

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

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**IN THE MATTER OF THE  
APPLICATION OF BOOMERANG  
WIRELESS LLC DBA ENTOUCH  
WIRELESS FOR DESIGNATION AS  
AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER  
IN CERTAIN EXCHANGES WITHIN  
THE STATE OF SOUTH DAKOTA**

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**STIPULATION FOR DISMISSAL  
WITHOUT PREJUDICE**

**TC15-002**

COME NOW, the Parties to this docket and hereby file this Stipulation to Dismiss Without Prejudice. The Parties agree as follows:

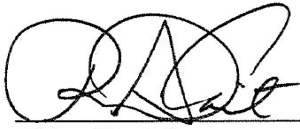
1. The Parties to this docket are Staff of the South Dakota Public Utilities Commission (Commission), Boomerang Wireless LLC dba enTouch Wireless (Applicant), and South Dakota Telecommunications Association (SDTA).
2. On January 22, 2015, Applicant filed an Application requesting designation as an eligible telecommunications carrier (ETC) on the Pine Ridge, Rosebud, Lower Brule and Crow Creek Tribal lands in rural areas of South Dakota.
3. South Dakota Telecommunications Association was granted intervention in this docket.
4. Boomerang filed an Amended Application on July 15, 2016 and updated the Lifeline plan offerings and the maps for the aforementioned tribal lands and adjacent areas. Boomerang is a common carrier and reseller of wireless services.
5. Since the time of filing of the Application and Amended Application, FCC rule changes have been adopted relating to Lifeline program requirements that affect this docket. In particular, the FCC amended 47 C.F.R. § 54.403(a)(3) to require that

eligible telecommunications carriers seeking to provide Lifeline supported services on Tribal lands be facilities-based. Tribal and other petitions for reconsideration of the rule are currently pending with the FCC

6. Considering the above rule is under appeal and other proposed changes to the FCC rules affecting the specific obligations imposed on providers of Lifeline services are under consideration, the parties stipulate to dismiss the current Application filed in this matter without prejudice to refile, pending final determination of the FCC rules and regulations.

WHEREFORE, the Parties agree that the Commission should dismiss the Application without prejudice and hereby request the same.

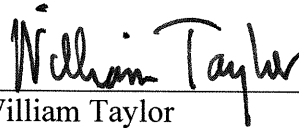
Dated this 19<sup>th</sup> day of March 2018.



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