



GOVERNMENT OF THE VIRGIN ISLANDS  
OF THE  
UNITED STATES  
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*Public Services Commission*

**GOVERNMENT OF THE VIRGIN ISLANDS  
OF THE UNITED STATES**  
  
*Public Services Commission*

**IN RE:**

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

**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

**PSC Order 38/2016**

**Docket 641:** *Momentum Telecom, Inc. Application for authority to provide telecommunications services in the USVI.*

**Page 2 of 2**

**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



Johann Clendenin, Chair

Date: January 28, 2016