

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

In the Matter of the Petition of)	DOCKET UT-090385
)	
MOMENTUM TELECOM, INC.,)	ORDER 01
)	
Petitioner,)	
)	
Seeking Exemption from the Provisions)	
of WAC 480-120-382 Requiring)	
Competitively Classified)	ORDER GRANTING EXEMPTION
Telecommunications Companies to File)	FROM RULE; GRANTING COMPANY
the 2008 Annual Report no later than)	ADDITIONAL TIME TO FILE
May 1, 2009)	ANNUAL REPORT
.....)	

BACKGROUND

- 1 On March 12, 2009, Momentum Telecom, Inc. (Momentum or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition for an extension of time to file its annual report for 2008 as required by [WAC 480-120-382](#). According to Momentum, it is unable to prepare the report due the fact that it does not yet have its financial statements completed for the year ended December 31, 2008. Momentum seeks an extension until June 15, 2009.
- 2 Commission Staff reviewed the request and recommended granting Momentum’s request for temporary exemption.

FINDINGS AND CONCLUSIONS

- 3 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate public service companies, including competitively classified telecommunications companies. [RCW 80.01.040](#), [RCW 80.04](#) and [RCW 80.36](#).
- 4 (2) Momentum is a competitively classified telecommunications company and a public service company subject to Commission jurisdiction.

- 5 (3) Momentum is subject to [WAC 480-120-382](#), which requires competitively classified telecommunications companies to file an annual report no later than May 1 of each year.
- 6 (4) Under [WAC 480-120-015](#), the Commission may grant an exemption from any rule in [WAC 480-120](#), if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also* [WAC 480-07-110](#).
- 7 (5) Granting the requested temporary exemption will enable the company to provide a more complete and informative report.
- 8 (6) This matter came before the Commission at its regularly scheduled meeting on March 26, 2009.
- 9 (7) After reviewing the petition Momentum filed in Docket UT-090385 on March 12, 2009, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

O R D E R

THE COMMISSION ORDERS:

- 10 (1) Momentum Telecom, Inc.'s petition for an exemption from [WAC 480-120-382](#) for an extension until June 15, 2009, to file its 2008 annual report is granted.
- 11 (2) Failure by Momentum Telecom, Inc., to file its annual report by June 15, 2009, may result in the Commission invoking [RCW 80.04.405](#), which allows the Commission to assess penalties for violations of statute, rules and Commission orders.
- 12 (3) The Commission retains jurisdiction over the subject matter and Momentum Telecom, Inc., to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Executive Director and Secretary to enter this Order.

DATED at Olympia, Washington, and effective March 27, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary