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Attn: Docket & Records Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

22-00077

RE: Petition of Boomerang Wireless, LLC d/b/a enTouch Wireless for Designation as an
Eligible Telecommunications Carrier

Dear Sir/Madam:

Attached please find for filing Boomerang Wireless, LLC d/b/a enTouch Wireless's Petition for Designation as an Eligible Telecommunications Carrier in Tennessee. An original and four (4) copies are being sent via Federal Express to the Docket Room along with a check in the amount of \$25.00 payable to the "Tennessee Public Utility Commission" for the filing fee and an extra copy of this letter to be date stamped and returned to me in the enclosed, return-addressed envelope.

If you have any questions, please contact the undersigned. Thank you.

Respectfully submitted,

Debra McGuire Mercer

*Counsel for Boomerang Wireless, LLC
d/b/a enTouch Wireless*

DMM:gm
Enclosure

**BEFORE THE
TENNESSEE PUBLIC UTILITY COMMISSION**

| | | |
|---|---|----------------------------|
| Boomerang Wireless, LLC |) | |
| d/b/a enTouch Wireless |) | |
| Petition for Designation as an Eligible |) | Docket No. <u>22-00077</u> |
| Telecommunications Carrier in the State |) | |
| of Tennessee |) | |

**PETITION OF BOOMERANG WIRELESS, LLC D/B/A ENTOUCH WIRELESS
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF TENNESSEE**

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July 28, 2022

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**PETITION OF BOOMERANG WIRELESS, LLC D/B/A ENTOUCH WIRELESS
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF TENNESSEE**

Boomerang Wireless d/b/a enTouch Wireless (Boomerang or the Company), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the Act),¹ Sections 54.101 through 54.207 of the rules of the Federal Communications Commission (FCC),² and the rules and regulations of the Tennessee Public Utility Commission (Commission), including Tennessee Code Annotated (TCA), Section 65-4-104 as recently amended, hereby requests designation as an eligible telecommunications carrier (ETC) in the State of Tennessee for the limited purpose of receiving federal universal service support to provide wireless services to low-income Tennessee households as part of the Lifeline program. Boomerang does not request ETC designation for the purpose of receiving support from any other Universal Service Fund (USF) programs. As demonstrated by the facts stated herein, and as verified in **Exhibit A**, Boomerang meets all the statutory and regulatory requirements for

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101-54.207

designation as an ETC in the State of Tennessee, including the requirements for ETCs participating in the Lifeline program as outlined in the various FCC Lifeline Orders.³

Granting ETC status to Boomerang will benefit the public interest by making the Company's affordable and reliable telecommunications services available to a broad range of low-income consumers. Boomerang's prepaid wireless services combined with low-cost handsets provide a reasonable alternative to traditional post-paid services. Boomerang provides low-income customers, who might not otherwise be able to afford traditional services, with dependable voice and data services. Boomerang also is an established provider of telecommunications services. It has demonstrated, since it began providing wireless Lifeline service in 2012, its ability to successfully provide high-quality Lifeline services to low-income consumers in its existing ETC-designated service areas in other jurisdictions. Accordingly, the Company respectfully requests that the Commission expeditiously grant this Petition.

³ See *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 Nos. 11-42 and 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) (2012 Lifeline Reform Order); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, and 10-90, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (rel. June 22, 2015); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. April 27, 2016); *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Order on Reconsideration, Memorandum Opinion and Order, FCC 17-155 (rel. Dec. 1, 2017); *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Fifth Report and Order and Memorandum Opinion and Order and Order on Reconsideration, FCC 19-111 (rel. Nov. 14, 2019).

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

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I. COMPANY OVERVIEW

Boomerang is an Iowa limited liability company with its principal offices located at 415 McFarlan Road, Suite 108, Kennett Square, PA 19348. Documentation of Boomerang's authority to transact business in Tennessee as a foreign corporation is included as **Exhibit B**. Boomerang is owned by ViaOne Acquisition Company, LLC (ViaOne), a Delaware limited liability company with its business address located at 415 McFarlan Road, Suite 108, Kennett Square, PA 19348. ViaOne is equally owned by three entities: Flagship Equity Partners, LLC; BBY, Ltd.; and SXCS Investments, LLC. Each of these entities is organized under the laws of the State of Texas and none has a controlling ownership interest in ViaOne.

Boomerang is an established provider of telecommunications services. The Company has been successfully providing Lifeline-supported service since October 9, 2012 and service to non-Lifeline customers itself or through affiliates since 2008. Boomerang operates as a reseller and uses the network of its underlying service provider, T-Mobile, to provide service to its subscribers. T-Mobile's wireless network platform provides robust wireless service coverage

across its entire footprint. Boomerang, and its parent and affiliate companies, have direct, in-depth experience providing voice and data products to subscribers using its carrier relationships.

