

November 7, 2012

Catrice C. Williams, Secretary
Massachusetts Department of
Telecommunications and Cable
1000 Washington Street
8th Floor, Suite 820
Boston, Massachusetts 02118-6500

Re: Boomerang Wireless, LLC Application for Designation as an Eligible
Telecommunications Carrier for the Limited purpose of Offering Wireless
Lifeline Service to Qualified Households (Low Income Only)

Dear Ms. Williams:

Earlier today we submitted via email Boomerang's Responses to the First Set of Information Requests by Department of Telecommunications and Cable. We are also filing the enclosed Motion for Protective Order and Confidential Exhibit H under seal, pursuant to 220 CMR 1.04(5) of the Department's Procedural Regulations.

Please return a stamped "Filed" copy in the envelope provided. Thank you for your usual courtesy and assistance.

Please do not hesitate to call me if you have any questions relating to this matter. .

Sincerely,

J. Andrew Gipson

JAG/ssb

cc: Jim Balvanz
Service List

{JX020781.2}

- MOTION FOR PROTECTIVE ORDER**

the Department's Procedural Regulations. This includes: (a) the unaudited financial statements of Boomerang's parent company, H H Ventures, LLC as of 9/30/12, (b) the unaudited financial statements of Boomerang's parent company, H H Ventures, LLC as of 12/31/11; and (c) the consolidated financial statements of HH Ventures, LLC as of December 31, 2011 and 2010, all of which are attached hereto.

4. The public release of the above described financial information would cause Boomerang and its corporate affiliates to suffer material damage to their competitive or financial positions; would reveal proprietary facts and trade secrets; and could impair the public interest due the effect such disclosure would have on Boomerang's current and future operations.

5. Boomerang respectfully requests the above-described information and the documents in which it is contained be subject to a protective order and be granted provisional protection in the interim.

6. Boomerang requests that any protective order, where appropriate, be made applicable to its parent company, HH Ventures, LLC, its affiliates or related entities.

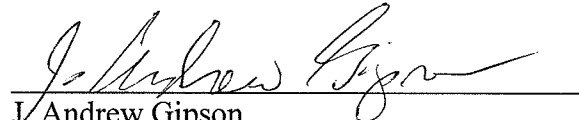
7. Should any party later ask the Commission to release from protective seal any information that the requesting party believes is not entitled to continued protection, Boomerang will bear the burden of establishing that such information should continue to be protected.

WHEREFORE, Boomerang respectfully requests that the Commission enter a Protective Order containing the terms and conditions set forth above and for any and all other proper relief.

Respectfully submitted,

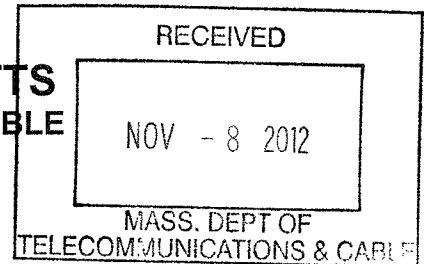
BOOMERANG WIRELESS, LLC

By:


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**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**



D.T.C. 12-6

October 10, 2012

In the Matter of Boomerang Wireless, LLC's Petition for Limited Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households

**RESPONSES TO FIRST SET OF INFORMATION REQUESTS BY THE
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE
TO BOOMERANG WIRELESS, LLC.**

November 7, 2012

D.T.C. 1-1 Identify all states where Boomerang or any of its affiliates have been designated as an ETC. For each state, indicate whether the designation is limited, and if so how, including any specific requirements imposed on or volunteered by Boomerang or its affiliates. Provide complete and detailed documentation of any such designation, limitation(s), and/or requirement(s).

RESPONSE: *Boomerang has been designated in the following states under the basic terms of its compliance agreement to provide services in non-rural areas only. Other significant differences are stated below.*

- *Maryland – 30-day comment period following approval:*
 - *Eligibility includes additional state programs;*
 - *Eligibility includes doing a dip into the MD Database to verify applicant is eligible for Lifeline services.*
- *Michigan –*
 - *Eligibility per Poverty guidelines was increased from 135% (Federal standard) to 150% (state standard).*
 - *Boomerang's ETC designation is conditionally granted through 2013 provided that Boomerang complies with the service requirements contained in FCC Report and Order 11-161 (rel'd October 27, 2011), the Lifeline Reform Order, Appendix A, and the Commission's October 18, 2005 order in Case No. U-14530 and April 17, 2012 order in Case No. U-17019. Boomerang will have to reapply for ETC designation in 2014.*

- *Submit certification letter to each county 911 coordinator in MI explaining Lifeline service, Boomerang's product and service specifications and indicating that we are reselling Sprint & Verizon services.*
- *Boomerang will provide a quarterly report identifying the number of Lifeline customers we are serving.*
- *Oklahoma – Includes tribal regions:*
 - *Eligibility includes additional state programs;*
 - *Eligibility includes additional state programs for Tribes;*
 - *Plan offerings are: 1) 1000 plus Bundle Plan (voice and text) and 2) Unlimited Voice Plan (voice only). There are no carryover minutes for either plan. There is a Non-Tribal rate of \$26.00 and \$31.75, respectively; and a Tribal rate of \$1.00 and \$5.75, respectively.*
 - *Designated area is the service territory of AT&T Oklahoma and Windstream, non-rural incumbent local exchange carriers.*
 - *Boomerang must make application to the OCC if Boomerang opts to 1) expand its designated footprint; and 2) offer any new Lifeline plan or change any existing approved Lifeline plan;*
 - *Boomerang must conduct the event marketing in a responsible and decorous manner, and identify self as a Lifeline Service Provider at all events.*
- *Iowa –*
 - *no additional state programs;*
 - *Boomerang will contribute to the Dual Party Relay Service through assessment of \$.03/month/telephone number;*
 - *Boomerang to provide services in the non-rural exchanges listed in the attachment to the order.*
- *South Carolina –*
 - *Stipulated to offer an additional Lifeline plan of 250 Talk Only minutes (no text);*
 - *State regulation requires notices to the local unemployment offices, social security and welfare offices when conducting an event in the area (pursuant to S.C. Code Ann. Regs. §§ 103-690.1E(a)(1) and 103-690.1E(b)(1)).*
 - *Boomerang Lifeline plans does not require deposit to initiate service; no monthly portability charges;*
- *Louisiana – approved on October 25, 2012, however final order has yet to be issued.*
 - *no additional state programs*
- *Wisconsin –*
 - *Eligibility included additional state programs;*
 - *Boomerang's designation as an ETC is contingent on Boomerang not requesting state universal service funding and qualifying as a wireless provider; and*
 - *Limited to the service territories of Verizon and Sprint.*
- *West Virginia – 20 day comment period following approval:*
 - *Eligibility included additional state programs;*

- *Limited to Sprint and Verizon WV wireless territories;*
- *Boomerang will not seek access to funds from the Federal USF for the purpose of providing service to high-low cost localities or for the purpose of providing linkup service;*
- *Boomerang to publish notice of ETC status one time each in qualified newspapers in 19 cities designated for statewide legal publications.*

Attachment A includes copies of the respective Orders approving designations.

D.T.C. 1-2 Identify each state where Boomerang has a petition currently pending for ETC designation and describe the status of each petition. If a petition has been denied, provide a copy of the denial issued by the commission or government agency.

RESPONSE: *Boomerang has had no petitions denied. The following is a listing of pending state designations of which all have acknowledge receipt and are actively being worked by the commissions:*

- *Arkansas – filed 04/03/12*
- *Georgia – filed 04/04/12*
- *Pennsylvania – filed 04/27/12*
- *Kansas – filed 07/27/12*
- *Mississippi – filed 08/17/12*
- *Indiana – filed 08/20/12*
- *Colorado – filed 8/29/12*
- *Ohio – filed 08/30/12*
- *Minnesota – filed 09/13/12*
- *New Jersey – filed 09/14/12*
- *Kentucky – filed 09/17/12*
- *FCC Jurisdictions (Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, Virginia) – filed 09/18/12*
- *Missouri – filed 09/21/12*
- *Arizona – Filed 09/24/12*
- *Washington – filed 10/01/12*
- *Illinois – filed 10/10/12*
- *Texas – filed 10/30/12*

D.T.C. 1-3 Identify any and all ongoing litigation that affects or may affect the services offered or intended to be offered by Boomerang in the Commonwealth of Massachusetts. Provide a copy of all judicial filings made in relation to such litigation.

RESPONSE: *None*

D.T.C. 1-4 State whether Boomerang intends to provide its Lifeline service under a trade name in Massachusetts. Also provide the trade name.

RESPONSE: *Boomerang Wireless will use the trade name enTouch wireless to market our Lifeline services.*

D.T.C. 1-5 State whether the FCC, any state utilities commission, or government agency has, to date, rendered or entered a finding, criminal conviction (including plea agreements), or civil judgment (including money judgments) against Boomerang, its executives, or senior managers, during the last ten years. Provide a copy of any such finding, conviction, plea agreement, or civil judgment entered against Boomerang, its executives, or senior managers.

RESPONSE: *None*

D.T.C. 1-6 State whether Boomerang or any of its affiliates presently offer, or have in the past offered service in Massachusetts. If so, describe the scope of such service, including geographic areas of operation, types of customers served, and total number of Massachusetts customers.

RESPONSE: *HH Ventures, the parent company of Boomerang, also has a prepaid cellular phone and broadband offering marketed under the brand Ready Mobile. This offering is distributed through national retail chains as well as independent retailers. The company offers hardware as well as retail top up plans, providing cost effective and ubiquitous access to service. We estimate that 3,000 - 5,000 MA residents currently use a Ready Mobile product.*

D.T.C. 1-7 At page 5 of its Petition, Boomerang states it will advertise the availability and charges of its Lifeline services “using media of general distribution and commits to continue to advertise the availability of its Lifeline program.”

- a. Identify each media outlet in and around Massachusetts that Boomerang intends to use to advertise its Lifeline services and charges.

RESPONSE: *Boomerang uses neighborhood marketing events to reach targeted populations. We use local papers provided at no cost to consumers as a primary advertising vehicle. We also partner with local social support organizations to promote our events through their websites, mailings, and emails. Finally, when we are in a market we contact the local radio stations & newspapers with press releases to encourage coverage and promotion to the community.*

- b. Provide copies of marketing materials Boomerang intends to use in and around Massachusetts.

RESPONSE: *See Attachment B*

- c. Describe in narrative form how Boomerang intends to distinguish itself from current Lifeline providers operating in Massachusetts.

RESPONSE: *The largest providers today are focused on TV & print advertising to reach the targeted consumers. We estimate this reaches 20-25% of the eligible base. Through neighborhood outreach in Tier 2 & 3 communities, Boomerang reaches a different population and makes sign up access easier for the Lifeline subscribers.*

Boomerang worked with low income populations with our Ready Mobile branded product. We understand the cash-based economy, and provide easy top up at retail. Products start as low as \$5.00, which extends the usefulness of the Lifeline phones we are distributing.

The phone models which have data capabilities are provisioned with data turned on. Subscribers can choose to buy data pins for these phones, which may provide primary internet access for them.

Continuing to find value adds to the consumer experience is another differentiator. For example, we have integrated Free 411 and a very cost effective International Long Distance offering to the Lifeline service. Consumers can choose to use these services, or not, but they are integrated & easily accessible.

- d. Provide Boomerang's projections for the number of Lifeline subscribers it anticipates to enroll in its first six months in Massachusetts if it is designated as an ETC in Massachusetts.

| | | | |
|-----------|---|--|---|
| RESPONSE: | <i>Eligible Lifeline Population 659,771</i> | <i>Current Lifeline Recipients 301,438</i> | <i>Boomerang Projection 12,500-16,000</i> |
|-----------|---|--|---|

- e. State whether Boomerang's advertising material will identify any time usage limitations, such as restraints during peak hours, if applicable.

RESPONSE: *The plans include anytime minutes. There are no usage limitations.*

D.T.C. 1-8 Explain in narrative form how the Lifeline service described on page 23 of Boomerang's Compliance Plan satisfies the FCC's requirement that ETC carriers provide "minutes of use for local service provided at no additional charge to end users."

RESPONSE: *The minutes provided for Lifeline use does not discriminate between local or non-local usage therefore there is no additional charge for minutes that are used for local calling purposes.*

D.T.C. 1-9 At page 1 of its Petition, Boomerang requests designation as an ETC throughout its Service Area as set forth in Exhibit A. Identify:

- a. The towns or areas of Massachusetts covered by the wire centers listed in Exhibit A; and

RESPONSE: *See Attachment C*

- b. Any additional wire centers located in Massachusetts omitted from Exhibit A.

RESPONSE: *There are no additional wire centers.*

D.T.C. 1-10 Identify any unique advantages, characteristics or features of Boomerang's Lifeline service as compared to those offered by the incumbent local exchange carrier (i.e., Verizon) and other Massachusetts ETCs (e.g., RCN of Massachusetts, Virgin Mobile, Taconic Telephone Corporation, and TracFone) in its designated service area.

RESPONSE: *Please reference DTC 1-7.c*

D.T.C. 1-11 At page 15 of its Petition, Boomerang states that it provides Lifeline service "through a combination of its own facilities and interconnection of the facilities of underlying carrier's services."

- a. Describe in narrative form the facility (or facilities) owned or co-owned by Boomerang that will be used to provide the supported services to eligible Lifeline subscribers in Massachusetts, including how those facilities will be used to provide such services.

RESPONSE: *Boomerang offers primarily wireless services through the resale of Sprint, Verizon, and other GSM carriers. Boomerang uses its own facilities for billing purposes which allows Boomerang, through its interconnection with its carriers, to add usage, apply usage to a customer's account, and suspend customers when their prescribed usage is used up or their period of service has expired. Boomerang also uses its own facilities to route calls requiring customer service, directory assistance, and international treatment.*

- b. If the facilities are co-owned, provide the name(s) of all co-owners.

RESPONSE: *Boomerang's equipment is not co-owned and is housed in a carrier-class data center with fully redundant power and HVAC, a controlled temperature and humidity environment, fire-threat detection and suppression, year-round critical monitoring and secure access with biometric security. The facility features redundant generators and redundant fiber optic connectivity. The data center is a reinforced concrete building located in a secure area and collocated with the area electrical utility headquarters. It is powered from separate paths independent of any one electrical generation plant. All systems within the facility are implemented on redundant servers, each with redundant data network and power.*

- c. Provide the location of each facility.

RESPONSE: *Boomerang houses its equipment in Hiawatha, Iowa; Marion, Iowa; and Pensacola, Florida.*

D.T.C. 1-12 At page 12 of its Petition, Boomerang states that it will resell services obtained "from its underlying wireless providers, Sprint, Verizon and other GSM carriers." Provide the names of all the wireless carriers from which Boomerang intends to purchase the supported services.

RESPONSE: *Sprint and Verizon services will be purchased directly from Sprint and Verizon. Other GSM services are purchased from PC Management Inc., a reseller of AT&T and T-Mobile services.*

D.T.C. 1-13 At page 17 of its Petition, Boomerang states that “it is able to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers.” Certify that Boomerang is able to remain functional in emergency situations. In particular, describe how the “underlying wireless providers” referred to in information request D.T.C. 1-12 ensure functionality without an external power source, reroute traffic around damaged facilities, and manage traffic spikes in emergency situations.

RESPONSE: *Yes, please see Attachment G, Certification of Boomerang Wireless, LLC.*

D.T.C. 1-14 Provide a Certificate of Good Standing from Boomerang’s state of incorporation.

RESPONSE: *See Attachment D.*

D.T.C. 1-15 State whether Boomerang has any outstanding tax liabilities or other late payments or liabilities due and owing to the Commonwealth of Massachusetts. If money is owed, provide complete and detailed documentation identifying the amounts owed and explaining the reasons for such arrears.

RESPONSE: *None.*

D.T.C. 1-16 State whether Boomerang will impose an activation fee, change fee, early termination fee, or any other service fee for any of its Lifeline services. Provide a detailed description of any such fee(s) and explain whether or not the same or similar fee is imposed on non-Lifeline subscribers.

RESPONSE: *Boomerang will not impose an activation fee, change fee, early termination fee, or any other service fees when initializing any of its Lifeline services.*

D.T.C. 1-17 Refer to the Lifeline service described on page 23 of the Compliance Plan. Provide complete and detailed documentation of the associated terms and conditions. Also with respect to this offering:

- a. State whether data services are included. If so, describe the data option with specificity, and indicate the source of support for this service.

RESPONSE: *The phone models which have data capabilities are provisioned with data turned on. Subscribers can choose to buy data pins for these phones, which may provide primary internet access for them. The consumer would be responsible for the cost of data services.*

- b. State whether text messages from Boomerang to its Lifeline subscriber count against the Lifeline subscriber's allotted amount of text messages.

RESPONSE: *Lifeline Activity Alerts (ie. 60 day notifications, Recertification messaging) are distributed as Free to End User texts.*

- c. State whether Lifeline subscribers will be able to block third party services.

RESPONSE: *Subscribers cannot use the service to place operator assisted calls such as third party billed and collect calls. Subscribers are unable to place calls directly to International numbers, or numbers that begin with 500, 700, 855, 900 or 976. Subscribers are also unable to forward calls, or send/receive Multimedia Messages.*

- d. Provide complete and detailed documentation comparing the Lifeline service to the other non-contract (prepaid and postpaid) services currently offered by Boomerang.

