

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF )  
BOOMERANG WIRELESS, LLC d/b/a ENTOUCH )  
WIRELESS FOR DESIGNATION AS AN ETC IN THE ) Docket No. TC13-035  
STATE OF SOUTH FOR THE LIMITED PURPOSE OF )  
OFFERING WIRELESS LIFELINE SERVICE )**

**SDTA Petition to Intervene**

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about April 22, 2013, Boomerang Wireless, LLC d/b/a enTouch Wireless (hereinafter referenced as "enTouch Wireless" filed an Application/Petition with the Commission seeking designation as an Eligible Telecommunications Carrier ("ETC") in "portions of the State of South Dakota . . . for the purpose of receiving federal low-income universal service support for prepaid wireless services, specifically Lifeline and Tribal Lifeline." enTouch Wireless has specifically indicated that it is not seeking ETC designation for the purpose of receiving federal high cost support/funding.

3. A purported list of the "EXCHANGES" within which enTouch Wireless is requesting ETC designation in the State of South Dakota, along with a map outlining the proposed Service Area is attached to the enTouch Wireless Application as Exhibit A. These documents raise questions and do not sufficiently identify the geographic areas where

enTouch Wireless is seeking ETC status for Lifeline purposes. In regards to the listing of "EXCHANGES" set forth in Exhibit A, it clearly appears that the document does not, as its title suggests, actually reference geographic local exchange area names, but instead attempts to describe things geographically by referencing "Rate Centers". Rate Center designations alone are not an adequate substitute for a listing of local exchange areas. Any single rate center may include multiple exchange areas depending on the local switching configuration and specifically whether any remote switches or concentrators are being used. In order for the provided Rate Center listing to be of any value it needs to be supplemented with exchange area information. In addition, even a cursory review of the Rate Center listing indicates that it contains incorrect information. As an example, on pages 3 and 4 of the listing, the "Valley Telecom Cooperative Association" is referenced as operating the Hermosa and Interior Rate Centers. This is obviously bad information and other similar incorrect data is found in the document.

Also, as to the Service Area Map provided as part of Exhibit A, while numerous smaller areas are depicted, these areas are not identified by name and it is not indicated whether or not the borders of these areas are actual exchange boundaries.

4. All of the SDTA member companies operate as "rural telephone companies" for purposes of the Federal Telecommunications Act of 1996 and under applicable state laws.

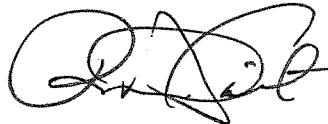
5. While the geographic scope of the enTouch Wireless request for ETC designation (for Lifeline purposes) is not clear, it certainly appears that the company is seeking such designation within numerous rural telephone company "service areas" or "study areas." Accordingly, many of the SDTA member local exchange carriers (LECs) have an interest in and stand to be impacted by this proceeding. SDTA seeks intervention herein based on the individual interests of each of these member ILECs and based on their common interests to

ensure that the additional public interest protections contained in the federal and state laws pertaining to ETC designations in rural service areas are properly considered and applied.

6. SDTA has several concerns with the requested ETC designation. As explained above, it is impossible to reliably determine what geographic areas are covered by the Application and specifically, what rural telephone company areas would be affected if the ETC designation is granted. Further, in regards to any Application/Petition for ETC Designation which extends to rural service areas an additional "public interest" standard applies and state commission are not obligated to grant multiple ETC designations in such areas (47 U.S.C. § 214(e)(2) and SDCL § 49-31-78). SDTA questions whether the additional requested ETC designation associated with enTouch Wireless's limited prepaid wireless offerings would be in the best interest of South Dakota consumers, including those residing in SDTA member company rural service areas.

9. Based on all of the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status.

Respectfully submitted:  
SDTA



Richard D. Coit  
Executive Director and General Counsel

Dated this 9<sup>th</sup> day of May, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that an original of the Petition for Intervention, dated May 9, 2013, filed in PUC Docket TC13-022 was served upon the PUC electronically, directed to the attention of:

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A copy was also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

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Dated this 9<sup>th</sup> day of May, 2013



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