Boomerang has an established customer base, having served over 1.9 million Lifeline subscribers since it commenced providing Lifeline service in October 2012 and currently serving over 130,000 Lifeline customers across the 35 states where it operates. Boomerang is currently designated as a wireless ETC in the following jurisdictions: Arkansas, Arizona, California, Colorado, Georgia, Hawaii, Iowa, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Dakota, Nebraska, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin, West Virginia, Wyoming, and Puerto Rico.⁴

As described herein, Boomerang meets the requirements for ETC designation. Additionally, designation of Boomerang as an ETC in Tennessee serves the public interest. Boomerang therefore requests that the Commission designate the Company as an ETC throughout its proposed service area for the purposes of providing Lifeline service.

II. THE COMMISSION HAS THE AUTHORITY TO DESIGNATE WIRELESS ETCS FOR THE LIFELINE PROGRAM

On April 8, 2022, the Tennessee governor signed Senate Bill 2443 into law, which became effective upon enactment. The law amends TCA § 65-4-104 to give the Commission specific authority to grant ETC designation to mobile wireless carriers like Boomerang. In accordance with Section 65-4-104, as amended, “the commission may upon petition designate a

⁴ The Company has ETC applications pending in Massachusetts and New Jersey.

provider or reseller of domestic public cellular radio telephone service as an eligible telecommunications carrier pursuant to 47 C.F.R. § 54.201 for purposes of providing Lifeline service.”⁵

Previously, wireless companies have had to petition the FCC to be designated as an ETC in New York. Thirty-five (35) wireless ETC designation petitions are currently pending at the FCC, most of which were filed in 2012 or 2013.⁶ The FCC has approved only six mobile service providers to provide Lifeline service in Tennessee,⁷ but according to the Universal Service Administrative Company (USAC), the estimated 2022 Lifeline participation rate in Tennessee is only 15 percent.⁸ The FCC’s role in the ETC designation process has served as an impediment to the ability of low-income Tennessee residents to have access to a more competitive marketplace for wireless Lifeline service. Thus, Boomerang requests that the Commission utilize its statutory authority to designate Boomerang as an ETC to further the public interest by enabling more Lifeline service options for eligible low-income Tennessee households.

Section 214(e)(2) of the Act provides state public utility commissions with the “primary responsibility” for the designation of ETCs.⁹ Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). Section 214(e)(1)(A) of the Act

⁵ Senate Bill No. 2443, Section 1.

⁶ See *Lifeline and Compliance Plans & ETC Petitions*, FCC, <https://www.fcc.gov/general/lifeline-compliance-plans-etc-petitions> (last updated Mar. 8, 2017).

⁷ See *FCC Filings*, LI03-Eligible-Telecommunications Carriers-1Q2022.xlsx, <https://www.usac.org/about/reports-orders/fcc-filings/#results>.

⁸ See *Program Data*, USAC, <https://www.usac.org/lifeline/resources/program-data/#Participation> (last visited May 9, 2022).

⁹ 47 U.S.C. § 214(e)(2).

provides that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”¹⁰ However, pursuant to the FCC’s 2012 Lifeline Reform Order,¹¹ resellers have been granted blanket forbearance from this facilities requirement in connection with limited ETC designation to participate in the Lifeline program, subject to conditions.

The FCC conditioned blanket forbearance on the reseller’s compliance with certain ETC obligations, including providing 911 and E911 service regardless of activation status and minutes available, providing E911-compliant handsets, and replacing E911 non-compliant handsets at no charge to the Lifeline customer.¹² In addition, the reseller must adhere to an FCC-approved compliance plan that includes specific information about the measures that the reseller will take to implement the obligations established in the 2012 Lifeline Reform Order.¹³

Boomerang operates as reseller and commits to compliance with all of conditions for ETC designation and forbearance from the facilities requirement. Therefore, the Commission’s ETC designation authority as outlined in the statute along with the FCC’s requirements provide a suitable framework that the Commission can use to consider and grant ETC designation to Boomerang to provide service in Tennessee under the federal Lifeline program and any similar state program, to extent one exists or is established at a future time.

¹⁰ 47 U.S.C. § 214(e)(1)(A).

¹¹ 2012 Lifeline Reform Order, ¶ 368

¹² *Id.* ¶ 373.

¹³ *Id.* ¶ 368.