RESPONSE: *Ready Mobile, Boomerang's sister company, provides prepaid phone service. The entry level phone models are equivalent to the Lifeline phones being distributed. The top up plans available to Lifeline consumers mirror the Ready Mobile top up plan available at retail.*

Get Ready

| Denomination | \$7 | \$20 | \$30 |
|-------------------|-----|-------|-------|
| Minutes | 100 | 500 | 1,000 |
| Texts | 200 | 1000 | 1200 |
| Data Plans | | 20 MB | 30 MB |
| Expiration (days) | 10 | 30 | 30 |

Ready Mobile

| Denomination | \$5 | \$10 | \$10 | \$15 | \$15 | \$30 | \$30 | \$50 |
|--------------------------|--|-----------|-------------|-----------|-------------|-----------|-------------|-----------|
| Anytime Minutes | 50 Units, 1 Unit = 1 Text or 1 Min | Unlimited | N/A | Unlimited | N/A | Unlimited | N/A | Unlimited |
| Peak Minutes* | | N/A | 30 | N/A | 60 | N/A | 140 | N/A |
| N/W Minutes** | | N/A | Unlimited | N/A | Unlimited | N/A | Unlimited | N/A |
| Texts | | Unlimited | \$0.10/text | Unlimited | \$0.10/text | Unlimited | \$0.10/text | Unlimited |
| Expiration (days) | 10 | 3 | 7 | 7 | 10 | 14 | 30 | 30 |

A copy of the Terms of Service are included as Attachment E

- D.T.C. 1-18 Certify that Boomerang will provide Lifeline subscribers with 911 or E911 access in the event their plan minutes are exhausted/expired or their handset is inactive. State whether any fee will be imposed for the service.

RESPONSE: *Yes, please see Attachment G, Certification of Boomerang Wireless, LLC.*

D.T.C. 1-19 At page 23 of its Petition, Boomerang states that its Lifeline service offering includes “a free handset.”

- a. Identify the type(s) of handset(s) that will be offered to Lifeline subscribers in Massachusetts.

RESPONSE: *Handsets are feature phones, often flip phones with cameras or Qwerty keyboard phones. They are refurbished stock.*

- b. State the cost of the same handset(s) to Boomerang’s non-Lifeline subscribers.

RESPONSE: *The cost at retail would be \$29.99-\$69.99 at retail depending on make.*

- c. State whether the handsets provided to Boomerang Lifeline subscribers will have data capabilities.

RESPONSE: *Most handsets will have data capabilities, but not all. We will provision data services to the phone where applicable.*

D.T.C. 1-20 State whether Boomerang Lifeline subscribers incur roaming charges. If so:

- a. State whether Lifeline subscribers will be notified before they incur roaming charges, and whether they can terminate the call before incurring the roaming charge.

RESPONSE: *Roaming is not available for Lifeline subscribers.*

- b. Describe in narrative form how roaming charges will apply to Boomerang’s Massachusetts Lifeline subscribers.

RESPONSE: *Roaming is not available for Lifeline subscribers.*

- c. Indicate where Boomerang’s Massachusetts Lifeline subscribers could incur roaming charges.

RESPONSE: *Roaming is not available for Lifeline subscribers.*

- d. State whether additional charges will be incurred for 911 calls made while roaming.

RESPONSE: *Roaming is not available for Lifeline subscribers. However, 911 calls will be completed.*

D.T.C. 1-21 At page 14 of its Petition, Boomerang states that it will announce and advertise its Lifeline services through an “extensive retail distribution network which includes 1,074 retail locations in Massachusetts.”

- a. Identify the authorized retail locations throughout Boomerang’s proposed ETC designated service area in Massachusetts.

RESPONSE: *Making it easy for the subscriber to access & add services to their Lifeline phones is a primary value of our retail network. They can go to local convenience stores, chain drugstores, etc. and buy airtime, text and data when the Lifeline benefit runs out. We know the targeted population often is an unbanked or under banked consumer who does not have a credit card. They need a local retail option so their phone can provide the most value to them.*

- b. Provide one copy of an agreement Boomerang has with a third party retail location that solicits Lifeline subscribers on Boomerang’s behalf.

RESPONSE: *There is no agreement for third party retailers to solicit Lifeline subscribers on behalf of Boomerang. Lifeline subscribers receive information identifying retailers for top up cards when they get their phones, or on-line or by calling Customer Service.*

- c. Describe in narrative form the procedures and protocols that Boomerang’s retail locations follow when soliciting potential Lifeline subscribers on Boomerang’s behalf. Provide a copy of these procedures and protocols.

RESPONSE: *Retailers do not process Lifeline applications.*

- d. Describe in narrative form how Boomerang will ensure compliance with these procedures and protocols by retail locations.

RESPONSE: *Not applicable.*

- e. State whether Boomerang will certify and verify the eligibility of each of its Lifeline subscribers via direct contact with those subscribers. Describe in narrative form Boomerang’s method and manner of “direct contact” during the certification and verification process.

RESPONSE: *Boomerang event marketing staff processes the Lifeline applications. They inform the consumers about the ability to top up with Ready Mobile products found at retail.*

- f. In the event the retail locations enroll ineligible subscribers, describe in narrative form Boomerang’s procedures to deactivate these accounts, recover equipment, and refund USF subsidies.

RESPONSE: *Not applicable.*

D.T.C. 1-22 If Boomerang's Petition is approved, state how long from the date of approval it will take Boomerang to offer Lifeline service to Massachusetts subscribers in its designated service areas.

RESPONSE: *Boomerang is already offering Lifeline services in Iowa and Oklahoma and could begin its outreach efforts to provide services immediately.*

D.T.C. 1-23 State whether Boomerang is prepared to report service outages in accordance with Rule 47 C.F.R. § 54.422(b)(1). In addition, as a condition of ETC designation, state whether Boomerang is willing to timely report to the Department the following information for all outages affecting at least 10% of Boomerang's Lifeline subscribers or 200 access lines, whichever is less: (a) the date and time when the outage began and when all service is finally restored; (b) the location of outage and approximate number of Lifeline subscribers or access lines involved; and (c) periodic progress reports on service restoration.

RESPONSE: *Boomerang does not have direct access or viewing capability to the underlying carriers' network, so Boomerang relies on the information that the underlying carriers provide to us and their time schedule. That being said, Boomerang will promptly report all information as available when available on all outages affecting at least 10% of Boomerang's Lifeline subscribers or 200 access lines, whichever is less. When filing such information, we will cross reference the underlying carrier's report, which is to be provided pursuant to 47 C.F.R. § 54.422(b)(1).*

D.T.C. 1-24 Pursuant to Rule 47 C.F.R. § 54.202(a)(3), describe in narrative form Boomerang's ability to satisfy applicable consumer protection and service quality standards set forth in the Department's Rules & Practices Relating to Telephone Service to Residential Customers (D.P.U. 18448 (1977)). Describe in narrative form Boomerang's policies regarding handling Lifeline subscriber complaints.

RESPONSE: *Boomerang's Lifeline plans (1. Free 125 Minutes per month with rollover and 2) Free 250 Minutes per month (no rollover)), are available to eligible consumers consistent with the FCC Lifeline Rules. The eligibility requirements and available plans are located on the application, website and available for preview in various marketing materials posted before, during, near and/or at the events. The Terms of Service are available for viewing at the events and located on the Website. Also, a subscriber may contact Customer Service, by calling the toll free number, 866-488-8719 or dialing 611 on their Lifeline cell phone, to request a paper copy. All voice calls and texts to and from Boomerang Customer Service using 611 on the Lifeline phone do not count towards plan minutes. There is a bag insert included with every free phone distributed that identifies Boomerang, has the Customer Service toll free number and Boomerang website address. Because Boomerang's plans are free and any top-up minutes are prepaid by the customer, there are no overage charges and no invoicing. Once the customer's minutes are used (those per the plan and any top-up minutes they may have added), the service will not allow any more calls except for 911 for emergencies or 611 or Customer Service.*

Boomerang Lifeline customers with concerns or complaints may contact Customer Service (Tier-1) Representative or Supervisor, who will escalate to Customer Service Tier-2 for issues not resolved by the Tier-1 Customer Service Representative or Supervisor. Tier-2 Customer Service will respond within two (2) business days to the customer using the same media format (e.g., voice call, email, writing) the customer used to contact Customer Service unless 1) the customer requested another media format, or 2) we were unable to reach the customer using that format. Furthermore, Boomerang's Customer Service will respond in writing to state or federal administrative agencies within 30 days of receiving written consumer complaints from any such agency.

D.T.C. 1-25 Certify that Boomerang shall:

- a. Provide quarterly reporting to the Department of subscriber accounts terminated for inactivity.
- b. Provide reporting of subscriber complaints to the Department regarding its Lifeline service and agree to participate in dispute resolution by the Department's Consumer Division.
- c. Provide reporting to the Department of USF support received for Massachusetts subscribers.
- d. File with the Department, within 60 days of the approval of its Petition, its terms and conditions of service, applicable to qualifying Lifeline service subscribers, if its Petition is approved. Further, Boomerang shall have an ongoing obligation to notify the Department of any future changes to its rates, terms, or conditions.
- e. Include the Department's contact information for subscriber complaints in its marketing materials for its Lifeline service.
- f. Provide Public Safety Answering Points (PSAP) self-certification to the Department.

RESPONSE: *Yes, please see Attachment G, Certification of Boomerang Wireless, LLC.*

D.TC. 1-26 Describe in narrative form the types or categories of complaints Boomerang receives from Lifeline subscribers in other jurisdictions where Boomerang operates as an ETC.

RESPONSE: *Categories of complaints received fall into the following types: Handset issues (i.e., a key doesn't work or a feature on the phone doesn't work); Signal Strength (i.e., phone doesn't work inside house); Time usage inquiries/verification (i.e., seek confirmation that customer has used all their units); and Trouble adding top-ups (i.e., user purchased wrong card).*

D.T.C. 1-27 Certify that Boomerang is prepared to comply with the procedures and requirements regarding:

- a. The National Lifeline Accountability Database established in the Lifeline Reform Order in Rule 47 C.F.R. § 54.404(b)(1)-(10);
- b. The carrier's obligations to offer Lifeline, including de-enrollment requirements, established in the Lifeline Reform Order in Rule 47 C.F.R. § 54.405(a)-(e)(1)-(4);
- c. Annual certifications required by ETCs established in the Lifeline Reform Order in Rule 47 C.F.R. § 54.416;
- d. Record keeping requirements established in the Lifeline Reform Order in Rule 47 C.F.R. § 54.417;
- e. Audit requirements, to the extent applicable, established in the Lifeline Reform Order in Rule 47 C.F.R. § 54.420; and
- f. Annual reporting requirements established in the Lifeline Reform Order in Rule 47 C.F.R. § 54.422.

RESPONSE: *Yes, please see Attachment G, Certification of Boomerang Wireless, LLC.*

D.T.C. 1-28 Certify that Boomerang will file with the Department copies of certifications and reports required to be filed with the FCC and/or the Universal Service Administrative Company (USAC) as required by Rule 47 C.F.R. § 54.405(e)(3) (monthly reporting of de-enrollment for non-usage); Rule 47 C.F.R. § 54.416 (annual certifications by ETCs); and Rule 47 C.F.R. § 54.420(a) (finalized audit reports).

RESPONSE: *Yes, please see Attachment G, Certification of Boomerang Wireless, LLC.*

D.T.C. 1-29 Certify that Boomerang is prepared to comply with the "Subscriber eligibility determination and certification" requirements established in Rule 47 C.F.R. § 54.410(a)-(g) and implement policies and procedures for ensuring that Boomerang's Lifeline subscribers are eligible to receive Lifeline services.

RESPONSE: *Yes, please see Attachment G, Certification of Boomerang Wireless, LLC.*

Also:

- a. Provide a complete and detailed description of the policies and procedures Boomerang intends to implement in Massachusetts to satisfy the requirements of Rule 47 C.F.R. § 54.410(a)-(g).

RESPONSE: *Please see Attachment F including the training for our Event Management Staff and the CGM Interface staff which outlines our standards for meeting the requirements of our compliance plans in signing up eligible participants.*

- b. Provide sample certification and annual verification (or re-certification) forms to be used by Boomerang in Massachusetts that satisfy 47 C.F.R. § 54.410(d) and (f).

RESPONSE: *Attachment F includes the Boomerang Lifeline Certification form for Massachusetts. Attachment F includes the Boomerang recertification form.*

- c. State whether retail locations acting on Boomerang's behalf are required to follow the same policies and procedures when enrolling and re-certifying subscribers.

RESPONSE: *Retailers do not process Lifeline Applications on behalf of Boomerang.*

D.T.C. 1-30 State whether Boomerang intends to draw more than \$5 million in Lifeline support annually. If yes, state whether Boomerang has selected an independent audit firm to assess its compliance with program requirements set forth in Rule 47 C.F.R. § 54.420 and provide the name of the auditor.

RESPONSE: *Boomerang has selected CGM as our independent audit firm. More information can be obtained about them at <http://www.cgmlc.net/>.*

D.T.C. 1-31 Certify that Boomerang has the financial capability of providing Lifeline service in compliance with regulatory requirements.

RESPONSE: *Yes, please see Attachment G, Certification of Boomerang Wireless, LLC.*

- a. Provide the time in which Boomerang has been in business, and the time in which Boomerang has been providing wireless service.
Boomerang has been in business since January 17, 2008.

RESPONSE: *Boomerang has been providing wireless service since January 17, 2008.*

- b. Describe in narrative form the services referred to on page 9 of its Petition, in which Boomerang states that it "generates substantial revenues from non-Lifeline services."

RESPONSE: *Boomerang also provides private label carrier services for resale, prepaid retail wireless services, and the sale of handset and broadband devices.*

- c. Describe in narrative form the services referred to on page 9 of its Petition, in which Boomerang states that it "currently provides prepaid wireless services to more than 350,000 subscribers, including more than 50,000 retail customers." Include in its response where and how they are offered to subscribers.

RESPONSE: *These would be for the services described above.*

- d. Provide Boomerang's financial statements for each of the past five years.

RESPONSE:

Please see Attachment H, Financial Statements, being filed under seal pursuant to 220 CMR 1.04(5) of the Department's Procedural Regulations and accompanied by a Motion for Protective Order.

COMMISSIONERS

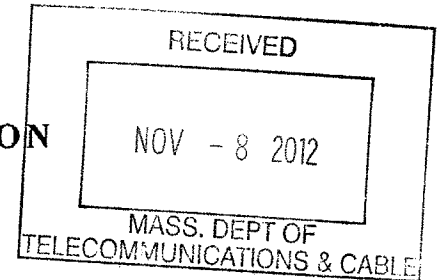
DOUGLAS R. M. NAZARIAN
CHAIRMAN

HAROLD D. WILLIAMS
LAWRENCE BRENNER
KELLY SPEAKES-BACKMAN
W. KEVIN HUGHES

STATE OF MARYLAND



PUBLIC SERVICE COMMISSION



#13, 7/11/12 AM; ML#s 139033 and 140882, TE-10794

July 11, 2012

J. Andrew Gipson
Jones, Walker, Waechter, Poitevent,
Carrere & Denegre, L.L.P.
190 East Capitol Street, Suite 800
P. O. Box 427
Jackson, Mississippi 39205-0427

Dear Mr. Gipson:

The Commission has reviewed the Application for Designation as an Eligible Telecommunications Carrier for Lifeline Service (Low-Income Only) in the State of Maryland filed on May 2, 2012 by Boomerang Wireless, LLC. Additional information was filed on June 21, 2012.

After considering this matter at the July 11, 2012 Administrative Meeting, the Commission found that designation of the Applicant as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. §214(e) is in the public interest and granted the designation as an Eligible Telecommunications Carrier for the service territory specified in the Application for the limited purpose of offering Lifeline service to qualified households in Maryland, subject to a 30-day comment period, in which no adverse comments are submitted.

By Direction of the Commission,

A handwritten signature in cursive script, appearing to read "David J. Collins".

David J. Collins
Executive Secretary

DJC/st

STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

Number

TE-10794

Date

July 3, 2012

Mail Log No.

139033

To: Douglas R. M. Nazarian, Chairman
Harold D. Williams, Commissioner
Lawrence Brenner, Commissioner
Kelly Speakes-Backman, Commissioner
W. Kevin Hughes, Commissioner

FROM: Anthony Myers, Assistant Executive Director *A*

RE: Boomerang Wireless, LLC ("Boomerang" or "the Company") – Petition
for Designation as an Eligible Telecommunications Carrier ("ETC") in
the State of Maryland.

Description of Application:

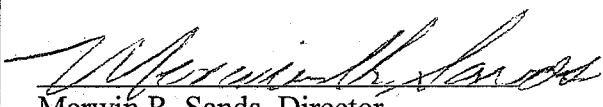
Boomerang is seeking an ETC designation to provide Lifeline service throughout Maryland.

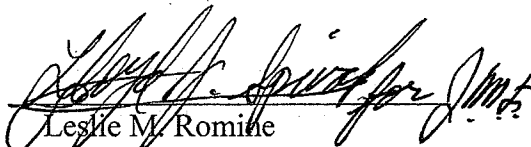
Groups which should receive copy of Staff Recommendation:

Applicant

Recommended Action (Including Conditions):

Staff recommends that the Commission find that designation of Boomerang as an ETC is in the public interest and grant the Company such designation pursuant to 47 U.S.C. 214(e) for the service territory specified in its application, for the limited purpose of offering Lifeline service to qualified households in Maryland, and with an effective date concurrent with when the Commission considers this matter at an Administrative Meeting, provided no adverse comments are filed within the 30 days following the effective date, and Boomerang complies with the Commission requirements described in the May 4, 2012 notice to ETCs.


