

BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE
APPLICATION OF BOOMERANG
WIRELESS, LLC D/B/A ENTOUCH
WIRELESS SEEKING PARTIAL
RELINQUISHMENT OF DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS
CARRIER ON A WIRELESS BASIS (LOW-
INCOME ONLY) IN A CERTAIN SERVICE
AREA PREVIOUSLY SERVED ONLY BY
UNDERLYING CARRIER VERIZON
WIRELESS AND REMOVAL OF VERIZON
WIRELESS AS AN UNDERLYING CARRIER**

Docket No.

**APPLICATION OF BOOMERANG WIRELESS, LLC D/B/A ENTOUCH WIRELESS
SEEKING PARTIAL RELINQUISHMENT OF DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER ON A WIRELESS BASIS (LOW-INCOME
ONLY) IN A CERTAIN SERVICE AREA PREVIOUSLY SERVED ONLY BY
UNDERLYING CARRIER VERIZON WIRELESS AND REMOVAL OF VERIZON
WIRELESS AS AN UNDERLYING CARRIER**

I. INTRODUCTION

Boomerang Wireless, LLC d/b/a enTouch Wireless, (“Boomerang”), by its undersigned counsel, and pursuant to Section 214(e)(4) of the Communications Act of 1934, as amended (the “Act”),¹ 47 U.S.C. § 214 (e)(2), implementing rules of the Federal Communications Commission (“FCC”),² the South Dakota Public Utilities Commission’s (the “Commission’s”) Rules, hereby submits this application of Boomerang Wireless, LLC d/b/a enTouch Wireless’ Eligible Telecommunications Carrier (“ETC”) seeking the partial relinquishment of its ETC designation in the service area served only by underlying carrier, Verizon Wireless and removal of Verizon

¹ 47 U.S.C. §214(e)(2)

² 47 C.F.R. §§ 54.101-54.207.

Wireless as an underlying carrier, in the State of South Dakota (“Application”). Boomerang was designated as a Lifeline-only ETC by Commission Order issued April 28, 2017, in Docket No. TC13-035 for purposes of receiving federal low-income Universal Service Fund (“USF”) support³.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

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II. BOOMERANG’S PROPOSED PARTIAL RELINQUISHMENT OF ITS ETC DESIGNATED SERVICE AREA

Boomerang was designated by the Commission as an ETC in the State of South Dakota in certain designated wire centers served by its underlying carriers including Sprint, Verizon Wireless, and T-Mobile (the “ETC Designation Order”) as set forth in **Exhibit “A”** hereto.

In February 2022, as previously noticed with the Commission in this docket, the corporate ownership of Boomerang officially changed to ViaOne Services. As a result of a new MVNE arrangement, Boomerang no longer utilizes the Verizon Wireless network as an underlying carrier. At the same time, Boomerang will continue to utilize the T-Mobile network, which following its merger with the Sprint network includes an expanded service area. Attached as **Exhibit “B”** is a listing of the zip codes in which Boomerang is requesting partial relinquishment. As a result of these changes approximately 14 subscribers in the former Verizon

³ *In the matter of the Petition of Boomerang Wireless, LLC d/b/a enTouch Wireless for Designation as a Federal Eligible Telecommunications Carrier in the State of South Dakota for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households (Low Income Only)*, Report and Order (April 28, 2017) (“ETC Designation Order”).

Wireless service area will be impacted, though none of the impacted subscribers reside in the proposed relinquished zip codes (listed in **Exhibit B**). The impacted subscribers will need to choose whether to port their service to Boomerang’s alternate underlying carrier, or to transfer their service to a new ETC designated service provider in their service area. If the subscriber does not port their service to a Boomerang alternate underlying carrier or transfer their service to another ETC service provider, they will be de-enrolled from Lifeline and their services will be disconnected December 15, 2023.

III. BOOMERANG’S RELINQUISHMENT OF ETC DESIGNATION COMPLIES WITH FEDERAL LAW

47 U.S.C. Section 214 (e)(4) requires a state regulatory commission to “permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier” under specific conditions. The conditions for relinquishing ETC designation are: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the subscribers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC’s subscribers, sufficient notice must be provided to ensure that the construction or purchase of any additional facilities necessary to serve the relinquishing ETC’s subscribers can be timely completed.⁴

A. More than One ETC currently serves the ETC Service Area.

The Verizon Wireless service area is also currently served by more than one ETC as required by 47 U.S.C. § 214(e)(4). Specifically, each of the areas listed in **Exhibit “B”** is currently served by an Incumbent Local Exchange Carrier (“ILEC”), also an ETC. In addition,

⁴ 47 U.S.C. § 214 (e)(4).

the Commission has designated other ETCs to provide Lifeline service within Boomerang's current ETC designation area. **Exhibit "C"** is a list of alternate ETCs serving one or more of the applicable non-rural zip code areas. This list includes Century Link and Midcontinent Communications that serve one or more of the service areas listed in **Exhibit "B."**⁵

Boomerang will continue to provide all services supported by the universal service program, as detailed in Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)), using T-Mobile USA as its underlying carrier instead of Verizon Wireless. Boomerang's Lifeline service provides broadband Internet access service ("BIAS") in addition to voice telephony service, and Boomerang commits that its Lifeline-supported services (both voice and broadband) will continue to meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as they change going forward.