III. BOOMERANG SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC UNDER 47 C.F.R. § 54.201

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific federal universal service support.” Section 214(e)(2) of the Act provides that, upon request and consistent with the public interest, convenience, and necessity, the Commission may designate more than one common carrier as an ETC in areas served by a rural telephone company and shall do so with respect to all other areas, provided that the requesting carrier (i) offers services that are supported by Federal universal service support mechanisms and (ii) advertises the availability of such services.¹⁴ Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules state that applicants for ETC designation must be common carriers that offer all of the services throughout the designated service area supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier’s services, except where the FCC has forbore from the “own facilities” requirement. Boomerang satisfies all such requirements for ETC designation.

A. Boomerang Will Provide Service via Resale Consistent with the FCC’s Forbearance of the Facilities Requirement

Section 214(e)(2) of the Act requires that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”¹⁵ As discussed above in Section II, although Section 214 requires ETCs to provide services using their own facilities, at least in part, the FCC has granted forbearance from enforcement of the facilities requirement to carriers seeking Lifeline-only ETC designation. In the 2012 Lifeline Reform

¹⁴ 47 U.S.C. §214(e)(2); *see also* 47 C.F.R. § 54.201(d)(2).

¹⁵ 47 U.S.C. § 214(e)(1)(A).

Order, the FCC granted forbearance from the “own-facilities” requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:¹⁶

- 1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) 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; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and
- 2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier’s service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.

The Company intends to provide service in Tennessee via resale of its underlying service provider, T-Mobil. In accordance with the forbearance requirements, Boomerang submitted a Compliance Plan and the FCC approved it on August 8, 2012.¹⁷ On April 30, 2021, Boomerang submitted an amended Compliance Plan with the FCC, which the FCC approved on January 18, 2022, to (1) reflect a proposed change in ownership of the Company; and (2) update the information provided in the approved Compliance Plan due to FCC rule changes and the passage of time. A copy of the FCC Public Notice approving the Compliance Plan and a copy of the FCC-Approved Compliance Plan are attached hereto as **Exhibit C**. Boomerang seeks limited ETC designation to permit it to participate in the Lifeline program.

¹⁶ See 2012 Lifeline Reform Order, ¶¶ 368, 373, and 379.

¹⁷ See *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and Tag Mobile*, Public Notice, WC Docket Nos. 09-197 and 11-42, DA 12-2086 (2012).

B. Boomerang Is a Common Carrier

The FCC consistently has held that providers of wireless services are to be treated as common carriers for regulatory purposes. In addition, Section 332(c)(1)(A) of the Act states that commercial mobile radio service providers will be regulated as common carriers.¹⁸ Boomerang provides mobile telecommunications services and, accordingly, is a common carrier.

C. Boomerang Will Provide All Supported Services by Reselling the Services of Its Underlying Provider

Through its underlying provider, Boomerang is able to provide all of the supported services required by Section 54.101(a) of the FCC's rules.¹⁹

1. Voice Telephony Service

As set forth in Section 54.101(a)(1) of the FCC's rules, eligible Voice Telephony Services must provide the following:

Voice Grade Access to the Public Switched Telephone Network. The FCC describes "voice grade access" as the ability for a user to make and receive telephone calls within a specified bandwidth.²⁰ Boomerang provides voice grade access via resale of its facilities-based underlying network operator, T-Mobile.

Local Usage at No Additional Charge. The FCC's rules require a petitioner for ETC designation to demonstrate that it will provide minutes of use for local service to end users at no additional charge. When the FCC adopted this local usage requirement, it was concerned about "a potential that the consumer would have to pay additional per-minute fees and would not

¹⁸ 47 U.S.C. § 332(c)(1)(A).

¹⁹ 47 C.F.R. § 54.101(a).

²⁰ See *Federal-State Joint Board on Universal Service*, First Report and Order, CC Docket No. 96-45, FCC 97-157, ¶ 63 (rel. May 8, 1997).

receive the benefits universal service is designed to promote.”²¹ The FCC also has “noted that many providers do not distinguish between local and long distance usage, and [has] concluded that carriers may satisfy the obligation to provide local usage via service offerings that bundle local and long distance minutes.”²² The FCC further determined in the 2012 Lifeline Reform Order that Lifeline service offerings can meet the local usage requirement in the same manner.²³ Boomerang provides customers with the ability to send and receive local calls wherever it provides service and does not distinguish between local and long distance calling, thereby providing a nationwide calling area. If granted ETC designation, Boomerang will provide Lifeline service packages in Tennessee as outlined in this Petition. As described below, Boomerang’s bundled voice and data services (which include a minimum of 1,000 voice minutes each month that can be used for local service) will allow customers to use their airtime minutes to send and receive local calls at no additional charge, as required by 47 C.F.R. §§ 54.101(a)(1).

Access to Emergency Services. Boomerang provides 911 and E911 access for all of its customers to the extent that the local government in its service area has implemented 911 or E911 systems. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. Boomerang also complies with the FCC’s regulations governing the deployment and availability of E911 compatible handsets.