Merwin R. Sands, Director
Telecommunications, Gas and Water Division


Leslie M. Romine
Staff Counsel

Commission Action on _____:

Approved _____ Disapproved _____ Accept for Filing _____

cc: H. Robert Erwin Jr., Office of General Counsel
David J. Collins, Executive Secretary
Public Utility Law Judge Division
Obi Linton, Director, Office of External Relations
Regina Davis, Communications Director



STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

Comments of the Telecommunications, Gas and Water Division (TE-10794)

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July 3, 2012

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47 U.S.C. § 214(e)(2) of the Act¹ provides that:

Designation of eligible telecommunications carriers – A State Commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State Commission. Upon request and consistent with the public interest, convenience, and necessity the State Commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State Commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State Commission shall find that the designation is in the public interest.

Subsequent to the passage of the Act, the Federal Communications Commission ("FCC") promulgated rules that established various requirements for carriers to meet before receiving ETC status.² The services that are supported by the Federal Universal Service Fund for rural, insular, and high cost support are set forth in 47 CFR § 54.101(a). Additional requirements that carriers must meet in order to qualify for designation as an ETC are set forth in 47 CFR § 54.202.

Carriers wishing to obtain subsidies from the Universal Service Fund may do so under the low-income program or the high-cost program. The Company will not be seeking any subsidies under the high-cost program, so the annual certification requirements contained in 47 CFR § 54.314 do not apply.

The Commission has authority to designate wireless carriers as ETC

Pursuant to the provisions of 47 USC §214(e)(2), state commissions have primary responsibility for the designation of eligible telecommunications carriers under Section 214(e)(2). Common carriers that are not subject to a state commission's jurisdiction may petition the FCC to obtain such designation pursuant to 47 USC §214(e)(6). The Maryland Public Service Commission ("Commission") has previously taken the position before the FCC that it has the authority to designate cellular companies as ETCs.

In an Ex Parte Petition filed with the FCC on April 19, 2000, *In the Matter of Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, the Commission's General Counsel took the position that the Petitioner, Cellco Partnership ("Cellco"), should have filed for designation as an ETC with the Commission and not with the FCC. The Ex Parte Petition states that:

¹ 47 U.S.C. §214(e)(2)

² 47 C.F.R. § 54.101 through § 54.207



STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

Comments of the Telecommunications, Gas and Water Division (TE-10794)
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July 3, 2012
Page 5

required to follow certain guidelines to ensure that specific requirements as to the rights and responsibilities associated with Lifeline are clearly disclosed in the carrier's marketing materials. In addition, the Lifeline Order sets specific guidelines for outreach and customer education.⁹ Boomerang has agreed to comply with all FCC and State Commission requirements regarding its marketing materials, its outreach programs, and its consumer education programs, and has provided sample advertising with its petition.

Additionally, the FCC requires that the Company comply with the service requirements applicable to Lifeline support, submit a five-year plan to the FCC specifying proposed improvements or upgrades to its network throughout its service territory, be able to remain functional in an emergency, satisfy all state and federal consumer protection and quality of service standards, demonstrate that it is financially and technically capable of providing Lifeline, and submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers.¹⁰ Boomerang has described in its Petition how it intends to comply with all these requirements.

Furthermore, the Lifeline Order also requires that the carrier implement policies to ensure that their Lifeline subscribers are eligible to receive Lifeline service.¹¹ Boomerang has also agreed to comply with any FCC or State Commission requirements to protect against fraud, waste and abuse in the Lifeline system, including all requirements delineated in 47 C.F.R. § 54.410 – 54.422.

Finally, in addition to the changes in the requirements for ETC designation, the Lifeline Order establishes a uniform Lifeline reimbursement of \$9.25 per month per eligible customer.

On May 4, 2012, the Commission issued a notice to all ETCs in Maryland requiring that they only provide service to customers designated by the Office of Home Energy Programs ("OHEP") as being eligible to receive those benefits. Furthermore, the notice requires that ETCs develop certification forms describing the information in 47 CFR § 54.410(d)(1), acquire certification from each prospective customer that the conditions in 47 CFR § 54.410(d)(3) are met, and follow the annual recertification process described in 47 CFR § 54.410(f). While Boomerang has agreed by phone to comply with these requirements, Staff is recommending the Commission grant Boomerang's ETC designation subject to the Company complying with the Commission's May 4, 2012 notice.

Given that Boomerang has described in detail how it intends to comply with all FCC requirements, and has agreed to comply with the Commission's requirements, Staff is satisfied that it may be designated as an ETC in Maryland. However, Section 214(e)(2) of the Telecommunications Act requires that "Before designating an additional eligible

⁹ See the Lifeline Order at Paragraphs 271 – 282.

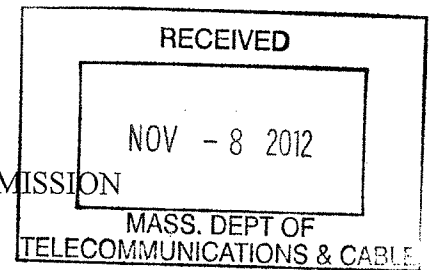
¹⁰ 47 C.F.R. § 54.202(a)(1)-(5)

¹¹ 47 C.F.R. § 54.410



STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *



In the matter of the application of)
BOOMERANG WIRELESS, LLC, for designation as)
an eligible telecommunications carrier on a wireless)
basis (low-income only).)

Case No. U-17030

At the August 28, 2012 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John D. Quackenbush, Chairman
Hon. Orjiakor N. Isiogu, Commissioner
Hon. Greg R. White, Commissioner

ORDER

On May 10, 2012, Boomerang Wireless, LLC (Boomerang) filed an application, pursuant to Section 214(e)(2) of the federal Communications Act of 1934, as amended, 47 USC 214(e)(2), for designation as an eligible telecommunications carrier (ETC) for purposes of universal service fund (USF) support for wireless services. Boomerang filed supplements to this application on May 14, 2012, June 19, 2012, and August 8 and 14, 2012.

Boomerang requests that the Commission enter an order designating it as an ETC, for purposes of Lifeline, in the wire centers listed in Exhibit A to the initial application. Boomerang currently offers wireless service through a combination of resale agreements with Sprint Nextel and Verizon Wireless as well as a national GSM provider, its own switch, and either through the lease of switched port/loop combinations or through a combination of leased services and resale.

eligibility for Lifeline assistance to Boomerang employees or agents; (6) require every customer enrolled in the Lifeline program to verify on an annual basis that he or she receives Lifeline-supported service only from Boomerang and, to the best of his or her knowledge, no one else in the subscriber's household is receiving a Lifeline-supported service; (7) notify each of its Lifeline customers by mail that he or she must confirm his or her continued eligibility in accordance with the applicable requirements; (8) implement policies and procedures to ensure that it does not obtain Lifeline support for an inactive subscriber who has failed to use his or her service in the first instance or has discontinued using the service; (9) implement a non-usage policy whereby it will de-enroll Lifeline customers that have not used the company's Lifeline service for 60 days; (10) establish safeguards to prohibit more than one supported service for each household; (11) implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household, including use and development of an appropriate database; (12) impose disciplinary actions on employees who fail to abide by the requirements for determining eligibility for the Lifeline benefit; and (13) comply with all of the requirements of 47 CFR 54.202.

After reviewing the application and subsequent filings, the Commission finds that ETC designation, limited to Low Income Lifeline, should be conditionally granted to Boomerang. The Commission is persuaded that ETC designation for Boomerang promotes the availability of universal service and is in the public interest. This conditional approval is granted for the supported telecommunications services as defined in the Michigan Telecommunications Act and with the understanding that the following conditions shall also be met prior to Boomerang's request for Low Income Lifeline reimbursement from the USF:

2012 and for 2013. Boomerang will be required to re-apply to the Commission for ETC designation for 2014, and annually thereafter.

THEREFORE, IT IS ORDERED that the application filed by Boomerang Wireless, LLC, for designation as an eligible telecommunications carrier for purposes of Lifeline universal service support is approved.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

John D. Quackenbush, Chairman

Orjiakor N. Isiogu, Commissioner

Greg R. White, Commissioner

By its action of August 28, 2012.

Mary Jo Kunkle, Executive Secretary

**Before the
Federal Communications Commission
Washington, D.C. 20554**

| | | |
|--------------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Telecommunications Carriers Eligible |) | WC Docket No. 09-197 |
| To Receive Universal Service Support |) | |
| |) | |
| Lifeline and Link Up Reform and |) | WC Docket No. 11-42 |
| Modernization |) | |

BOOMERANG WIRELESS, LLC REVISED COMPLIANCE PLAN

Boomerang Wireless, LLC d/b/a Ready Mobile ("Boomerang" or the "Company") is a prepaid wireless telecommunications carrier seeking designation as an eligible telecommunications carrier ("ETC") for the limited purpose of offering service supported by the Lifeline program.¹ Boomerang seeks to avail itself of the Federal Communications Commission's ("Commission") grant of forbearance from the "own-facilities" requirement contained in Section 214(e)(1)(A),² subject to certain conditions set forth in the Commission's Order released February 6, 2012.³ Specifically, the Commission provided that a carrier seeking to become a Lifeline-only ETC must comply with certain 911 requirements and file a compliance plan "providing specific information regarding the carrier's

¹ Boomerang currently has pending a petition for designation as a Lifeline-only ETC in certain states. See Amended Petition of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed June 6, 2012) ("Petition"). Boomerang seeks authorization to provide Lifeline-only service to residents of Tribal lands as well. Boomerang respectfully requests to incorporate the commitments made herein into the pending Petition.

² 47 U.S.C. § 214(e)(1)(A).

³ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) ("Lifeline Reform Order").

and allow the Company to invest its capital in consumers who meet program eligibility requirements now, but who require reliable, innovative, high quality services for the long haul. Boomerang is continuously refining and improving its practices and procedures for satisfying all of the Commission's Lifeline requirements in order to build a successful Lifeline business that serves customers with the greatest needs.

Background

Boomerang is one of three wholly owned subsidiaries of HH Ventures LLC, an Iowa company.⁵ The other two subsidiaries are enMarket, LLC ("enMarket") and Ready Wireless, LLC ("Ready Wireless"). HH Ventures LLC ("HH Ventures") is a profitable, cash flow positive wireless telecommunications holding company, which employs forty full-time employees. The company's core management team includes six senior executives with more than 100 years of combined telecom experience.

Boomerang seeks ETC designation in order to provide handsets and domestic and international voice services to low-income customers. Boomerang also intends to provide Lifeline-only service to residents of Tribal lands. Boomerang has direct, network carrier contracts with Sprint and Verizon, and is also negotiating a contract with a national GSM provider. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. Boomerang has direct, in-depth experience with building voice, data and broadband products directly with carriers.

HH Ventures formed enMarket in January 2012 to focus on event marketing and distribution for ETCs. Full time employees create neighborhood events to build awareness of the Lifeline program and to distribute phone services to eligible consumers. Event staff is trained on the program compliance requirements, as detailed more fully below, and creates a positive community experience. The company also diligently implements measures to prevent waste, fraud and abuse.

⁵ See Exhibit A for HH Holdings structure, ownership and brands.

Ready Mobile is a national brand distributed in over 30,000 retail locations.⁶ The expertise developed to meet the rigorous operational demands of publicly traded, chain accounts (*i.e.* Walgreens, CVS, Meijers) is foundational to delivering superior services to ETC and other white label partners. Boomerang offers two wireless services under the Ready Mobile brand: ReadyMobilePCS and ReadyBroadband. ReadyMobilePCS offers data access to consumers across the country via smart phone technology using recycled, web-enabled phones with broadband data plans. Under the brand ReadyBroadband, the company also provides data access through devices such as laptops, notebooks, tower computers, and a wide array of other equipment. Both smart phones and access devices are provided with national broadband coverage and distributed through national retail chains as well as sold on the e-commerce site (www.readymobile.com).

Boomerang has direct, network carrier contracts with Sprint and Verizon and is negotiating a contract with a national GSM provider as well. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. HH Ventures and its subsidiaries have direct, in-depth experience with building voice, data and broadband products directly with carriers.

Experienced in providing broadband data access to consumers across the country, Boomerang desires to participate⁷ in the Broadband Pilot Program being initiated by the Commission in accordance with the National Broadband Plan.⁸ Boomerang is already poised to play a part in achieving the Commission's goal of expanding broadband access to low-income consumers.

⁶ The history of the Ready Mobile brand goes back to Ready Mobile LLC. Ready Mobile LLC was formed in 2005 and was focused on retail distribution of prepaid wireless products under the Ready Mobile brand name. In May 2007, Titan Global Holdings purchased certain assets from Ready Mobile LLC that included the Ready Mobile branding. Titan operated several other telecommunications ventures. HH Ventures participated in a transaction by which it purchased certain Titan assets, including the Ready Mobile brand on January 17, 2008. None of the Titan owners are part of the HH Ventures ownership.

⁷ Boomerang has expressed its interest in participating in the program previously in meetings to discuss Boomerang's Petition. See Letter from Michael P. Donahue, Marshlian & Donahue, LLC, Counsel for Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 10, 2012).

⁸ Federal Communications Commission, OMNIBUS BROADBAND INITIATIVE, CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN (2010), available at <http://www.broadband.gov/plan>.

II. Unrestricted Access to Basic and E911 Services and Certification of Such Access

In the Lifeline Reform Order, the Commission stated that forbearance from the "own-facilities" requirement is conditioned on a carrier seeking limited ETC designation "providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes [and] providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services" starting on the effective date of the order.⁹ Moreover, wireless resellers have an independent obligation to provide access to basic and E911 service, to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver E911 information to the appropriate Public Safety Answering Point.¹⁰ Resellers also have an independent obligation to ensure that all handsets or other devices offered to their customers for voice communication are location capable.¹¹

The Commission and consumers are hereby assured that all Boomerang Lifeline customers will have available access to emergency calling services at the time that Lifeline service is initiated and that such 911 and E911 access will be available from Boomerang handsets regardless of the activation status and availability of minutes. Further, Boomerang will ensure that all handsets used in connection with the Company's Lifeline service offering are E911-compliant. In the event that an existing Boomerang customer does not have an E911-compliant handset, the Company will replace it with a new 911/E911 compliant handset at no charge to the customer. Any new customer who

⁹ Lifeline Reform Order ¶ 373.

¹⁰ See 47 C.F.R. § 20.18(m).

¹¹ See *id.*

applicants are enrolled through a designated state agency, Boomerang will have direct contact with all customers applying for Lifeline service, either in person through its employees, agents or representatives, or via the telephone (including facsimile) or mail.

Specifically, at events, Boomerang or enMarket personnel will explain the eligibility requirements for the program, including participation in a qualifying program or earning income below 135% of the Federal Poverty Guidelines and will verify the individual's eligibility. The Boomerang or enMarket employees will also explain the program limitation of one Lifeline service per household. In order to ensure potential customers are fully informed about the Lifeline program and the eligibility process, Boomerang will provide a sufficient number of employees at each event so that, while some individuals are handling the application and eligibility process with applicants, other individuals are available to discuss the requirements with potential customers, answer questions, identify appropriate documents and otherwise assist a customer in preparing for the application/eligibility step. enMarket employees will begin educating potential subscribers as they wait in line at events and explain the application process to prepare them. Employees are instructed that the company has zero tolerance for waste, fraud or abuse, and that they should notify a team lead immediately if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit for themselves or within the same household. At events, when a potential subscriber reaches the front of the line, representatives will again confirm that no member of the individual's household currently receives a Lifeline benefit from another carrier. The representative will mention the name of major ETCs to assist applicants in determining whether they already receive a Lifeline benefit. The representative will reiterate that Lifeline is a government benefit, and that providing false information could subject the applicant to consequences including penalty under perjury. After an applicant has completed the enrollment form, a representative will check the CGM database to determine whether anyone at the same residential address currently receives a Lifeline benefit. If so, the applicant will be asked whether the applicant is a member of a

the application has been rejected. If the residential address is a duplicate, the applicant will receive instructions regarding the definition of household and the opportunity to complete a verification that the applicant is a member of a unique household at that address that does not currently receive a Lifeline benefit.

For all application processes, Boomerang has an in-house Compliance Officer and compliance metrics to further protect against waste fraud and abuse. This includes real time review of application submissions during events and random sampling of online and paper submissions. Boomerang's internal team will provide another layer of review (*i.e.*, handwriting, submission locations, timing) to identify abuse and carry out disciplinary action.

Once the prospective customer is successfully verified by Boomerang, Boomerang will enroll the customer in the service plan selected by the customer, and then mail the selected handset to the customer. Along with the handset comes a welcome packet with instructions for activating the service. Boomerang will not seek Lifeline reimbursement until the customer has activated the handset by following the instructions detailed herein or by making an outgoing call.

For potential subscribers who avail themselves of the toll-free number to apply for service, the IVR script will emphasize the "one Lifeline benefit per household" restriction through its interaction with the activating customer as well as review the 60 day rule and Annual Recertification requirements. If a customer wants more information, they will be passed to a live call center operator. Boomerang's sales training materials for call centers will include a discussion of the one benefit per household restriction and the need to ensure that the customer is informed of this restriction.

Boomerang will provide Lifeline-specific training to all personnel, whether employees, agents or representatives, who interact with actual or prospective consumers with respect to obtaining, changing or terminating Lifeline services. The training provides an explanation of the creation and purpose of the Lifeline program, the source of funds to provide access to qualified low-income consumers, program- and income-based eligibility determinations, and a detailed explanation of the

participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program.

Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workmen's Compensation statement of benefits; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information for at least three months' time. Boomerang will establish policies and procedures to review such documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility, including collecting information on the enrollment form about what documentation the applicant presented to demonstrate program-based or income-based eligibility. Where Boomerang personnel conclude that proffered documentation is insufficient to establish such eligibility, Boomerang will deny the associated application and inform the applicant of the reason for such rejection. In the event that Boomerang personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel at Boomerang's corporate headquarters.

Consumers who do not complete the application process in person must return the signed application and supporting documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7006, and any applicable state laws, and may verify consumers' signatures via IVR systems. Processing of consumers' applications, including review of all application forms and relevant documentation, will be performed under the Company's supervision by managers experienced in the administration of the Lifeline program.

In accordance with the Lifeline Reform Order, Boomerang will not retain copies of eligibility documentation, but rather will maintain accurate records detailing how the customer demonstrated his or her eligibility. Boomerang will check the eligibility of consumers seeking to enroll in Lifeline either by accessing electronic eligibility databases, where available, or by reviewing documentation from the consumer demonstrating his or her eligibility for Lifeline service. Where the Company is able to access a state or federal database to make determinations about customer eligibility, the Company or its representative will note in its records what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline. In instances where a state agency or third-party administrator is responsible for the initial determination of consumer eligibility, Boomerang will rely on the state identification or database.

Boomerang personnel will assist applicants in determining whether they are ineligible to participate in the Lifeline program because a member of the applicant's household already is benefiting from a Lifeline discount. Boomerang will establish safeguards to prevent individual subscribers and households from receiving more than one benefit. Boomerang personnel will explain in prominent, plain, easily comprehensible language to all new and potential subscribers that no consumer is permitted to receive more than one Lifeline subsidy. Boomerang will emphasize the one-per-household restriction in its contacts with potential customers. Boomerang personnel also will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and facilitate the applicant's understanding of what constitutes "Lifeline-supported service," and ability to determine whether he or she is already benefiting from Lifeline support by identifying the leading wireline and wireless Lifeline offerings in the relevant market by brand name.

Boomerang's Lifeline application forms will require each applicant to provide his or her name and primary residential address and a billing address for the service if the consumer's billing address differs from his or her residential address. The application form will clearly state that Lifeline participants must provide their new address to the Company within 30 days of moving. Boomerang will incorporate this information into its customer information database.

Prior to requesting a subsidy, Boomerang, in conjunction with CGM, will process and validate its subsidy data to prevent duplicate same-month Lifeline subsidies. Any household that is already receiving a Lifeline subsidy will automatically be prevented from receiving a second lifeline subsidy in that same month. Boomerang will immediately de-enroll any subscriber whom Boomerang knows is receiving Lifeline-supported service from another ETC or knows is no longer eligible. Additionally, each month, CGM will process and validate the Company's subsidy data to prevent: (1) duplicate same-month Lifeline subsidies (Double Dip): any name/address that is already receiving a lifeline subsidy from the Company will be automatically prevented from receiving a second Lifeline subsidy in that same month; and (2) inactive lines receiving subsidy. CGM's audits also compare all subsidy requests to Boomerang's underlying carrier invoice to ensure that subsidies are requested only for active lines. This process ensures that Boomerang does not request multiple subsidies from the Universal Service Fund.

In addition, prior to requesting a subsidy, Boomerang will ensure that the customer has activated the service in accordance with the Commission's requirements. Boomerang will provide phone activation instructions in a welcome package provided with the handset and, at events, will review these instructions with the customer. The activation process will allow the end user to proactively establish service and have an opportunity to receive additional training on the device and services available.

C. Procedures for Verification of Ongoing Consumer Eligibility

As required by the Commission's Lifeline Reform Order, Boomerang will require every customer enrolled in the Lifeline program to verify on an annual basis that he or she receives Lifeline-supported service only from Boomerang and, to the best of his or her knowledge, no one else in the subscriber's household is receiving a Lifeline-supported service. Boomerang will submit all required information to the relevant Tribal governments, as applicable, including its aggregated re-certification data and annual re-certification results for subscribers residing on reservations or Tribal lands. This re-certification may be done on a rolling basis throughout the year. Where

an outgoing call. Boomerang will provide phone activation instructions in its event and online or paper product packages. The activation process will allow the end user to proactively activate service and have an opportunity to receive additional training on the device and services available. Specifically, to activate service, customers will be instructed to call the Boomerang IVR, press "2" to activate the phone, and enter a PIN included in the Welcome Instructions the subscriber receives with the phone after the eligibility and enrollment process has been completed as described above. At that point, the IVR will notify the consumer that the Lifeline account is active. The IVR will inform the customer that the customer must use the service in order to keep the account active and provide options through a menu for obtaining additional information about the phone or the service and direct the customer to the Company's website for additional information. At in-person events, Boomerang will assist an individual with account activation upon expressly authorized by the subscriber to activate the service.

To comply with the Commission's continued usage requirements, Boomerang will implement a non-usage policy whereby it will de-enroll Lifeline customers that have not used the Company's Lifeline service for 60 days. Boomerang will notify its subscribers at service initiation about the non-transferability of the phone service, its usage requirements, and the de-enrollment and deactivation that will result following non-usage in any 60-day period of time. If no usage appears on a Boomerang Lifeline customer's account during any continuous 60-day period, Boomerang will deactivate Lifeline services for that customer. An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from Boomerang to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than Boomerang, its representative, or agent; or affirmatively responds to a direct contact from Boomerang confirming that he or she wants to continue receiving the Lifeline-supported service.

Boomerang will take measures to continue to communicate with the customer to ensure the customer understands the rules and requirements of the benefits. Boomerang has direct control

Finally, Boomerang will disclose the company name under which it does business and the details of its Lifeline service offerings.

C. Internal Audit and Compliance Training for Boomerang Customer Service

In addition to detailed and thorough employee training, Boomerang will impose disciplinary actions on employees who fail to abide by the requirements for determining eligibility for the Lifeline benefit. Beyond the instructions for field and event training, Boomerang will provide its customer service personnel with internal audit and compliance training. For incoming paper applications, Boomerang will have a 100% compliance checklist to check applications for fraud and duplication. The employee must check whether all fields on the certification and enrollment form are complete, whether all necessary eligibility documents are attached, whether the eligibility documents align with the information on the form, whether the handwriting is unique, whether all attestations are initialed, and whether the form is signed.

For in-person and event outreach, in addition to the onsite eligibility determinations, a Boomerang compliance officer will randomly check a representative sample of 3% to 10% of applications as an additional check for errors or omissions or any sign of fraud. If the compliance officer detects potential fraud or abuse in the application process, the affected applications will be denied.

V. Lifeline Offering

Boomerang's marketing efforts will be focused on finding and serving eligible consumers using distribution models designed to reach the target population on a broad geographic basis. Creating a trusted brand and service through community outreach is a primary methodology for educating and soliciting customers. Boomerang will enroll Lifeline customers through several different marketing channels. Boomerang's current business model and plans for providing Lifeline service are based on reaching about 85% of its subscribers in person, through event marketing targeting currently underserved populations. Boomerang anticipates that, while most of its outreach will succeed via direct contact with consumers, potential subscribers will also be able to avail

| | | | | | | | | | | | |
|------------------|--------|---------|----------|---------|----------|---------|----------|---------|--------|---------|---------|
| Denomination | \$5.00 | \$10.00 | \$10.00 | \$15.00 | \$15.00 | \$30.00 | \$30.00 | \$50.00 | \$7.00 | \$20.00 | \$30.00 |
| Days of Use | 10 | 3 | 7 | 7 | 10 | 14 | 30 | 30 | 10 | 30 | 30 |
| Minutes | | | | | | | | | 100 | 500 | 1,000 |
| Peak Minutes | | Unltd | 30 | Unltd | 60 | Unltd | 140 | Unltd | | | |
| N/W Minutes | | Unltd | Unltd | Unltd | Unltd | Unltd | Unltd | Unltd | | | |
| Texts | | Unltd | .10/text | Unltd | .10/text | Unltd | .10/text | Unltd | 200 | 1,000 | 1,200 |
| Units (Min+Text) | 50 | | | | | | | | | | |

In addition to free voice services, Boomerang's Lifeline plans will include a free handset and the following features: caller ID, call waiting and voicemail. Boomerang will turn on the data capability for all of our handsets. This will allow customers to add a data plan to their phone service.

As a provider of Lifeline services to residents of Tribal lands, Boomerang will pass through the full Tribal support amount to qualifying residents of Tribal lands, and under no circumstances will it collect from the Universal Service Fund more than the rate charged to Tribal subscribers.

VI. Demonstration of Financial and Technical Ability to Provide Lifeline Services

Revised Commission Rule 54.202 requires carriers seeking designation as a Lifeline-only ETC to demonstrate their technical and financial capacity to provide the supported service. Among the factors that the Commission will consider are whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state.

Boomerang's parent company, HH Ventures, is a privately held cash-flow-positive wireless telecommunications holding company. HH Ventures has been providing prepaid wireless telecommunications services to non-Lifeline subscribers since 2008. Its core management team

located in a secure area and collocated with the area electrical utility headquarters. It is powered from separate paths independent of any one electrical generation plant. All systems within the facility are implemented on redundant servers, each with redundant data network and power.

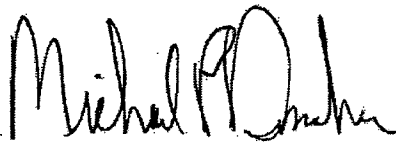
Direct carrier access with Sprint and Verizon networks provides additional tools to escalate network or hardware issues encountered on a local or regional basis. Contractual arrangements include direct escalation processes for tiered support depending on outage severity and number of customers affected.

Section 54.202 also requires ETC applicants to demonstrate that they will satisfy applicable consumer protection and service quality standards. Boomerang hereby commits to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.

Conclusion

Boomerang's Compliance Plan meets the conditions set forth in the Lifeline Reform Order and promotes public safety by ensuring that Lifeline customers have access to 911 and E911 service. Boomerang requests that the Commission expeditiously approve the Company's Compliance Plan and grant its pending ETC Petition so that Boomerang may begin providing the benefits of Lifeline service to qualifying low-income consumers.

Respectfully submitted,



Michael P. Donahue
Linda McReynolds
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lqm@commlawgroup.com

Counsel for Boomerang Wireless, LLC

Exhibit B

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

RECEIVED

NOV - 8 2012

In the Matter of

CAUSE NO. PUD 2012-00052
OCC. DEPT OF
TELECOMMUNICATIONS & CARRIERS

Application of Boomerang Wireless, LLC for
Designation as an Eligible Telecommunications Carrier
on a Wireless Basis (Low-Income Only)

ORDER NO. **601984**

HEARING: August 9, 2012, in Courtroom B
2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105
Before James L. Myles, Administrative Law Judge

APPEARANCES: J. David Jacobson, Attorney *representing* Boomerang Wireless, LLC
Kimberly C. Prigmore, Assistant General Counsel *representing* Public
Utility Division, Oklahoma Corporation Commission

FINAL ORDER

BY THE COMMISSION:

The Corporation Commission of the State of Oklahoma ("Commission") being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the Application of Boomerang Wireless, LLC ("Boomerang" or "Applicant") wherein it requests the Commission to designate it as a wireless Eligible Telecommunications Carrier ("ETC") in the State of Oklahoma in order to receive federal universal service support for wireless services. The Application was filed pursuant to 47 U.S.C. §214(e) of the Communications Act of 1934, as amended, the applicable Federal Communications Commission ("FCC") regulations thereunder, and OAC 165:55-23-1 *et seq.*, pertaining to designation of wireless carriers as ETCs.

I. PROCEDURAL HISTORY

On April 12, 2012, Boomerang filed its Application to obtain designation as a wireless ETC in the State of Oklahoma. Specifically, Boomerang sought designation as a wireless ETC in the study areas of Southwestern Bell Telephone Company d/b/a AT&T Oklahoma ("AT&T Oklahoma") and Valor Telecommunications of Texas, LP d/b/a Windstream Communications Southwest ("Windstream"), both of which are non-rural incumbent local exchange carriers.

On April 26, 2012, Boomerang filed a Motion for Order Prescribing Procedural Schedule. A procedural schedule was established by Order No. 597724, dated May 17, 2012. On June 7, 2012, James T. Balvanz, Chief Financial Office for Boomerang, filed written direct testimony on behalf of Boomerang. Ms. Barbara L. Mallett, Public Utility Regulatory Analyst, filed written responsive testimony on behalf of the Public Utility Division of the Commission ("Staff") on July 26, 2012.

On August 9, 2012, the hearing on the merits was conducted in accordance with the procedural schedule prescribed in Order No. 597724. All documents filed with the Commission's Court Clerk's office were admitted into evidence without objection as part of the record.

Following the presentation and testimony of witnesses for Boomerang and the Staff, the Administrative Law Judge ("ALJ") recommended approval of the Application and designation of Boomerang as a wireless ETC on a resold basis and that Boomerang should file proof of FCC approval of its compliance plan upon receipt of same from the FCC.

Subsequent to the hearing on the merits, on August 13, 2012, Boomerang filed a Notice of Approval of Compliance Plan in this cause which included a copy of the Public Notice from the FCC dated August 8, 2012, showing FCC approval of the Compliance Plan of Boomerang.

II. SUMMARY OF THE EVIDENCE

Mr. James T. Balvanz testified on behalf of Boomerang. Mr. Balvanz affirmed and adopted his written testimony under oath. Mr. Balvanz confirmed that Boomerang is seeking designation as a wireless ETC in AT&T Oklahoma and Windstream territories. Mr. Balvanz testified that Boomerang is an Iowa limited liability company authorized to conduct business in Oklahoma, with its primary office located in Hiawatha, Iowa.

Mr. Balvanz testified that Boomerang has met the requirements for obtaining ETC designation. He explained that Boomerang currently provides and offers each of the nine services formerly required for ETC designation prior to the FCC's Lifeline Reform Order and that Boomerang also provides voice telephony service, which the FCC determined in its Lifeline Reform Order as sufficient to be the supported service for ETC designation. Mr. Balvanz testified that Boomerang will provide these services on a resale basis rather than through the use of Boomerang-owned facilities. He explained the recent changes made by the FCC that allow ETC designation on a resale basis. He testified that on February 6, 2012, the FCC issued its Lifeline Reform Order in which the FCC made a number of significant changes to the Lifeline and Link-Up programs, including a provision that grants blanket forbearance of the use-of-own-facilities requirement to carriers seeking to provide Lifeline-only service. Mr. Balvanz explained that for a carrier to take advantage of the FCC's blanket forbearance and thus be eligible for designation as an ETC on a resale basis, the carrier must file a compliance plan with the FCC showing that the carrier is in compliance with certain 911 public safety obligations, and providing specific information regarding the carrier and its service offerings and outlining the measures the carrier will undertake to implement the obligations contained in the Lifeline Reform Order. Mr. Balvanz testified that Boomerang had filed a compliance plan with the FCC and that the FCC approved Boomerang's compliance plan on August 8, 2012.

Mr. Balvanz further testified and explained the internal controls Boomerang utilizes to prevent subscribers from receiving more than one Lifeline discount. Mr. Balvanz also testified concerning Boomerang's Lifeline service offerings. Mr. Balvanz stated that Boomerang would offer two Lifeline plans; one consisting of unlimited local calling and one with limited minutes. The unlimited minute plan has unlimited minutes of voice service with a nationwide local calling scope which includes all fifty states. He testified that the service would be offered at a flat monthly rate of \$40.00 and that after all applicable subscriber discounts are applied, the rate to

Lifeline customers would be \$5.75. Mr. Balvanz testified that Boomerang's limited minute plan consisted of 1000 minutes of talk time or text for a flat rate of \$34.25 and that after all applicable discounts are applied the rate to Lifeline customers would be \$1.00. He stated that universal services will be provided pursuant to Lifeline provisions in an informational tariff to be provided in accordance with the Commission's rules. He further testified that Boomerang would not charge customers for activation and that Boomerang would not require contracts for service.

There was no cross-examination by counsel for the Staff. Upon questioning by the ALJ, Mr. Balvanz confirmed that the rate for the unlimited minute plan after the application of all discounts will be \$5.75 as stated in his testimony and not \$6.75 as was contained in his prefiled written testimony. Mr. Balvanz explained that the rate in the prefiled written testimony was a typographical error.

Ms. Barbara Mallett testified on behalf of Commission Staff. Ms. Mallett affirmed and adopted her written testimony under oath. Ms. Mallett described her review and analysis process for the Cause, and her review for consistency with applicable federal rules and the rules of the Commission. Ms. Mallett testified that Boomerang had satisfactorily addressed all of Staff's concerns in its Application and in responses to data requests and stated that Staff's recommendation was that Boomerang should be designated as a wireless ETC in all of the exchanges of AT&T Oklahoma and Windstream upon FCC approval of Boomerang's Compliance Plan. She stated that Boomerang requested designation only for Low Income purposes, was not seeking high cost support, and was not seeking designation in any rural ILEC territories. There is no impact on the high cost fund cap, because the study areas involved are not high cost areas.

With regard to the public interest question, Ms. Mallett stated that in rural study areas, a state commission must find that the designation of an ETC is in the public interest, but in non-rural study areas, the state commission may choose to make such a finding. Ms. Mallett further testified that Boomerang stated it will include all of the nine federally-required services in its Universal Service offering. In addition, its Lifeline product will contain unlimited local calling minutes of use, access to nationwide long distance as part of the local calling scope for a flat monthly undiscounted rate and that such a plan met with the approval of the Staff.

Ms. Mallett testified concerning the FCC's Lifeline Reform Order and the changes occasioned by that order. She testified that it was her understanding from the discussion in the November 18, 2011 Order¹ and conversations with FCC Staff that the FCC intended its forbearance provisions to be applicable to all wireless carriers in all states, including Oklahoma. She stated that Boomerang has met all of the requirements for designation as a wireless ETC and that Staff's recommendation is for approval of the Application and designation of Boomerang as an ETC. She testified that Boomerang's ETC designation should be effective immediately as the FCC approved Boomerang's compliance plan on August 8, 2012. Ms. Mallett made an additional recommendation that was the result of the actions of an ETC carrier other than Boomerang. She recommended that Boomerang display its name and inform potential customers of its identity in all marketing materials to avoid confusion as to the identity of the actual carrier.

¹ In the Matter of Lifeline and Link Up Reform and Modernization Lifeline and Link Up Federal-State Joint Board on Universal Service Advancing Broadband Availability Through Digital Literacy Training; WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45 and WC Docket No. 12-23; rel. 11/18/2011.

There was no cross-examination of Ms. Mallett by counsel for Boomerang. Upon questioning by the ALJ, Ms. Mallett confirmed that the proposed Lifeline plans of Boomerang were acceptable to the Staff and that Staff's recommendation is that Boomerang be designated as a wireless ETC in AT&T Oklahoma's and Windstream's study areas effective immediately. Specifically, Ms. Mallett recommended the Commission find and order the following:

- 1) Boomerang has availed itself of the FCC's blanket forbearance of the facilities-based requirement and submitted and obtained FCC approval of a compliance plan and as such, is eligible for designation as a resold wireless CETC on a resale basis;
- 2) Boomerang has met all of the requirements for designation as a resold wireless CETC for the purposes of providing the required services and receiving federal USF support;
- 3) Boomerang should be designated as a resold wireless CETC effective immediately.
- 4) Boomerang should file proof of FCC approval of its compliance plan with the Commission upon receipt of same from the FCC.
- 5) Boomerang should formally make application to the Commission if Boomerang opts to 1) expand its designated footprint in Oklahoma in the future, and 2) offer any new Lifeline plan or modify an existing approved Lifeline plan. In the case of modification or introduction of a Lifeline plan, the filing should be for the limited purpose of requesting a Commission finding that the new Lifeline plan serves the public interest and is appropriate as a Lifeline plan.
- 6) Boomerang should conduct its event marketing in a responsible and decorous manner in compliance with common sense and the rules of the FCC.
- 7) Boomerang should clearly identify itself to its Lifeline subscribers as their service provider at all marketing events and in all advertising and written communication.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over this Cause pursuant to Article IX, Section 18 of the Oklahoma Constitution, 47 U.S.C. §§151 *et seq.* and 17 Okla. Stat. §139.106.

The Commission further finds that Boomerang is a common carrier as defined in 47 U.S.C. §153(10). It will offer services that are supported by Federal Universal Support Mechanisms and advertise the availability of such services. Boomerang will provide the required services by the resale of services obtained from other wireless carriers within Oklahoma.

The Commission further finds that the Lifeline offering of Boomerang, which consists of unlimited local and nationwide long distance calling at a flat rated undiscounted price of \$40.00 per month, is reasonably comparable to the respective rates of AT&T Oklahoma and Windstream.

The Commission further finds that Boomerang has a process in place whereby Boomerang can check its wireless databases to prevent a customer from receiving more than one Lifeline service from Boomerang. This process will help maintain compliance with the FCC's limitation of one Lifeline supported service per residence.

The Commission further finds that Boomerang should be designated as a resold wireless ETC in all of the territory and exchanges of AT&T Oklahoma and Windstream for the purpose of receiving Low Income support from Federal Universal Support Mechanisms for provision of service to its Lifeline and Link Up subscribers in Oklahoma, which designation as a wireless ETC shall be effective as of the date of FCC approval of Boomerang's compliance plan.

The Commission further finds that Boomerang should provide an informational tariff to the Staff consistent with OAC 165:55-23-3(a) and OAC 165:55-23-15(a) and that Boomerang should display its name and inform potential customers of its identity in all marketing materials to avoid confusion as to the identity of the actual carrier.

The Commission further finds that Boomerang's Compliance Plan has been approved by the FCC as shown in Notice of Approval of Compliance Plan filed herein on August 13, 2012.

IV. ORDER

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION of the State of Oklahoma that the Application filed herein by Boomerang Wireless, LLC for designation as a wireless Eligible Telecommunications Carrier in the service territory of AT&T Oklahoma and Windstream, non-rural incumbent local exchange carriers, is approved, consistent with the findings herein.

IT IS FURTHER ORDERED that Boomerang's designation is solely for the purpose of receiving Low Income support from Federal Universal Support Mechanisms for provision of service to its Lifeline subscribers in Oklahoma in the exchanges authorized by this Order.

IT IS FURTHER ORDERED that Boomerang's designation shall be effective as of the date of this Final Order, Boomerang having received FCC approval of Boomerang's compliance plan on August 8, 2012.

IT IS FURTHER ORDERED that Boomerang must formally make application to the Commission if Boomerang opts to 1) expand its designated footprint in Oklahoma in the future, and 2) offer any new Lifeline plan or modify an existing approved Lifeline plan. In the case of modification or introduction of a Lifeline plan, the filing should be for the limited purpose of requesting a Commission finding that the new Lifeline plan serves the public interest and is appropriate as a Lifeline plan.

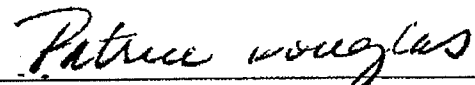
IT IS FURTHER ORDERED that Boomerang must conduct its event marketing in a responsible and decorous manner in compliance with common sense and the rules of the FCC.

IT IS FURTHER ORDERED that Boomerang should clearly identify itself to its Lifeline subscribers as their service provider at all marketing events and in all advertising and written communication.

IT IS FURTHER ORDERED that all findings of fact and conclusions of law set forth above are hereby adopted as the Order of the Commission.

THIS ORDER SHALL BE EFFECTIVE immediately.

OKLAHOMA CORPORATION COMMISSION


PATRICE DOUGLAS, Chairman

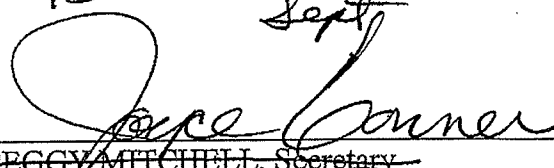

BOB ANTHONY, Vice Chairman


DANA L. MURPHY, Commissioner

CERTIFICATION

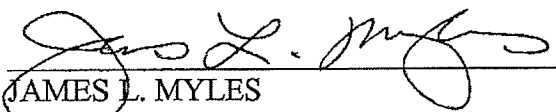
DONE AND PERFORMED by the Commissioners participating in the making of this Order, as shown by their signatures above, this 13 day of Sept ~~August~~, 2012.

[Seal]


~~PEGGY MITCHELL, Secretary~~
JOYCE CONNER, Assistant Secretary

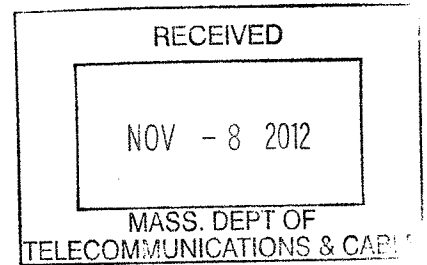
REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing findings, conclusions and order are the report and recommendations of the undersigned administrative law judge.


JAMES L. MYLES
Administrative Law Judge

Date 9/11/12

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD



IN RE:

BOOMERANG WIRELESS, LLC

DOCKET NO. ETA-2012-0003

ORDER DESIGNATING ELIGIBLE CARRIER

(Issued October 12, 2012)

On June 18, 2012, Boomerang Wireless, LLC (Boomerang), filed with the Utilities Board (Board) an application for limited designation as a universal service eligible telecommunications carrier (ETC) in all or part of certain Iowa exchanges pursuant to 47 U.S.C. § 214(e)(2), 47 C.F.R. Part 54.101, and 199 IAC 39.2.

Boomerang asks that the Board designate it as an ETC for the limited purpose of offering Lifeline services pursuant to 199 IAC 39.2 in the exchanges identified in the attachment to this order. No objections to this application have been filed.

In its *Lifeline Reform Order* that was released on February 6, 2012, the Federal Communications Commission (FCC) modified its rules with respect to ETC designations for carriers that only seek such designations for Lifeline offerings.¹ The *Lifeline Reform Order* provides that a carrier applying for ETC designation that is limited to Lifeline service must submit a compliance plan to the FCC for approval if

¹ *In the Matter of Lifeline and LinkUp Reform and Modernization*, "Report and Order and Further Notice of Proposed Rulemaking," WC Docket No. 11-42, FCC 12-11 (released Feb. 6, 2012) ("*Lifeline Reform Order*").

that carrier is not using its own facilities to provide voice service.² In addition, the *Lifeline Reform Order* eliminated the LinkUp program for carriers such as Boomerang that seek limited ETC designations.

On August 10, 2012, Boomerang filed a supplement to its application that contained the compliance plan that was approved by the FCC on August 8, 2012. The approved compliance plan is identified as Exhibit D to Boomerang's application.

On September 5, 2012, Boomerang amended its application to more closely comply with the requirements identified in its approved compliance plan and with the requirements of 199 IAC 39.2.

On October 3, 2012, Boomerang filed a replacement to Exhibit C to its application which clarified the non-rural exchange areas in Iowa where it is requesting to be designated. Boomerang stated that it adopts the exchange boundary maps that are on file with the Board for the exchanges listed in replacement Exhibit C, which is attached to this order.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254 (the Act). Under the Act (and the FCC regulations implementing the Act), the Board must determine that a carrier meets certain service requirements before it may be designated an eligible carrier. Pursuant to 199 IAC 39.2(3), the carrier must do the following:

² *Lifeline Reform Order*, ¶¶ 379-80.

- 1) Offer the services supported by the federal universal service fund as identified in 199 IAC 39.2(1)"a" through "i";
- 2) Offer the required services using its own facilities or a combination of its own facilities and resale as described in 199 IAC 39.2(3)"a";
- 3) Advertise the availability of the supported services as described in 199 IAC 39.2(3)"b";
- 4) Submit an explanation of how the supported services will be provided pursuant to 199 IAC 39.2(3)"c";
- 5) Submit a description of the area for which ETC designation is sought as described in 199 IAC 39.2(3)"d";
- 6) Submit a network improvement and maintenance plan associated with the provision of supported services as described in 199 IAC 39.2(3)"e";³
- 7) Demonstrate compliance with applicable consumer protection standards as described in 199 IAC 39.2(3)"f";
- 8) Demonstrate compliance with applicable service quality standards as described in 199 IAC 39.2(3)"g";

³ The Board notes that the requirement of 199 IAC 39.2(3)"e" to submit a two-year network improvement and maintenance plan does not apply to Boomerang in this instance. That rule applies only to carriers seeking or receiving high-cost support, and Boomerang is seeking limited ETC designation for participation in the LinkUp program.

9) Certify the ability to maintain a minimum of two hours of backup power to ensure functionality without an external power source pursuant to 199 IAC 39.2(3)"h";

10) Demonstrate a commitment to offer a local usage plan comparable to the one offered by the incumbent local exchange carrier in the areas for which ETC designation is sought as described in 199 IAC 39.2(3)"i";

11) File a statement that the carrier acknowledges the FCC may require it to provide equal access as described in 199 IAC 39.2(3)"j";

12) Demonstrate that granting ETC designation is in the public interest as described in 199 IAC 39.2(3)"k"; and

13) Commit to respond to Board requests for information as described in 199 IAC 39.2(3)"l."

In its request for designation, as supplemented on September 5, 2102, Boomerang states that it satisfies or will satisfy each of the requirements set forth in 199 IAC 39.2(3). Boomerang has made the necessary certifications so as to substantially comply with 199 IAC 39.2, including demonstrating to the Board that it is financially and technically capable to provide service pursuant to 47 C.F.R. § 54.201(h).

Based on Boomerang's unopposed representations, the Board finds that Boomerang offers the services supported by the federal universal service fund in the

manner required by 199 IAC 39.2 and will comply with applicable service quality standards and consumer protection rules throughout its designated service area.

Board rule 39.2(5) provides that unless otherwise ordered by the Board, the approved service area for USF support calculations will be the same as the service area currently approved for local service by the Board. Boomerang states that it will adopt the exchange boundary maps of the incumbent local exchange carriers that have been approved by the Board to provide local service in the exchanges listed on Exhibit C, which is attached to this order. The Board finds that this assertion by Boomerang satisfies 199 IAC 39.2(5)"c."

In addition, Iowa Code § 477C.7 requires wireless carriers to contribute to the Dual Party Relay Service (DPRS) through an assessment of three cents per month on each telephone number. Lifeline services are not exempt from the DPRS assessment. Boomerang states that it will be responsible for the DPRS assessment by contributing three cents per month on each active Iowa telephone number.

IT IS THEREFORE ORDERED:

1. Limited eligible telecommunications carrier status is granted to Boomerang Wireless, LLC, as requested in its application filed on June 18, 2012, as amended on August 10, September 5, and October 3, 2012, subject to the commitments described in the body of this order, in the exchanges listed in the attachment to this order.

2. The designated service area shall be the area in Iowa identified by the list of identified exchanges attached to this order.

3. The Executive Secretary of the Utilities Board shall mail copies of this order to Boomerang Wireless, LLC, the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

UTILITIES BOARD

/s/ Darrell Hanson

ATTEST:

/s/ Joan Conrad

Executive Secretary

/s/ Swati A. Dandekar

Dated at Des Moines, Iowa, this 12th day of October 2012.

Exhibit C

| STATE | SHORT SWITCH | OCN NAME | RATE CENTER NAME |
|-------|--------------|--|------------------|
| IA | ACKLIACO | QWEST CORPORATION | ACKLEY |
| IA | ADARIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | ADAIR |
| IA | ADBNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | AUDUBON |
| IA | ADELIACO | QWEST CORPORATION | ADEL |
| IA | AGNCIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | AGENCY |
| IA | ALDNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | ALDEN |
| IA | ALGNIATC | QWEST CORPORATION | ALGONA |
| IA | ALNAIACO | QWEST CORPORATION | ALTOONA |
| IA | ALTVIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | ALTA VISTA |
| IA | ALXNIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | ALEXANDER |
| IA | AMESIATC | QWEST CORPORATION | AMES |
| IA | AMESIAWS | QWEST CORPORATION | AMES |
| IA | ANKNIACO | QWEST CORPORATION | ANKENY |
| IA | ANKNIACO | QWEST CORPORATION | DES MOINES |
| IA | ANMSIACO | QWEST CORPORATION | ANAMOSA |
| IA | ANWOIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | AINSWORTH |
| IA | APTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | APLINGTON |
| IA | ARGYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | ARGYLE |
| IA | ARMSIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | ARMSTRONG |
| IA | ARPKIACO | QWEST CORPORATION | ARNOLDS PK |
| IA | ARTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | ARLINGTON |
| IA | ATLSIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | ATALISSA |
| IA | ATLTIATC | QWEST CORPORATION | ATLANTIC |
| IA | ATTCIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | ATTICA |
| IA | AUBNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | AUBURN |
| IA | AVOCIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | AVOCA |
| IA | BCKYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | BUCKEYE |
| IA | BGLYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | BAGLEY |
| IA | BITNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | BRIGHTON |

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| IA | BLBGIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | BLADENSBG |
| IA | BLNIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | BLENCOE |
| IA | BLLPIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | BELLEPLAIN |
| IA | BLLVIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | BELLEVUE |
| IA | BNNTIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | BENNETT |
| IA | BOONIA CO | QWEST CORPORATION | BOONE |
| IA | BOTNIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | BOUTON |
| IA | BRBGIA CO | QWEST CORPORATION | BLAIRSBURG |
| IA | BRNDIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | BRANDON |
| IA | BRVLIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | BRADDYVL |
| IA | BURLIA TC | QWEST CORPORATION | BURLINGTON |
| IA | CDFLIA CO | QWEST CORPORATION | CEDARFALLS |
| IA | CDRRIADT | QWEST CORPORATION | CEDAR RPDS |
| IA | CDRRIAMN | QWEST CORPORATION | CEDAR RPDS |
| IA | CDRRIANO | QWEST CORPORATION | CEDAR RPDS |
| IA | CDRRIAWS | QWEST CORPORATION | CEDAR RPDS |
| IA | CFVLIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | CRAWFODSVL |
| IA | CGGNIA CO | QWEST CORPORATION | COGGON |
| IA | CHCYIA TC | QWEST CORPORATION | CHARLES CY |
| IA | CHLSIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | CHELSEA |
| IA | CHRLIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | CHARLOTTE |
| IA | CLFXIA CO | QWEST CORPORATION | COLFAX |
| IA | CLTIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | COLUMBSJCT |
| IA | CLNSIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | COLLINS |
| IA | CLRIIA CO | QWEST CORPORATION | CLARION |
| IA | CLTNIACC | QWEST CORPORATION | CLINTON |
| IA | CLTNIACO | QWEST CORPORATION | CLINTON |
| IA | CMBRIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | CAMBRIDGE |
| IA | CNBLIAMW | QWEST CORPORATION | COUNCILBLF |
| IA | CNBLIAWA | QWEST CORPORATION | COUNCILBLF |
| IA | CNCYIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | CENTRAL CY |

