION OF MOMENTUM
)	TELECOM, INC. FOR
v.)	ADMINISTRATIVE REVIEW
)	
ADVANCED TEL, INC., AIR SPEED,)	
LLC, AIRNEX COMMUNICATIONS,)	
INC., CLERTECH.COM, DIGITLINE)	
EXPRESS, LLC, EMAN NETWORKS,)	
FOX COMMUNICATION, LLC, GLOBAL)	
TELECOM & TECHNOLOGY)	
AMERICAS, INC., GLOBETEL, INC., GTC)	
TELECOM CORP., LSSI DATA)	
CORPORATION, MOMENTUM)	
TELECOM, INC., QUALITY)	
TELEPHONE, INC., V-GLOBAL)	
COMMUNICATIONS, INC. AND WTI,)	
LLC,)	
)	
Respondents.)	
)	
.....)	

1 ***Procedural Authority for Review.*** Pursuant to WAC 480-07-825(2), Momentum Telecom, Inc. (“Momentum”) files its Petition for Administrative Review of the Initial Order in the above captioned docket.

2 ***Proceedings.*** In this proceeding, the Washington Utilities and Transportation Commission (Commission) filed a complaint against fifteen telecommunications companies, requiring the companies to appear and show cause why their registrations should not be canceled for failing to file annual reports or pay regulatory fees.

3 ***Procedural History.*** On November 24, 2009, the Commission entered a Complaint For Revocation of Registration for Failure to Pay Regulatory Fees and Failure to File Annual Report and Notice of Hearing against Advanced Tel, Inc. (Advanced Tel); Air Speed, LLC (Air Speed); Airnex Communications, Inc. (Airnex); Clertech.com; DigitLine Express, LLC (DigitLine); EMAN Networks

(EMAN); Fox Communication, LLC (Fox); Global Telecom & Technology Americas, Inc. (Global Telecom); Globetel, Inc. (Globetel); GTC Telecom Corp. (GTC); LSSi Data Corporation (LSSi); Momentum Telecom, Inc. (Momentum); Quality Telephone, Inc. (Quality Telephone); V-Global Communications, Inc. (V-Global); and WTI, LLC (WTI), (collectively “Respondents”). Administrative Law Judge (ALJ) Marguerite E. Friedlander heard the matter, on due and proper notice, on February 1, 2010, in Olympia, Washington.

4 **Initial Order.** The presiding ALJ proposes to cancel the registrations of Advanced Tel, Airnex, Clertech.com, Fox, Global Telecom, Globetel, GTC, Momentum, V-Global, and WTI, for failure to comply with the reporting and fee requirements of RCW 80.24.010 and RCW 80.04.080 and to dismiss the complaint against Air Speed, DigitLine, EMAN, LSSi, and Quality Telephone.

DISCUSSION

5 **Background.** Subsequent to Commission’s Complaint filed on November 24, 2009 in the above captioned docket, Momentum mailed its missing Annual Report to the Commission via United States mail on or about December 18, 2009. Until its receipt of the *Initial Order* in this docket in early February following the Hearing, Momentum believed it to be in compliance with Commission Rules. While Momentum does not dispute the Commission sent due and proper notice of the Hearing conducted in this matter, Momentum inadvertently misplaced such notice and therefore Momentum did not attend the Hearing to present responsive evidence regarding its belief that it had filed its report in December. Momentum is currently certified in forty-three states and has regulatory filing obligations in each of those states. Like many other Competitive Local Exchange Carriers, Momentum has limited resources and, regretfully, but unintentionally fell out of compliance with Commission Rules regarding its 2008 Annual Report.

6 **Compliance Information.** Subsequent to the Hearing in this matter, Momentum provided its 2008 Annual Report on February 18, 2010, attached hereto for reference. On that same day, Ms. Rae Lynn Carnes notified Ms. Carroll Wallace in the undersigned’s office of the Commission’s receipt of Momentum’s 2008 Annual Report. As is evidenced on the report, Momentum currently has no customers in the State of Washington and no intrastate revenues for which any regulatory fees were due for 2008. As a result of this filing, Paragraph 5 of the Findings of Fact (“5th Finding of Fact”) contained in the Initial Order is no longer accurate because Momentum Telecom, Inc. is no longer in violation of the Commission’s Rules with respect to its 2008 Annual Report.

7 **Corrective Action.** As a result of the failures in internal Momentum processes which led to its noncompliance with certain Commission Rules, Momentum has taken corrective action to ensure its compliance in the future. Momentum has taken the actions necessary to have all future Commission correspondence sent to

its outside regulatory counsel offices of Bradley Arant Boult Cummings, LLP in Nashville, Tennessee. With this measure, Momentum is confident it will remain compliant with all applicable Commission Rules.

RECOMMENDED FINDINGS OF FACT

8 Based on the information provided herein, Momentum respectfully requests the Commission to modify the 5th Finding of Fact to remove Momentum's name from the list of parties that remain in violation of the reporting and/or fee requirements of RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385.

9 Additionally, Momentum respectfully requests the Commission to add its name to Paragraph 6 of the Findings of Fact to reflect that Momentum has come into compliance with the reporting and/or fee requirements of RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385, or in the alternative, adopt the following new 7th Finding of Fact to reflect the same:

10 (7) Evidence presented subsequent to the hearing demonstrates that, to date, Momentum Telecom, Inc. has come into compliance with the reporting and/or fee requirements of RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385.

RECOMMENDED CONCLUSIONS OF LAW

11 Based on the information provided herein, Momentum respectfully requests that the Commission find Momentum in compliance with RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385 and to modify Paragraph 2 of the Conclusions of Law to remove Momentum's name from the list of carriers contained therein.

12 Additionally, Momentum respectfully requests the Commission to dismiss the complaint against Momentum by modifying Paragraph 3 to add Momentum's name to the list of carriers therein, or in the alternative, to adopt the following new 4th Conclusion of Law:

13 (4) The complaint against Momentum Telecom, Inc. should be dismissed as it has come into compliance with the reporting and/or fee requirements of RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385.

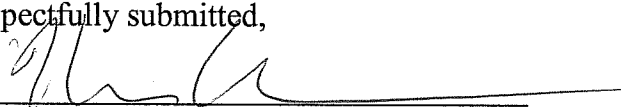
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CONCLUSION

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WHEREFORE, based on the additional information provided herein, Momentum Telecom, Inc. respectfully requests that the Commission consider the additional information provided as a basis to adopt its recommendations made herein with respect to the Findings of Fact and Conclusions of Law in the *Initial Order*, and to grant this *Petition for Administrative Review*.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a correct copy of this Petition for Administrative Review was sent via U.S. Mail on this 22nd day of February, 2010 to :

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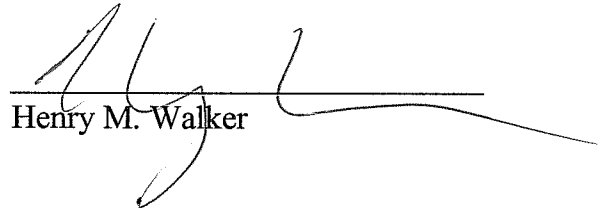
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