B. Boomerang is Providing Advance Notice to the Commission

Consistent with 47 U.S.C. § 214 (e)(4), Boomerang is filing this petition in advance of its requested effective date of relinquishment meeting the requirement to provide advance notice to the Commission of its intent to relinquish such support. In addition, the affected subscribers will receive proposed advance notices described in subsection "E" below which will be distributed beginning 60 days prior to the proposed effective date of December 15, 2023.

C. Other ETCs Will Serve Consumers Within the ETC Service Area.

The remaining ETCs (**See Exhibit "C"**) will remain available to serve the affected subscribers, and subscribers are receiving advance notice of their availability contemplated by 47

⁵ A list of the designated ETCs whose service area includes the withdrawn service areas (by Zip Codes) listed in **Exhibit "B"**. This information was obtained from USAC's 'Companies Near Me' tool available at <https://cnm.universalservice.org>.

U.S.C. §214 (e)(4) following relinquishment of its ETC designation, effective December 15, 2023.

D. No Additional Facilities Will Need to Be Purchased or Constructed by the Remaining Eligible Telecommunications Carriers.

To the best of Boomerang's knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to continue to serve consumers within the service area. Because there is at least one additional ETC throughout Boomerang's ETC service area, there is no bar to prevent this Commission from allowing Boomerang to relinquish its service area as set forth in **Exhibit "B"** in South Dakota, and the requirements set forth in § 214(e)(4) of the Act, § 54.205 of the Rules have been met.

E. In addition, Boomerang is taking extra steps to notify all affected subscribers.

Contiguous with filing this Petition, Boomerang has begun notifying each of its impacted Lifeline subscribers on the Verizon Wireless network in South Dakota that if they want to continue to receive their Lifeline benefit, they will need to choose whether to: i) port their service to Boomerang's alternate underlying carrier; or ii) transfer their service to a new ETC designated service provider in their area. If the subscriber does not port their service to a Boomerang alternate underlying carrier or transfer their service to another ETC service provider, their services will be disconnected December 15, 2023. If a Boomerang subscriber decides to obtain service from another provider there will not be any early termination fees, as Boomerang subscribers are not subject to such fees.

Boomerang's impacted subscribers will receive multiple notices that Boomerang intends to discontinue their service via text messages and mail. Boomerang may also follow-up with phone calls/messages or emails if the subscriber has provided an email address. Text messages

have historically been the mechanism by which Boomerang communicated with its subscribers and has been the most effective method of ensuring Boomerang's subscribers receive this important information.

Boomerang will send each affected Lifeline subscriber notices 60-days, 45-days, 30-days, 15-days and 4-days, beginning October 16, 2023, which is sixty (60) days prior to Boomerang's preferred relinquishment date of December 15, 2023. The messages will contain a link to a web page with details and contacts for questions. During the final three to four weeks enTouch Customer Service may reach out to impacted subscribers who have not responded to Customer Service via the specially designated number. Boomerang may attempt to contact these subscribers via email (if the subscriber has provided Boomerang with an email address) or telephone call. The contents of these messages include the following information: (1) Boomerang is changing how we provide Lifeline service in your area which requires impacted subscribers to take action to maintain their Lifeline services; (2) subscribers can make arrangements to keep their Lifeline benefit and remain with Boomerang; or select another service provider that can provide Lifeline benefit in your area, and provide a link where alternative Lifeline providers in your area in South Dakota can be identified; (3) if the subscriber chooses another Lifeline service provider, the subscriber must make arrangements to continue receiving Lifeline service before the disconnect date; and (4) a designated toll-free number will be provided that subscribers may call to reach Boomerang's subscriber service representatives to assist with the transition. See **Exhibit "D"** for a sample of the draft notices and information to be included on the draft Landing Page.

Boomerang will continue to provide its existing Lifeline subscribers with the Lifeline South Dakota discount and claim reimbursement for the Lifeline discount until Boomerang

discontinues the services provided via the Verizon Wireless network in South Dakota.

Boomerang expects to stop seeking reimbursement for the Lifeline discount in the service areas noted in **Exhibit “B”** on or about December 15, 2023.

IV. CONCLUSION

Boomerang has met the conditions set forth in 47 U.S.C. §214 (e)(4) for relinquishment of its designation as an ETC on a wireless basis (low-income only) in the non-rural service area previously served only by underlying carrier Verizon Wireless.

WHEREFORE, Boomerang requests that the Commission:

1. Enter an Order approving Boomerang’s Application for partial relinquishment of its designation as an ETC on a wireless basis (low-income only) in the service area previously served only by underlying carrier Verizon Wireless and eliminate Verizon Wireless as underlying carrier for Boomerang Wireless.
2. Enter a final decision on the Application prior to the proposed effective date of December 15, 2023.

Respectfully submitted,

BOOMERANG WIRELESS LLC D/B/A
ENTOUCH WIRELESS

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