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| IA | CNPNIACO | QWEST CORPORATION | CENTER PT |
| IA | CNRPIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | COONRAPIDS |
| IA | CNRYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | CONROY |
| IA | CNSVIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | CONESVILLE |
| IA | CRLSIACO | QWEST CORPORATION | CARLISLE |
| IA | CRRLIATC | QWEST CORPORATION | CARROLL |
| IA | CRSCIACO | QWEST CORPORATION | CRESCENT |
| IA | CRSNIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | CARSON |
| IA | DDHMIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | DEDHAM |
| IA | DELHIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | DELHI |
| IA | DESMIAAW | QWEST CORPORATION | DES MOINES |
| IA | DESMIADT | QWEST CORPORATION | DES MOINES |
| IA | DESMIAEA | QWEST CORPORATION | DES MOINES |
| IA | DESMIANW | QWEST CORPORATION | DES MOINES |
| IA | DESMIASO | QWEST CORPORATION | DES MOINES |
| IA | DESMIAWS | QWEST CORPORATION | DES MOINES |
| IA | DESTIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | DE SOTO |
| IA | DIKEIACO | QWEST CORPORATION | PARKERSBG |
| IA | DLCTIACE | QWEST CORPORATION | DALLAS CTR |
| IA | DLMRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | DELMAR |
| IA | DLVRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | DOLLIVER |
| IA | DNMKIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | DENMARK |
| IA | DNSNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | DONNELLSON |
| IA | DNVRIACO | QWEST CORPORATION | DENVER |
| IA | DOWSIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | DOWS |
| IA | DPRVIAXO | WINDSTREAM MONTEZUMA, INC. | DEEP RIVER |
| IA | DRNTIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | DURANT |
| IA | DUBQIANW | QWEST CORPORATION | DUBUQUE |
| IA | DUBQIATC | QWEST CORPORATION | DUBUQUE |
| IA | DVNPIADT | QWEST CORPORATION | DAVENPORT |
| IA | DVNPIAEA | QWEST CORPORATION | DAVENPORT |
| IA | DVNPIANE | QWEST CORPORATION | DAVENPORT |
| IA | DVNPIANW | QWEST CORPORATION | DAVENPORT |
| IA | DVNPIAWS | QWEST CORPORATION | DAVENPORT |
| IA | DWTTIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | DE WITT |

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| IA | DXTRIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | DEXTER |
| IA | DYVLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | DYERSVILLE |
| IA | EDVLIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | EDDYVILLE |
| IA | EDWDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | EDGEWOOD |
| IA | EGGVIACO | QWEST CORPORATION | EAGLEGROVE |
| IA | EKHTIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | ELKHART |
| IA | ELDNIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | ELDON |
| IA | ELWOMNXE | FRONTIER COMMUNICATIONS OF MINNESOTA, INC. | MIDLAND |
| IA | EPWOIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | EPWORTH |
| IA | ERHMIACO | QWEST CORPORATION | EARLHAM |
| IA | ERVLIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | EARLVILLE |
| IA | ESVLIACO | QWEST CORPORATION | ESTHERVL |
| IA | EXIRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | EXIRA |
| IA | FASNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | FARSON |
| IA | FNTLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | FONTANELLE |
| IA | FRBGIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | FREDECKSBG |
| IA | FRBNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | FAIRBANK |
| IA | FRFDIAXC | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | FAIRFIELD |
| IA | FRLYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | FARLEY |
| IA | FRMTIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | FREMONT |
| IA | FRTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | FARMINGTON |
| IA | FTDDIAXC | FRONTIER COMMUNICATIONS OF IOWA, INC. | FORT DODGE |
| IA | FTMDIATC | QWEST CORPORATION | FT MADISON |
| IA | FYTTIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | FAYETTE |
| IA | GDVWIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | GRANDVIEW |
| IA | GLBKIA XP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | GLADBROOK |
| IA | GLCYIACO | QWEST CORPORATION | BRADGATE |

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| IA | GLCYIACO | QWEST CORPORATION | GILMORE CY |
| IA | GLDNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | GLIDDEN |
| IA | GLWDIACO | QWEST CORPORATION | GLENWOOD |
| IA | GLWDIACO | QWEST CORPORATION | SILVERCITY |
| IA | GNCTIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | GRUNDY CTR |
| IA | GRELIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | GREELEY |
| IA | GRMSIACO | QWEST CORPORATION | GRIMES |
| IA | GRNEIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | GREENE |
| IA | GRNGIACO | QWEST CORPORATION | GRANGER |
| IA | GRNLIAXC | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | GRINNELL |
| IA | GRWNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | GARWIN |
| IA | GTCTIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | GUTHRIECTR |
| IA | HDRCIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | HEDRICK |
| IA | HDSNIACO | QWEST CORPORATION | HUDSON |
| IA | HGTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | HOUGHTON |
| IA | HLBOIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | HILLSBORO |
| IA | HLBRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | HALBUR |
| IA | HLCRIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | HOLY CROSS |
| IA | HMBGIACO | QWEST CORPORATION | HAMBURG |
| IA | HMBLIACO | QWEST CORPORATION | HUMBOLDT |
| IA | HMPNIACO | QWEST CORPORATION | GENEVA |
| IA | HMPNIACO | QWEST CORPORATION | HAMPTON |
| IA | HPTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | HOPKINTON |
| IA | HRLNIAXT | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | HARLAN |
| IA | HRRSIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | HARRIS |
| IA | HZTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | HAZLETON |
| IA | INDNIACO | QWEST CORPORATION | INDIANOLA |
| IA | INDPIACO | QWEST CORPORATION | INDEPNDCNE |
| IA | IWCYIATC | QWEST CORPORATION | IOWA CITY |

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| IA | IWFLIACO | QWEST CORPORATION | IOWA FALLS |
| IA | JAMCIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | JAMAICA |
| IA | JEWLIACO | QWEST CORPORATION | JEWELL |
| IA | JNVLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | JANESVILLE |
| IA | KEKKIACO | QWEST CORPORATION | KEOKUK |
| IA | KEOTIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | KEOTA |
| IA | KLTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | KELLERTON |
| IA | KNVLIAXC | WINDSTREAM IOWA COMMUNICATIONS, INC. | KNOXVILLE |
| IA | LAMTIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | LAMONT |
| IA | LBVLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | LIBERTYVL |
| IA | LCLRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | LE CLAIRE |
| IA | LCRGIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | LOCKRIDGE |
| IA | LGRDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | LE GRAND |
| IA | LGTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | LEIGHTON |
| IA | LHVLIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | LOHRVILLE |
| IA | LKCYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | LAKE CITY |
| IA | LKPKIACO | QWEST CORPORATION | LAKE PARK |
| IA | LNDNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | LINDEN |
| IA | LNTRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | LONE TREE |
| IA | LOGNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | LOGAN |
| IA | LSBNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | LISBON |
| IA | LTMRIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | COULTER |
| IA | LTMRIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | LATIMER |
| IA | LTSXIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | LTL SIOUX |
| IA | LTTSIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | LETTS |
| IA | LVMRIACO | QWEST CORPORATION | LIVERMORE |
| IA | LVRNIACO | QWEST CORPORATION | LUVERNE |
| IA | LWDNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | LOWDEN |
| IA | LWLRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | LAWLER |
| IA | LWMRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - | LOW MOOR |

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| | | SYSTEMS | |
| IA | MDRDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | MADRID |
| IA | MILOIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | MILO |
| IA | MINDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | MINDEN |
| IA | MINGIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | MINGO |
| IA | MLCHIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | MELCHER |
| IA | MLCMIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | MALCOM |
| IA | MLFRIACO | QWEST CORPORATION | MILFORD |
| IA | MNCHIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | MANCHESTER |
| IA | MNDMIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | MONDAMIN |
| IA | MNLYIACO | QWEST CORPORATION | MANLY |
| IA | MNNGIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | MANNING |
| IA | MNPLIAXC | WINDSTREAM IOWA COMMUNICATIONS, INC. | MTPLEASANT |
| IA | MNTIACO | QWEST CORPORATION | MONTICELLO |
| IA | MNTRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | MONTOUR |
| IA | MODLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | MODELE |
| IA | MONRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | MONROE |
| IA | MQKTIACO | QWEST CORPORATION | MAQUOKETA |
| IA | MRDLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | MARTENSDL |
| IA | MRNGIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | MARENGO |
| IA | MRTWIASO | QWEST CORPORATION | MARSHALLTN |
| IA | MSCTIACO | QWEST CORPORATION | MUSCATINE |
| IA | MSCWIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | MOSCOW |
| IA | MSCYIATC | QWEST CORPORATION | MASON CITY |
| IA | MSRVIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | MESERVEY |
| IA | MSVYIACO | QWEST CORPORATION | MISSOURVLY |
| IA | MTRSIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | MONTROSE |
| IA | MTUNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | MOUNTUNION |
| IA | MTVRIACO | QWEST CORPORATION | MT VERNON |
| IA | MTZMIAXO | WINDSTREAM MONTEZUMA, INC. | MONTEZUMA |
| IA | MXWLIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - | MAXWELL |

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| | | NORTH | |
| IA | MYCYIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | MAY CITY |
| IA | MYNRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | MAYNARD |
| IA | NASHIACO | QWEST CORPORATION | NASHUA |
| IA | NCHLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | NICHOLS |
| IA | NEOLIACO | QWEST CORPORATION | NEOLA |
| IA | NEVDIAXC | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | NEVADA |
| IA | NHFRIACO | QWEST CORPORATION | PARKERSBG |
| IA | NHTNIAXC | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | NEWHAMPTON |
| IA | NRWLIACO | QWEST CORPORATION | NORWALK |
| IA | NWLNIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | NEW LONDON |
| IA | NWODIACO | QWEST CORPORATION | NORTHWOOD |
| IA | NWSHIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | NEW SHARON |
| IA | NWTNIAXC | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | NEWTON |
| IA | NWVNIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | NEW VIENNA |
| IA | NWVRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | NEWVIRGINI |
| IA | OCHYIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | OCHEYEDAN |
| IA | OKLDIAXA | FRONTIER COMMUNICATIONS OF IOWA, INC. | OAKLAND |
| IA | OKVLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | OAKVILLE |
| IA | OLDSIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | OLDS |
| IA | OLWNIATC | QWEST CORPORATION | OELWEIN |
| IA | OMAHNENW | QWEST CORPORATION | CARTERLAKE |
| IA | ONAWIACO | QWEST CORPORATION | ONAWA |
| IA | OSCLIA XD | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | OSCEOLA |
| IA | OSKLIACO | QWEST CORPORATION | OSKALOOSA |
| IA | OTHOIA XO | FRONTIER COMMUNICATIONS OF IOWA, INC. | OTHO |
| IA | OTLYIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | OTLEY |
| IA | OTTMIA TC | QWEST CORPORATION | OTTUMWA |
| IA | OXFRIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | OXFORD |
| IA | PELLIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | PELLA |
| IA | PEORIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. | PEORIA |
| IA | PERSIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | PERSIA |

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| IA | PERUIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | PERU |
| IA | PKCYIACO | QWEST CORPORATION | POLK CITY |
| IA | PRBGIACO | QWEST CORPORATION | PARKERSBG |
| IA | PRCVIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | PERCIVAL |
| IA | PRCYIACO | QWEST CORPORATION | PRAIRIE CY |
| IA | PRMRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | PRIMROSE |
| IA | PRRYIACO | QWEST CORPORATION | DAWSON |
| IA | PRRYIACO | QWEST CORPORATION | PERRY |
| IA | PSGHIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | PISGAH |
| IA | PSVLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | PLEASANTVL |
| IA | PTMOIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | PORTSMOUTH |
| IA | RDFDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | REDFIELD |
| IA | RNBCIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | REINBECK |
| IA | RNDLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | RANDALL |
| IA | RNLSIACO | QWEST CORPORATION | RUNNELLS |
| IA | RNWCIAO | QWEST CORPORATION | RENWICK |
| IA | ROCHIAOXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | ROCHESTER |
| IA | ROLDIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | ROLAND |
| IA | ROLFIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | ROLFE |
| IA | RPPYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | RIPPEY |
| IA | RSHLIACO | QWEST CORPORATION | ROSE HILL |
| IA | RVSDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | RIVERSIDE |
| IA | RWLYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | ROWLEY |
| IA | RYANIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | RYAN |
| IA | SABLIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | SABULA |
| IA | SALMIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | SALEM |
| IA | SDNYIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | SIDNEY |
| IA | SHFDIAXR | FRONTIER COMMUNICATIONS OF IOWA, INC. | SHEFFIELD |
| IA | SHLBIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - | SHELBY |

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| | | SYSTEMS | |
| IA | SLTRIA XO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | SLATER |
| IA | SMNR IAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | SUMNER |
| IA | SOLN IAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | SOLO N |
| IA | SPLKIACO | QWEST CORPORATION | SPIRITLAKE |
| IA | SPNCIATC | QWEST CORPORATION | SPENCER |
| IA | STANIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | ST ANSGAR |
| IA | STCYIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | STORY CITY |
| IA | STPN IAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | STRAWBRYPT |
| IA | STRTIACO | QWEST CORPORATION | STUART |
| IA | STWDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | STANWOOD |
| IA | SWCYIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | SWEA CITY |
| IA | SWDLIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | SWALEDALE |
| IA | SXCYIADT | QWEST CORPORATION | SIOUX CITY |
| IA | SXCYIALD | QWEST CORPORATION | SIOUX CITY |
| IA | SXCYIAMS | QWEST CORPORATION | SIOUX CITY |
| IA | TFFNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | TIFFIN |
| IA | THRMIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | THURMAN |
| IA | THTNIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | THORNTON |
| IA | TNGLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | TINGLEY |
| IA | TOLDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | TOLEDO |
| IA | TPTNIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | TIPTON |
| IA | TRACIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | TRACY |
| IA | TRARIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | TRAER |
| IA | TRMLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | TROY MILLS |
| IA | TRYNIAXO | FRONTIER COMMUNICATIONS OF IOWA, INC. | TREYNOR |
| IA | UNWDIACO | QWEST CORPORATION | UNDERWOOD |
| IA | VNMTIACO | QWEST CORPORATION | VAN METER |
| IA | VNTNIACO | QWEST CORPORATION | VINTON |

| | | | |
|----|----------|--|------------|
| IA | WASHIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | WASHINGTON |
| IA | WAUKIACO | QWEST CORPORATION | WAUKEE |
| IA | WBCYIATC | QWEST CORPORATION | WEBSTER CY |
| IA | WCHSIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | W CHESTER |
| IA | WHNGIACO | QWEST CORPORATION | WHITING |
| IA | WHTNIACO | QWEST CORPORATION | ARNOLDS PK |
| IA | WLBGIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | WILLIAMSBG |
| IA | WLCTIACO | QWEST CORPORATION | WALCOTT |
| IA | WLKRIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | WALKER |
| IA | WLMSIACO | QWEST CORPORATION | WILLIAMS |
| IA | WNFDIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | WINFIELD |
| IA | WNTRIACO | QWEST CORPORATION | WINTERSET |
| IA | WOTNIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH | WORTHINGTN |
| IA | WPLLIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. | WAPELLO |
| IA | WSBGIAXO | WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS | WELLSBURG |
| IA | WSPNIAXP | WINDSTREAM IOWA COMMUNICATIONS, INC. | WEST POINT |
| IA | WTRLIADT | QWEST CORPORATION | WATERLOO |
| IA | WTRLIAWS | QWEST CORPORATION | WATERLOO |
| IA | WUNNIACO | QWEST CORPORATION | WEST UNION |
| IA | WVRLIACO | QWEST CORPORATION | WAVERLY |

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TELECOMMUNICATIONS & CABLE

OCTOBER 24, 2012

This matter comes before the Public Service Commission of South Carolina (the “Commission”) and concerns the above captioned May 16, 2012, Application of Boomerang Wireless, LLC (“Boomerang”) for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of South Carolina for the limited purpose of offering Lifeline service to qualified households (the “Application”).

For the reasons explained in this Order, the Commission has concluded that the Application should be approved and that designation of Boomerang as an ETC on the terms provided in this order would serve the public interest.

The present proposal to designate Boomerang as an ETC is presented to the Commission on the Application and the verified testimony of James T. Balvanz, the Chief Financial Officer of Boomerang Wireless, LLC. A Stipulation entered into between Boomerang and the Office of Regulatory Staff (“ORS”) was filed with the Commission on August 29, 2012.

The Applicant in this matter was represented by Bonnie D. Shealy, Esquire; the ORS was represented by Nanette S. Edwards, Esquire. As directed by the Commission, notice of the filing of the Application was published and timely proof of publication was provided. No petitions to intervene were filed in this matter. ORS is a party pursuant to statute.

The Stipulation recommends that Boomerang be designated as an ETC for the limited purpose of providing Lifeline service to qualified households in accordance with the terms of the Stipulation. The Stipulation has been filed in the record.

On August 29, 2012, Boomerang also filed a Motion to Waive Hearing and for Expedited Consideration, requesting that the Commission waive the hearing, admit all prefiled testimony and exhibits into the record, grant expedited consideration of the Application, and approve the Application. The Commission finds that the record before it is sufficient to allow a final determination in this matter and that the interests of judicial economy are served by waiving the hearing and granting expedited consideration.

ANALYSIS

Section 214(e)(2)(e) of the Telecommunications Act of 1996 (the “Act”) authorizes state commissions to designate common carriers that meet the requirements as ETCs.¹ Section 103-690 of the S.C. Code Ann. Regs. provides that the Commission will fulfill its responsibility to designate common carriers as ETCs and establishes the requirements that an applicant must meet in order to be designated an ETC.²

¹ 47 U.S.C. Section 214(e)(2).

