IN RE:

MOMENTUM TELECOM, INC. APPLICATION ) Docket No. 641
FOR AUTHORITY TO PROVIDE ) Order No. 38/2016
TELECOMMUNICATIONS SERVICES )
WITHIN THE UNITED STATES VIRGIN ISLANDS )

ORDER

WHEREAS, on December 19, 2014, Momentum Telecom, Inc. (hereinafter “Momentum”) filed an Application for authority to provide telecommunications services in the United States Virgin Islands with the Virgin Islands Public Services (hereinafter “PSC” or “Commission”); and

WHEREAS, on May 5, 2015, the Commission appointed Johann Clendenin as Hearing Examiner to preside over the proceedings in Docket 641; and

WHEREAS, on May 18, 2015, Hearing Examiner, Johann Clendenin, conducted a public hearing and heard from Momentum, the PSC’s technical consultants and staff and the public at the Commission’s offices on both St. Thomas and St. Croix, United States Virgin Islands; and

WHEREAS, on May 19, 2015, the Hearing Examiner submitted his Report and Recommendations to the Commission; and

WHEREAS, on May 19, 2015, the Commission met in special session at the Commission’s offices on both St. Thomas and St. Croix, United States Virgin Islands and accepted the Hearing Examiner’s Report and Recommendations, and the findings and conclusions therein, and to include all items and the expanded scope of the Hearing Examiner’s Report; and

WHEREAS, on December 18, 2015, AT&T Mobility USVI Inc. (hereinafter “AT&T”) filed a Petition for Reconsideration with the Commission seeking the Commission’s reconsideration of PSC Order No. 47/2015, dated November 20, 2015; and
WHEREAS, on December 18, 2015, CTIA Wireless Association (hereinafter “CTIA”) filed a Petition for Reconsideration with the Commission also seeking the Commission’s reconsideration of PSC Order No. 47/2015; and

WHEREAS, on January 8, 2016, the Commission received a correspondence from Sprint Corporation supporting CTIA’s Petition for Reconsideration; and

WHEREAS, on January 8, 2016, the Commission received comments from Momentum on the AT&T and CTIA Petitions for Reconsideration; and

WHEREAS, on January 12, 2016, AT&T filed its Objection to the Commission’s January 7, 2016, Agenda regarding the formal hearing of AT&T’s Petition for Reconsideration of PSC Order No 47/2015; and

WHEREAS, on January 12, 2016, the Commission met in special session at the Commission’s offices on both St. Thomas and St. Croix, United States Virgin Islands and heard witness testimony from AT&T, CTIA, Momentum, the PSC staff and stakeholders; and

WHEREAS, upon review and deliberation the Commission voted to GRANT the Petitions for Reconsideration and remand the matters in Docket 641 to the Hearing Examiner for further proceedings, investigation and review; and

WHEREAS, the Commission may benefit from a further examination of the merits of those allegations before issuing a final decision in this proceeding.

NOW THEREFORE, the Commission ORDERS that:

1. The Petitions for Reconsideration are GRANTED; and
2. Docket 641 is REMANDED to Hearing Examiner, Johann Clendenin, for further proceedings, investigation and review; and
3. The Hearing Examiner will present his conclusions and recommendations to this Commission.

So Ordered.

For the Commission

[Signature]

Date: January 28, 2016

Johann Clendenin, Chair