

Boomerang Wireless LLC d/b/a enTouch Wireless

Docket No.: TC13-035

Staff Information Request #1

June 3, 2013

PUBLIC VERSION

- 1-1) Do enTouch Wireless's service agreements with underlying carriers include provisions that identify enTouch Wireless's customers will have the same ability to remain functional in emergency situations as the underlying carrier's customers? If so, please provide an example of the language used in order to *demonstrate* that enTouch Wireless meets the requirements set forth in ARSD 20:10:32:43.03 and 47 CFR §54.202(a)(3). If not, how is enTouch Wireless certain that their customers will receive similar service as the underlying carrier's customers during emergency situations?

RESPONSE: enTouch Wireless' agreements with underlying carriers provide specifically, by way of example, as follows:

"Services will be of a quality or clarity comparable to respective services provided by [Underlying Carrier] to Customers in the same or substantially similar [Underlying Carrier] Network operating environment."

As such, enTouch customers receive comparable emergency situation functional equivalent to that of the underlying carrier(s).

- 1-2) Does enTouch Wireless have policies in place to comply with the various consumer protection and service quality standards as identified in paragraph 30 of the application?

RESPONSE: Yes. enTouch has policies to comply with state and federal regulations regarding Customer Proprietary Network Information, Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service, and regulatory reporting requirements including those related to consumer complaints.

- 1-3) Pursuant to ARSD 20:10:32:43.05, please demonstrate that enTouch offers a local usage plan comparable to the ones offered by the ILECs in the service areas that enTouch seeks ETC designation in.

RESPONSE: enTouch offers local usage plans comparable to that offered by the ILEC in the service area for which it seeks designation, with respect to both its 125 Minute and 250 Minute Lifeline Plans and 1000 Minute Tribal Lifeline Plan. In fact, enTouch's Lifeline offerings do not distinguish between "local" calling and extended calling areas. enTouch will provide South Dakota consumers nationwide calling capability without regard to the calling area. In addition, enTouch's Lifeline offerings would be completely free to Lifeline users after application of the federal Lifeline universal service support. To enTouch's knowledge, no South Dakota ILEC offers its customers a comparable service at no cost to the end-user. Moreover, each of enTouch's Lifeline offerings include, at no extra charge, several popular features for which ILECs typically charge separately: local and domestic long distance calling, Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Voice Mail. Furthermore, enTouch's Lifeline customers are not subject to credit check or deposit requirements, and enTouch does not charge a service

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activation fee for its Lifeline offerings. For these reasons, enTouch submits that its plans are at least comparable to ILEC plans.

- 1-4) In order for the Commission to determine that enTouch is financially capable of providing service pursuant to 47 CFR §54.201(h), please provide the most recent 12-month financial statements (i.e. balance sheet, income statement, and cash flow statement).

RESPONSE: CONFIDENTIAL See Attachment 1-4 A.

- 1-5) Please explain how 47 CFR §54.201(i) does not apply to enTouch, for paragraph 8 of the application identifies that “enTouch Wireless is a common carrier and *reseller* of commercial mobile radio service...”

RESPONSE: The FCC approved Boomerang Wireless, LLC’s compliance plan on August 8, 2012. (See Exhibit D the ETC application.) Pursuant to the *Lifeline Reform Order*, the compliance plan was a condition to a blanket forbearance of the facilities requirement of the Communications Act of 1934, as amended for the provision of Lifeline Service, for carrier’s seeking to provide Lifeline-only service. See the FCC Public Notice in Exhibit D of enTouch’s ETC application.

- 1-6) What is enTouch’s cost of service for providing the 125 minute plan to a single lifeline subscriber? Further, please provide the fixed and variable cost structure of the 125 minute plan offering for a single lifeline subscriber.

RESPONSE: CONFIDENTIAL, pursuant to ARSD 20:10:01:41, filed under confidential seal.

- 1-7) Do a lifeline subscriber’s minutes of use affect enTouch’s total cost of providing service to that subscriber? More specifically, if a lifeline subscriber does not use all minutes included in the 250 minute plan, does that decrease the lifeline discount needed to cover the total cost of the plan?

RESPONSE: CONFIDENTIAL, pursuant to ARSD 20:10:01:41, filed under confidential seal.

- 1-8) Please list and describe all fees associated with enTouch’s service offering that a customer could be subject to. More specifically, does enTouch charge any activation or toll call fees?

RESPONSE: There is not an Activation Fee. Below is the list of fees and when applicable.

Replacement Fee: There is a Replacement Fee of \$25.00 for the exchange of a customer’s phone for another phone or other equipment.

Reactivation Fee: There is a Reactivation Fee of \$25.00 to reactivate your phone. If the reactivation is for a Replacement phone, then the customer will be required to pay either the Reactivation Fee or Replacement Fee, but not both.

- 1-9) Please provide confirmation that enTouch will query the National Lifeline Accountability Database pursuant to 47 CFR §54.404(b) and (c).

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RESPONSE: enTouch confirms that upon activation of the National Lifeline Accountability Database, enTouch will query the National Lifeline Accountability Database pursuant to 47 CFR 54.404(b) and (c). In the absence of the National Lifeline Accountability Database and prior to its activation, enTouch will utilize and query the available existing database(s) such as the voluntary CGM database currently being utilized by enTouch.

- 1-10) Please describe the process enTouch uses to recertify a subscriber's temporary address according to 47 CFR §54.410(g).

RESPONSE: The enTouch Wireless enrollment form requires the applicant to initial and agree as follows:

" _____(init) If I do not have a permanent address and have supplied instead a temporary address above, I understand that enTouch Wireless will attempt to verify every 90 days that I continue to rely on that address, and that I must notify enTouch Wireless within 30 days of my new address after moving. If I do not respond to enTouch Wireless' address verification attempts within 30 days, I understand that I may be de-enrolled from enTouch Wireless' Lifeline service."

Subject to approval of the information collection requirements by the Office of Management and Budget under 47 CFR §54.410(g), enTouch Wireless intends to contact any customer providing a temporary address by text message every 90 days to verify reliance on the address, and the customer updates or re-verifies the address as appropriate. The OMB has yet to approve any specific information collection requirements as noted by the FCC's notice of effective dates, dated May 1, 2012: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-689A1.pdf

- 1-11) Does enTouch have all policies and procedures in place in order to be able to make and submit the required annual certification to the Administrator per 47 CFR §54.416?

RESPONSE: Yes, enTouch policies include compliance with all state and federal reporting requirements. Accordingly, enTouch has contracted a third party that is responsible for, among other duties and responsibilities, tracking and ensuring enTouch is compliant with the ETC reporting requirements of the various regulatory agencies.

- 1-12) What was the total amount of lifeline funding enTouch received in FY 2012?

RESPONSE: \$131,644.

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- 1-13) Is enTouch required to have biennial independent 3rd party audits of its lifeline program per 47 CFR §54.420? If so, please provide a copy of the most current audit report.

RESPONSE: The biennial audit requirement under 47 CFR 54.420 does not apply to enTouch at this time, since enTouch and its affiliates do not receive \$5 million annually in the aggregate.

- 1-14) Do enTouch Wireless's sales professionals get paid commission based on the number of individuals they get to sign up for the Lifeline Program? If so, how does enTouch Wireless ensure that the incentive for receiving additional commission pay from signing up a subscriber without following the proper certification requirements does not outweigh the penalty/punishment for doing so?

RESPONSE: No, there is no commission associated with the Lifeline program sales.