² See S.C. Code Reg. Section 103-690C.

As demonstrated in the Application, the testimony, the Stipulation, and the company's Compliance Plan, Boomerang satisfies all the relevant requirements for designation as an ETC specified in Sections 254 and 214 of the Act and Section 103-690 of the S.C. Code Ann. Regs. Boomerang is (i) a common carrier as defined by 47 U.S.C. Section 153(10), (ii) offers all the supported services,³ (iii) uses its own facilities to provide the services, and (iv) offers service throughout its designated service area. Additionally, it has been demonstrated that following designation, Boomerang will (v) advertise the availability of its Universal Service offerings and charges through media of general distribution, specifically its Lifeline services throughout its ETC service area, and will provide notices at local unemployment, social security and welfare offices in satisfaction of S.C. Code Ann. Regs. Sections 103-690.1E(a)(1) and 103-690.1E(b)(1), (vi) make Lifeline service available to qualifying low-income consumers without requiring a service deposit in order to initiate Lifeline service if the consumer elects toll limitation services, will not charge such customer a monthly number portability charge, will verify annually that its Lifeline customers meet the qualifications, and will provide sixty (60) days notice to customers which it believes no longer qualify for Lifeline service,⁴ (vii) certify that it complies with the service requirements applicable to the support it receives, (viii) be able to remain functional in emergency situations,⁵ (ix) satisfy consumer protection and service quality standards which are set forth in the CTIA Consumer Code as described in the Application including annual certification of its compliance and reporting of consumer complaints in accordance with S.C. Code Ann.

³ 47 U.S.C. Section 254(c); 47 C.F.R. Section 54.101(a); and S.C. Code Reg. Section 103-690C(a).

⁴ See S.C. Code Ann. Regs. Section 103.690.1E(a)-(b).

⁵ S.C. Code Ann. Regs. Section 103-690(C)(a)(2).

Regs. Sections 103-690(C)(1)(a)(C)(3) and 103-690.1B(b)(4), (x) provide Lifeline local usage plans comparable to the incumbent local exchange carriers already operating in the area, (xi) comply with applicable reporting requirements including, but not limited to, annual progress reports required in S.C. Code Ann. Regs. Section 103-690.1, annual certification that it is able to remain functional in emergency situations required by S.C. Code Ann. Regs. Section 103-690.1B(b)(2) and annual outage reporting requirements of S.C. Code Ann. Regs. Section 103-690(B)(b)(2), and (xii) as explained below, take steps to limit fraud, waste and abuse in the federal universal fund programs.

On February 6, 2012, the FCC adopted comprehensive reforms to the low-income program to revise the Lifeline service requirements.⁶ In the Lifeline Reform Order, the FCC adopted specific reforms attempting to limit fraud, waste and abuse in the low-income program. Boomerang commits to compliance with the rules as they are applicable.

Section 103-690C(b) of the S.C. Code Ann. Regs. provides that, in determining whether an ETC designation is in the public interest, the Commission must consider, *inter alia*, the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering.

Considering all factors, the Commission determines that it is in the public interest that the Commission grant Boomerang ETC designation for the limited purpose of providing Lifeline service.

⁶ *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11, released February 6, 2012. ("Lifeline Reform Order").

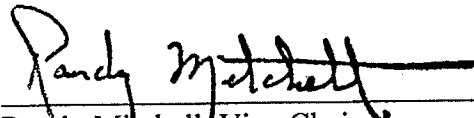
IT IS THEREFORE ORDERED THAT:

- I. The Testimony and Stipulation are accepted into the record without objection.
- II. The Applicant's Motion to Waive the Hearing and Expedite Consideration is granted.
- III. Boomerang Wireless, LLC is hereby designated as an ETC for the limited purpose of providing Lifeline service as requested in the Application on the terms provided in the Stipulation.

BY ORDER OF THE COMMISSION:


David A. Wright, Chairman

ATTEST:


Randy Mitchell Vice Chairman
(SEAL)



Louisiana Public Service Commission

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10-24-12 Open Session

Date Received: 10/24/2012

Filing Date: 10/24/2012

Tracking Number: F12-08586

Filed By:

Means Received: Staff

Synopsis: On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff Recommendation and designate Boomerang Wireless, LLC as an ETC on a wireless basis in the non-rural portions of Louisiana for the limited purpose of qualifying for federal low income/Lifeline support.

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ATTACHMENT A



Louisiana Public Service Commission

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Deputy Undersecretary

COMMISSIONERS

Foster L. Campbell, Chairman
District V
Jimmy Field, Vice Chairman
District II
Lambert C. Boissiere III
District III
Eric F. Skrmetta
District I
Clyde C. Holloway
District IV

October 10, 2012

Ms. Terri Lemoine Bordelon
Louisiana Public Service Commission
P.O. Box 91154
Baton Rouge, LA 70821-9154

2012 OCT 10 11:46:10
LA PUBLIC SERVICE
COMMISSION

Re: Docket No. S-32441, Boomerang Wireless, LLC, ex parte. Application for Designation as an Eligible Telecommunications Carrier on a Wireless Basis (Low Income Only).

Dear Ms. Bordelon:

Attached is an original and two (2) copies of the Recommendation of Staff. Please file this document into the official record for the above-listed docket.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Kabel".

Stephen Kabel
Staff Attorney

Enclosure

cc: S-32441 Service List
w/enclosure

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

BOOMERANG WIRELESS, LLC

DOCKET NO. S-32441

EX PARTE

2012 OCT 10 PM 4
LA PUBLIC SERVICE COMMISSION

In re: Application of for Designation as an Eligible Telecommunications Carrier on a Wireless Basis (Low Income Only).

RECOMMENDATION OF STAFF

Nature of the Case

On July 5, 2012, Boomerang Wireless, LLC (“Boomerang” or “the Company”) filed an application with this Commission seeking designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to 47 U.S.C. § 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ in those areas served by the non-rural ILEC, i.e. AT&T, in Louisiana.² Boomerang specified in its petition that it is applying for ETC designation “for the purpose of receiving federal low-income universal service support for prepaid wireless services, specifically Lifeline” and that it “does not at this time seek ETC designation (1) for the purpose of receiving federal universal service support for providing service to high-cost areas or (2) on a wireline basis[.]”³

The Act provides that state commissions, upon request and consistent with the public interest, convenience, and necessity, may in an area served by a rural telecommunications carrier, and *shall* in all other areas, designate more than one common carrier as an ETC for a service area designated by the state commission if the carrier meets the requirements of the Act.

¹ 47 U.S.C. § 214(e) (2).

² For reasons discussed *infra*, Boomerang filed an Amendment to Application for Designation as An Eligible Telecommunications Carrier on a Wireless Basis on September 14, 2012 that clarified that Boomerang is seeking ETC designation only for those exchanges in the “non-rural” service area throughout the State of Louisiana.

³ Emphasis in original

Jurisdiction and Applicable Law

The Louisiana Public Service Commission (“Commission”) exercises jurisdiction over public utilities in Louisiana pursuant to the Louisiana Constitution Article IV, Section 21(B), which states:

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

The Commission is given broad power to regulate telephone utilities and may adopt all reasonable and just rules, regulations, and orders affecting or connected with the service or operation of such business.

Pursuant to the Act, state commissions are given the authority to designate those common carriers that meet the service requirements found in 47 C.F.R. § 54.101 as ETCs entitling them to universal service support in accordance with 47 U.S.C. § 254. In its recent *USF/ICC Transformation Order*,⁴ as further clarified by the *USF/ICC Order on Reconsideration*,⁵ the Federal Communications Commission (“FCC”) recently eliminated its former list of nine supported services and amended section 54.101(a) of its rules to specify that “voice telephony service” is supported by the federal universal service mechanisms.

⁴ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 F.C.C.R. 27663 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”).

⁵ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Order on Reconsideration, FCC 11-189 (rel. Dec. 23, 2011) (“*USF/ICC Order on Reconsideration*”).

The amended service requirements enumerated in 47 C.F.R. § 54.101(a) are as follows:

(a) Services designated for support. Voice Telephony services shall be supported by federal universal service support mechanisms. Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.

47 C.F.R. § 54.101(b) then explicitly states that “An eligible telecommunications carrier must offer voice telephony service as set forth in paragraph (a) of this section in order to receive federal universal service support”

Under 47 C.F.R. § 54.201(d), a common carrier seeking ETC status must offer all of the above services and must advertise the availability of such services using media of general distribution. Section 214(e)(1) of the Act further provides that an ETC must offer service using its own facilities or a combination of its own facilities and resale of another carrier's services. Accordingly, pursuant to 47 C.F.R. § 54.201(i), state commissions generally cannot designate as an ETC a carrier that offers services supported by federal universal service support mechanisms exclusively through resale of another carrier's service. However, in its *Lifeline Reform Order*,⁶ the FCC decided to forbear, on its own motion, from applying the facilities requirement of Section 214(e)(1)(A) of the Act to any telecommunications carrier that seeks limited ETC designation to participate in the Lifeline program, conditioned on the ETC's compliance with

⁶ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“Lifeline Reform Order”).

certain 911 requirements and the ETC's filing with and approval by the FCC of a compliance plan describing the ETC's adherence to certain protections prescribed by the FCC.

Background and Procedural History

The Commission has previously designated ETC status to the following carriers serving non-rural service areas: Sprint Corporation,⁷ Alltel Communications Wireless, Inc.,⁸ Cox Communications,⁹ LBH, LLC,¹⁰ VCI Company,¹¹ Nexus Communications,¹² ABC Telecom,¹³ Image Access,¹⁴ BLC Management,¹⁵ dPi,¹⁶ Everycall Communications, Inc.,¹⁷ Tennessee Telephone Services, L.L.C.,¹⁸ Triarch Marketing d/b/a Triarch Communications,¹⁹ Fast Phones, Inc.,²⁰ TracFone Wireless, Inc. ("TracFone"),²¹ and Affordable Phone Services, Inc.²²

On July 5, 2012 Boomerang filed this request for designation as an ETC carrier within the territory of AT&T, a non-rural carrier for the sole purpose of providing Lifeline service to qualifying Louisiana customers. Notice of the request was published in the Commission's Official Bulletin dated July 20, 2012, with an intervention period of twenty-five (25) days. On August 14, 2012 the Small Company Committee of the Louisiana Telecommunications

⁷ LPSC Order No. U-28009.

⁸ LPSC Special Order No. 27-2006.

⁹ LPSC Order No. U-26437.

¹⁰ LPSC Special Order No. 43-2006.

¹¹ LPSC Special Order No. 3-2007.

¹² LPSC Order No. S-30699.

¹³ LPSC Order No. S-30601.

¹⁴ LPSC Order No. S-30637.

¹⁵ LPSC Order No. S-30589.

¹⁶ LPSC Order No. S-30502.

¹⁷ LPSC Order No. S-30891.

¹⁸ LPSC Order No. S-30982.

¹⁹ LPSC Order No. S-31003.

²⁰ LPSC Order No. S-31090.

²¹ LPSC Order No. S-31097.

²² LPSC Order No. S-31222.

Association (“SCC”), on behalf of itself and each of its members,²³ filed notice of intervention pursuant to Rule 10 of this Commission’s Rules of Practice and Procedure. This matter was thereafter converted from an “S” docket to a “U” docket.

In its Notice of Intervention, the SCC observed that Boomerang’s Application stated that Boomerang sought ETC designation in only the non-rural areas of Louisiana, but that the list of exchanges enumerated in Boomerang’s application included exchanges and service areas of several SCC members (that is, rural areas). The SCC then stated that Boomerang should be subject to and comply with the requirements of Commission General Order No. R-27841 (May 20, 2004), and should be subject to comply with the conditions included in Commission Order Nos. S-31097²⁴ and S-31282.²⁵

A status conference was conducted before Administrative Law Judge Valerie Seal Meiners on September 6, 2012, at which time Counsel for Boomerang announced that Boomerang would amend its application to specify that Boomerang is only seeking ETC designation in non-rural areas. Counsel for the SCC represented that the SCC would withdraw its opposition once Boomerang amended its application to remove the SCC members’ rural service areas from the areas in which Boomerang is seeking ETC designation.

On September 14, 2012, Boomerang filed an Amendment to Application for Designation as an Eligible Telecommunications Carrier, stipulating to the above-listed commitments in

²³ The members of the SCC that participated in this docket were: Cameron Telephone Company, LLC; Campti-Pleasant Hill Telephone Co., Inc.; CenturyTel of Chatham, LLC; CenturyTel of Central Louisiana, LLC; CenturyTel of East Louisiana, LLC; CenturyTel of Evangeline, LLC; CenturyTel of North Louisiana, LLC; CenturyTel of Northwest Louisiana, Inc.; CenturyTel of Ringgold, LLC; CenturyTel of Southeast Louisiana, Inc.; CenturyTel of Southwest Louisiana, LLC; Delcambre Telephone Co., LLC; East Ascension Telephone Co., LLC; Elizabeth Telephone Company, LLC; Kaplan Telephone Co., Inc.; Lafourche Telephone Co., Inc.; Northeast Louisiana Telephone Co., Inc.; Reserve Telephone Co., Inc.; and Star Telephone Co., Inc.

²⁴ Docket No. S-31097, TracFone Wireless, Inc., ex parte. *In re: Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Louisiana for the Limited Purpose of Offering Lifeline Service to Qualified Households.*

²⁵ Docket No. S-31282, Virgin Mobile USA, L.P., ex parte. *Docket Number S-31282 In re: Virgin Mobile USA, L.P., ex parte. In re: Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of Louisiana by Virgin Mobile USA, L.P.*

addition to the previous commitments, limitations and requests included in the Company's original Petition.

On September 21, 2012, Boomerang submitted a second Revised Exhibit "A" that removed one additional exchange from the list of exchanges for which Boomerang is seeking ETC designation. On the same day, the SCC submitted a Non-Opposition to Boomerang's Amended Application, in which the SCC requested that the instant matter be reverted to Staff Level for conclusion. Because no disputed issue remained between Staff, Boomerang or the SCC, Staff and the Company filed a Motion to Revert to Staff Level Proceeding on October 1, 2012. On October 10, 2012 Administrative Law Judge Finnegan issued a Ruling on Motion to Revert to Staff Level Proceeding, granting the parties' Motion and reverting the instant matter to an uncontested Staff level proceeding that would thereafter be classified as an "S" docket.

Staff Recommendation

In the course of reviewing the Company's application, Staff issued one set of data requests to Boomerang regarding the Company's affiliate companies and its history of regulatory compliance in other jurisdictions. Boomerang's responses were submitted to Staff under seal on August 22, 2012. After reviewing Boomerang's application and the confidential responses to Staff's data requests, Staff is of the opinion that the request should be granted and Boomerang should be designated as an ETC on a wireless basis for the sole purpose of obtaining federal low income/Lifeline universal service fund support in the non-rural service area throughout the State of Louisiana.

In its Report and Order released March 17, 2005, FCC Docket No. 96-45, the FCC instructed states to conduct a public interest analysis regardless of whether the area sought is rural or non-rural. In its review, Staff has concluded that the designation of Boomerang as an

ETC would be in the public interest, as the request is very similar to those previously granted by the Commission, particularly those involving CLECs. Boomerang has represented that it is able to and will provide all of the services supported by universal service (as defined by 47 C.F.R. § 54.101(a)), and that it will advertise the availability of those services using media of general distribution. Staff notes that Boomerang's request should be granted particularly because Boomerang's compliance program has been approved by the FCC. In its recent *Lifeline Reform Order*, the FCC adopted specific requirements for Lifeline advertising that a Company must provide in order to receive low cost Lifeline universal service support:

- Explain in clear, easily understood language that the service offered is a Lifeline service;
- Explain that only eligible consumers may enroll in the Lifeline program;
- Explain that documentation is necessary for enrollment;
- Explain that the program is limited to one benefit per household, consisting of either wireline or wireless service;
- Explain that Lifeline is a government program;
- Explain that consumers who willfully make false statements in order to obtain benefits can be punished by fine or imprisonment, or can be barred from the program;
- Disclose the company name under which the telecommunications service provider does business; and
- Disclose the details of its Lifeline service offerings in any Lifeline-related marketing and advertising.²⁶

Boomerang's compliance plan was approved by the FCC on August 8, 2012, and so Staff is of the opinion that designation of Boomerang as an ETC on a wireless basis for the purpose of receiving low income/Lifeline federal universal service support in the non-rural service areas of Louisiana would be in the public interest. And because Boomerang's service area will be limited to the non-rural portions of Louisiana, the designation of Boomerang as an ETC on a wireless basis for the sole purpose of receiving federal low income/Lifeline universal service fund support will have no impact on the definition of local exchange carrier service areas. Finally, as Lifeline

²⁶ *Lifeline Reform Order* at 121, ¶ 275.

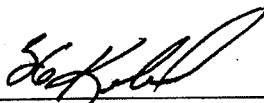
funds are designed only to lower the costs of telecommunications services on an eligible per-customer basis, the designation of Boomerang as an ETC will have no impact on the size of the universal service fund.

Accordingly, Staff recommends that Boomerang be designated as an ETC on a wireless basis in the non-rural service areas of Louisiana for the limited purpose of obtaining federal low income/Lifeline universal service fund support.

Conclusion

For the reasons stated above, Staff finds that Boomerang has met the requirements of the Act for designation as an ETC in the non-rural portions of Louisiana for the limited purpose of qualifying for federal low income/Lifeline support. Therefore, Staff recommends that Boomerang be designated as an ETC on a wireless basis in the non-rural portions of Louisiana for the limited purpose of qualifying for federal low income/Lifeline support.

