

**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>25</u> /2017
<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 the Commission **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, both AT&T Mobility USVI Inc. (hereinafter "AT&T") and CTIA Wireless Association (hereinafter "CTIA") 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 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 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**, on December 15, 2016, the Commission met in regular session at the Commission's offices on both St. Thomas and St. Croix, United States Virgin Islands; and

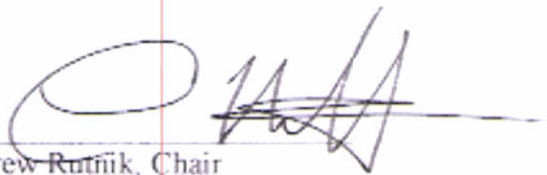
**WHEREAS**, upon review and deliberation the Commission voted to accept the Hearing Examiner's Report, RESCIND the prior PSC Order No. 47/2015, affirm PSC authority under Federal Title II and USVI Title 30 to address the Momentum application as regards to the delivery of telephone services, and approve Momentum's Application for authority to provide telecommunications services in the United States Virgin Islands with the Virgin Islands Public Services; and

**NOW THEREFORE**, the Commission **ORDERS** that:

1. The Hearing Examiner's Report is accepted.
2. PSC Order 47/2015 is rescinded.
3. The Public Services Commission affirms its authority under Federal Title II and USVI Title 30 to address the Momentum application as regards to the delivery of telephone services
4. Momentum's Application for authority to provide telecommunications services in the United States Virgin Islands with the Virgin Islands Public Services is APPROVED.

*So Ordered.*

For the Commission



Andrew Rutnik, Chair

Date: **January 11, 2017**