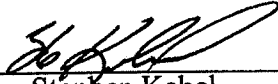
Respectfully Submitted:



Stephen Kabel (#30209)
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via email and/or U. S. Mail, to the docket number S-32441 service list this 10th day of October, 2012.



Stephen Kabel

Service List for U-32441
as of 10/10/2012

Commissioner(s)

Lambert C. Boissiere, Commissioner
Eric Skrmetta, Commissioner
James "Jimmy" Field, Commissioner
Clyde C. Holloway, Commissioner
Foster L. Campbell, Commissioner

LPSC Staff

Pam Meades, LPSC Utilities Division
Stephen Kabel, LPSC Legal Division

Applicant:

Boomerang Wireless, LLC

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Email: agipson@joneswalker.com; Fax:(601)949-4804; Telephone 1:(601)949-4900;

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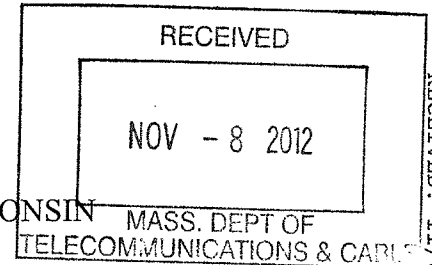
Small Company Committee

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DATE MAILED
Nov 01, 2012

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Public Service Commission of Wisconsin
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PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Boomerang Wireless, LLC for Designation as an Eligible
Telecommunications Carrier

647-TI-100

FINAL DECISION

This is the Final Decision in the investigation to determine whether to designate Boomerang Wireless, LLC (Boomerang), as an Eligible Telecommunications Carrier (ETC), pursuant to 47 U.S.C. § 214(e)(2) and Wis. Stat. § 196.218(4)(b). Designation as an ETC makes a provider eligible to receive federal and, sometimes, state Universal Service Fund (USF) monies. Boomerang sought designation solely for the purpose of receiving federal USF support for the Lifeline low-income program. This Final Decision addresses Boomerang's request for designation as a Lifeline-only ETC.

Introduction

Boomerang filed a petition for designation as an ETC on August 17, 2012.¹ The Commission issued a notice requesting comments on October 4, 2012, with comments due on or before October 12, 2012. No comments were filed.

Boomerang requested ETC designation for the entirety of the service territories served by Sprint and Verizon Wireless. Boomerang has received Federal Communications Commission (FCC) forbearance from the requirement that it provide service, at least in part, over its own facilities.²

¹ A copy of the application can be found on the Commission's Electronic Regulatory Filing System (ERF) under PSC REF # 170345. Additional application information can be found in ERF under docket number 647-TI-100.

² Boomerang's compliance plan is attached to the company's application.

Findings of Fact

1. Boomerang is a commercial mobile radio service provider (wireless provider) serving portions of Wisconsin.
2. Boomerang will not seek high cost support from the federal USF.
3. Boomerang will not seek universal service support from the Wisconsin USF.
4. Boomerang has committed to providing voice grade service to all requesting customers, and to advertising the availability of its service, in the wire centers and throughout the exchanges in which it provides service, as required under 47 U.S.C. § 214(e).
5. Boomerang has an approved compliance plan, and is therefore covered by the FCC waiver of the “own facilities” requirement in 47 U.S.C. § 214(e)(1)(A).
6. Boomerang has committed to provider service throughout its service territory, by resale of wireline service if cellular service is unavailable.
7. It is reasonable to designate Boomerang as an ETC for the purpose of receiving Lifeline support from the federal USF.

Conclusions of Law

The Commission has jurisdiction and authority under Wis. Stat. §§ 196.016, 196.02 and 196.218; 47 U.S.C. §§ 214 and 254; other pertinent provisions of Wis. Stat. ch. 196; and the Telecommunications Act of 1996 to make the above Findings of Fact and to issue this Final Decision.

Opinion

ETC status was created by the Telecommunications Act of 1996 and codified in 47 U.S.C. § 214(e)(2). Under federal statutes and FCC rules, 47 U.S.C. § 214(e)(2) and 47 C.F.R.

§ 54.201(b), state commissions designate providers as ETCs. Designation as an ETC is required if a provider is to receive federal universal service funding.

Boomerang is requesting designation as an ETC under Wis. Stat. § 196.218(4)(b), which was created by 2011 Wisconsin Act 22 (Act 22). This section states:

(b) . . . if a commercial mobile radio service provider is designated or seeks designation as an eligible telecommunications carrier pursuant to 47 USC 214 (e) for the purpose of federal universal service funding and not for the purpose of state universal service funding, the commercial mobile radio service provider is not subject to any eligible telecommunications carrier requirements imposed by the commission and shall be subject only to the eligible telecommunications carrier requirements imposed by 47 USC 214 (e) (1) and regulations and orders of the federal communications commission implementing 47 USC 214 (e) (1).

This statutory section allows particular types of providers, namely wireless providers that are not seeking access to any state USF dollars, to be subject only to the requirements imposed by the FCC.³

Boomerang is a wireless provider. Boomerang has stated that it will neither seek nor receive funding from the state USF. Boomerang therefore meets the requirements to be designated as an ETC under the provisions of Wis. Stat. § 196.218(4)(b).

The FCC has determined that an applicant should be designated as an ETC only where such designation serves the public interest, regardless of whether the area where designation is sought is served by a rural or non-rural provider.⁴ The Commission finds, however, that the application of Wis. Stat. § 196.218(4)(b) renders the need for a public interest determination in this docket effectively moot.

³ The FCC has ETC designation requirements in its rules because, under some circumstances, the FCC designates ETCs rather than a state commission. The FCC's requirements are found at 47 C.F.R. § 54.201, *et seq.*

⁴ *In the Matter of Federal-State Joint Board on Universal Service*, 20 F.C.C.R. 6371, 6373, ¶ 3 (2005).

Nonetheless, under Wis. Stat. § 196.218(4)(b), Boomerang is required to establish that it meets the requirements of 47 U.S.C. § 214(e)(1) and the regulations and orders implementing the federal statute. Boomerang has, in its filings to the Commission, shown that it meets the federal requirements for ETC designation, and has committed to abiding by the ongoing federal requirements placed on ETCs.

Boomerang has requested designation as an ETC for the entirety of the service territories served by Sprint and Verizon Wireless, and is requesting designation only for the purposes of Lifeline support. As a result, considerations of cream-skimming and congruence with incumbent service territories are not necessary.

Given Boomerang's compliance with the federal requirements, the Commission designates Boomerang as an ETC for the purpose of receiving Lifeline support. This designation is contingent on Boomerang not requesting state universal service funding. If Boomerang seeks state funding, or no longer qualifies as a wireless provider, it will need to apply for new designation. This designation will continue in force until the Commission takes action on any such reapplication.

Order

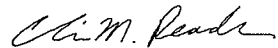
1. Boomerang is designated as an ETC, for the purpose of receiving federal USF Lifeline support, in the entirety of the service territories served by Sprint and Verizon Wireless.
2. Boomerang is an ETC within the meaning of 47 U.S.C. § 214(c), and is eligible to receive federal USF funding for Lifeline service pursuant to 47 U.S.C. § 254(e). This Final Decision constitutes the Commission's certification to that effect.

Docket 647-TI-100

3. This designation is contingent on Boomerang not requesting state universal service funding, and on providing service as a wireless provider.
4. Jurisdiction is maintained.
5. This Final Decision is effective the day after mailing.

Dated at Madison, Wisconsin, October 25, 2012

For the Commission:



Chris Reader, Administrator
Telecommunications Division

SJP: DL:00603386 647-TI-100 ETC Order and Decision.docx

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of mailing of this decision, as provided in Wis. Stat. § 227.49. The mailing date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of mailing of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of mailing of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission mailed its original decision.⁵ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

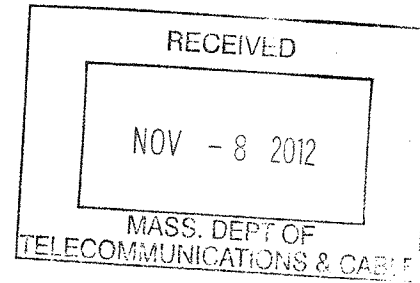
If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: December 17, 2008

⁵ See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

Entered: October 31, 2012



CASE NO. 12-0825-C-PC

BOOMERANG WIRELESS, LLC

Petition for consent and approval to be designated
as an eligible telecommunications carrier.

RECOMMENDED DECISION

This Order grants the petition.

On June 18, 2012, Boomerang Wireless, LLC (Boomerang), filed a petition seeking designation as an Eligible Telecommunications Carrier (ETC) for wireless service only, for the purpose of receiving federal universal service funds for providing wireless support to low-income customers.

On August 2, 2012, the Commission referred the matter requiring a decision on or before January 14, 2013.

On October 23, 2012, Staff recommended granting the designation to Boomerang for the purpose of participating in the lifeline program and not the high-cost programs.

DISCUSSION

Boomerang's petition for designation as an eligible telecommunication carrier for wireless service only should be approved for the purpose of participating in the lifeline program. The proposed tariff submitted by Boomerang on September 24, 2012, should be approved, and Boomerang should file an official tariff with the Commission's tariff office.

FINDINGS OF FACT

1. Boomerang petitioned the Commission for designation as an ETC for wireless service only, for the purpose of providing lifeline service to qualifying low-income customers in West Virginia throughout the Sprint and Verizon wireless territories. (Application and Staff filing of October 23, 2012).

2. Staff recommended that the Commission designate Boomerang as an ETC on a wireless basis for the provision of lifeline service throughout Verizon and Sprint's wireless territories in West Virginia. (Id.).

3. Boomerang customers will receive a free telephone and additional features such as Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Voicemail. (Staff filing of October 23, 2012).

4. The Federal Communication Commission (FCC) approved Boomerang's request to forbear the FCC's facilities requirement. (See Public Notice of approval issued August 8, 2012, by FCC filed by Boomerang on August 9, 2012).

5. Boomerang will advertise the availability of its program in a manner likely to reach those who qualify for service. (Staff filing of October 23, 2012).

6. Boomerang will provide voice-grade access to the public switched telephone network or its functional equivalent. (Id.).

7. Boomerang will provide free minutes of use for local service. (Id.).

8. Boomerang's customers will have access to 911 and E911 services, where available. (Id.).

9. All of Boomerang's services for which it is seeking United Service Fund reimbursement are prepaid. (Id.).

10. Boomerang pledged to comply with the Cellular Telecommunications and Internet Association's Consumer Code. (Id.).

11. Boomerang maintains the ability to remain functional during emergencies and has access to a reasonable amount of back-up power, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergencies. (Id.).

12. Boomerang generates substantial revenue from non-lifeline services and has access to capital from its investors. Boomerang currently provides wireless service to more than 350,000 subscribers. Boomerang will not rely exclusively on lifeline reimbursement for its operating revenue. (Id.).

13. Boomerang has not been subject to enforcement sanctions or ETC revocation proceedings in any state. (Id.).

14. Boomerang has the expertise necessary to provide the services required of an ETC. (Id.).

15. Boomerang will not charge an initiation fee and its customers will incur no contractual obligations to continue service. (Id.).

16. Boomerang does not seek designation to receive reimbursement from the high-cost fund. (Id.).

17. Customers may purchase additional minutes in denominations of \$7.00, \$20.00 and \$30.00, with a \$7.00 purchase providing 100 minutes and 10 days of usage; the \$20.00 purchase providing 500 minutes and 30 days of usage; and the \$30.00 purchase providing 1,000 minutes and 30 days of usage. (Staff filing of October 23, 2012).

18. Eligible customers qualifying for the lifeline program will received either 125 minutes which rollover into the next month, or 250 minutes with no rollover. (Id.).

19. Boomerang's service allows texting, and 1 text equals 1 minute of usage. (Id.).

CONCLUSIONS OF LAW

1. Boomerang has demonstrated that it is a common carrier capable of offering and advertising all of the service offerings set forth in §214(e) of the Telecommunications Act of 1996, as amended, throughout the designated service areas for the sole purpose of providing lifeline services on a wireless basis to all qualifying customers who request such services Sprint and Verizon's wireless territory in West Virginia.

2. Boomerang should be designated as an ETC to provide lifeline services to all qualifying customers who request such services in Sprint and Verizon's West Virginia territory. The ETC status does not apply to linkup or high cost USF reimbursement.

3. It is reasonable to require the Executive Secretary to provide the FCC and the Universal Service Administration Company a certified copy of this Order designating Boomerang as an ETC to provide lifeline services to all qualifying customers who request such service in Spring and Verizon's West Virginia wireless territories, but that Boomerang will not seek access to funds from the Federal Universal Service Fund for the purpose of providing service to high-cost localities or for the provision of linkup service.

4. It is reasonable to require that Boomerang publish notice of the granting of its petition for designation as an ETC, solely to provide lifeline services to all qualifying customers who request such services in Sprint and Verizon's West Virginia wireless territories as a Class I Legal Advertisement, one time each in qualified newspapers, published and of general circulation in each of the nineteen cities designated for statewide legal publications.

ORDER

IT IS, THEREFORE, ORDERED that the application filed by Boomerang Wireless, LLC, on June 18, 2012, under §214(e)(2) of the Telecommunications Act of 1996, as amended, seeking designation as an Eligible Telecommunications Carrier for the sole purpose of providing wireless lifeline service to qualifying low-income West Virginia customers in the Sprint and Verizon West Virginia wireless territories, be, and hereby is, approved, provided that Boomerang provides all the services outlined in its application and further filings. The ETC designation does not authorize Boomerang to seek high-cost fund support from the Universal Service Fund or USF support for the provision of linkup service.

IT IS FURTHER ORDERED that the Executive Secretary provide the Federal Communications Commission and the Universal Service Administration Company a certified copy of this Order designating Boomerang Wireless, LLC, as an Eligible Telecommunications Carrier solely for the purpose of providing lifeline services to all qualifying customers who request such service in the Verizon and Sprint West Virginia wireless territories. Boomerang Wireless, LLC, will not seek access to funds from the Federal Universal Service Fund for the purpose of providing service to high-low cost localities or for the purpose of providing linkup service.

IT IS FURTHER ORDERED that Boomerang Wireless, LLC, publish the Notice of ETC Status attached as Appendix A, as a Class I Legal Advertisement, one time each in qualified newspapers published and of general circulation in each of the nineteen cities designated for statewide legal publications. Boomerang shall provide the Commission appropriate affidavits upon publication.

IT IS FURTHER ORDERED that the proposed tariff filed by Boomerang Wireless, LLC, on September 24, 2012, be, and hereby is, approved. Boomerang shall file an original and five (5) copies of the tariff within thirty (30) days of the date that this decision becomes final.

IT IS FURTHER ORDERED that the matter be removed from the open docket.

IT IS FURTHER ORDERED that the Executive Secretary is hereby ordered to serve a copy of this order upon the Commission by hand delivery, and by electronic service upon all parties of record who have filed an e-service agreement with the Commission and by United States Certified Mail, return receipt requested, upon all parties of record who have not filed an e-service agreement with the Commission.

Leave is hereby granted to the parties to file written exceptions supported by a brief with the Executive Secretary of the Commission within fifteen (15) days of the date this order is mailed. If exceptions are filed, the parties filing exceptions shall certify to the Executive Secretary that all parties of record have been served the exceptions.

If no exceptions are so filed this order shall become the order of the Commission, without further action or order, five (5) days following the expiration of the fifteen (15) day time period, unless it is ordered stayed by the Commission.

Any party may request waiver of the right to file exceptions to an Administrative Law Judge's order by filing an appropriate petition in writing with the Secretary. No such waiver will be effective until approved by order of the Commission.



Keith A. George
Administrative Law Judge

KAG:bam
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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 12-0825-C-PC

BOOMERANG WIRELESS, LLC

Petition for consent and approval to be designated
as an eligible telecommunications carrier.

NOTICE OF ETC STATUS

On June 18, 2012, Boomerang Wireless, LLC, a public telephone utility, filed a petition with the Public Service Commission, pursuant to §214(e)(2) of the Telecommunications Act of 1996, as amended, seeking designation as an Eligible Telecommunications Carrier (ETC) throughout the Verizon and Sprint West Virginia wireless territories for the purpose of receiving Federal Universal Fund support for providing wireless lifeline services. Boomerang meets all the necessary qualifications to be designated as an ETC under the act solely to provide services under the lifeline program. Boomerang's offer includes providing handsets at no cost to subscribers. Boomerang's proposal would benefit wireless customers by increasing customers' competitive choices.

According to the Commission's guidelines, a carrier seeking ETC status must advertise, on a quarterly basis, in media targeted to the general residential market throughout the carrier's service areas and substantially similar to the media in which the serving incumbent local exchange carrier advertises its service in a particular service area.

Also, a carrier seeking ETC status must offer those supporting services required by §214(e)(2). These services include: voice-grade access to the public switched telephone network; local usage; dual-tone multi-frequency signaling and/or its functional equivalent; single-party service and/or its functional equivalent; access to emergency services; access to operator services; access to interexchange services; access to directory assistance; and toll limitation for qualifying low-income subscribers. Boomerang is capable of providing all of these required service offering and is currently offering them in its service territory. By Recommended Decision entered on October 31, 2012, Boomerang's petition was granted. Boomerang will provide these services under the name Boomerang Wireless, LLC.

This Notice is being provided in accordance with the Commission's requirements and is not for the purpose of seeking public comment or protest.

BOOMERANG WIRELESS, LLC