Toll Limitation. In its 2012 Lifeline Reform Order, the FCC provided that toll limitation would no longer be deemed a supported *service*.²⁴ “ETCs are not required to offer toll limitation

²¹ See *id.* ¶ 67.

²² See 2012 Lifeline Reform Order, ¶ 49.

²³ See *id.*

²⁴ See *id.* ¶ 234.

service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.”²⁵ Nonetheless, Boomerang’s offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered to users for free until they reach their monthly allowance at which point subscribers can choose to purchase additional service at a low cost. Boomerang’s service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same.

2. Broadband Internet Access Services

Broadband Internet access service (BIAS) is a supported service as of December 2, 2016. The FCC has stated that BIAS consists of the ability for a user to receive “the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service.”²⁶ Boomerang provides BIAS to low-income consumers via resale of its underlying provider’s mobile broadband network.

D. Boomerang Will Advertise the Availability of Its Service and Charges in a Manner Reasonably Designed to Reach Lifeline-Eligible Consumers²⁷

Boomerang will advertise both the availability and pricing of its USF-qualifying offerings broadly in a manner reasonably designed to reach those who qualify for the service.²⁸ Its advertisements will be posted in various retail stores included in its distribution network. In addition, Boomerang may advertise the availability and prices of its services through a variety of mediums, including online advertising, direct marketing campaigns, print advertising, event-

²⁵ See *id.* ¶ 49.

²⁶ See 47 C.F.R. § 8.2(a).

²⁷ 47 C.F.R. § 54.405(b).

²⁸ See *id.*

based distribution, pamphlet distribution, and meetings with government agencies. Boomerang's event marketing and distribution platform may use demographic segmentation information to identify locations of populations with great need. Boomerang also may organize positive and informative neighborhood events to create a local presence and promote sign-up through online outreach.

Boomerang will ensure that all of its Lifeline advertising materials comply with Section 54.405(c) of the FCC's rules. Specifically, Boomerang's advertising materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) that documentation is necessary for enrollment; and (vii) Boomerang is the provider of the services. Boomerang's advertising materials will be further updated, as necessary, in the event any of the aforementioned requirements change. In addition, Boomerang's application/certification form, which is an adaptation of the required FCC form, will state that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

E. Boomerang's Requested Service Area`

Sections 214(e)(2) and 214(e)(5) of the Act provide that ETC designations shall be made for a "service area," defined as a geographic area established by the Commission. The Company seeks designation to operate as an ETC throughout the State of Tennessee, wherever its

underlying facilities-based carrier provides coverage.²⁹ A list of the current ZIP codes associated with this coverage area is appended as **Exhibit D**. Boomerang’s proposed service area overlaps with rural carriers in Tennessee, but the Company maintains that the public interest factors described below justify its designation in these carriers’ service areas, especially because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income consumers.

While federal requirements specify that an ETC’s service area conform to the service area of any rural telephone company serving the same area,³⁰ the FCC has authorized forbearance from the service area conformance requirements with respect to carriers seeking to provide Lifeline-only service.³¹ In light of this forbearance, the Commission has the authority to designate ETCs such as Boomerang in rural areas without concern for the service area conformance requirement.

IV. BOOMERANG SATISFIES THE ADDITIONAL REQUIREMENTS FOR ETC DESIGNATION UNDER 47 CFR § 54.202(A)

The FCC imposes additional requirements on a carrier requesting ETC designation in Section 54.202 of its rules. As demonstrated below, Boomerang satisfies these additional obligations.

²⁹ Consistent with FCC holdings, there is no need for a “creamskimming” analysis in connection with Boomerang’s Petition because the Company is seeking ETC designation only for purposes of receiving Lifeline support. *See, e.g., Virgin Mobile USA, L.P.*, Order, FCC 09-18, ¶ 39, n.101 (rel. Mar. 5, 2009).

³⁰ *See* 47 U.S.C. §§ 160, 214(e)(5); 47 C.F.R. § 54.207(b).

³¹ *See Telecommunications Carriers Eligible for Support*, WC Docket Nos. 09-197 and 11-42, Memorandum Opinion and Order, FCC 13-44 (rel. Apr. 15, 2013).

A. Service Commitment throughout the Proposed Designated Service Area

Boomerang will provide service in Tennessee by reselling service that it obtains from its underlying carrier. This provider has an extensive network that is functional and ready to support service immediately. Thus, Boomerang will be able to commence offering its Lifeline service to all locations served by its underlying carrier very soon after receiving approval from the Commission. Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its petition for designation as an ETC.

B. Boomerang Has the Ability to Remain Functional in Emergency Situations

Boomerang has the ability to remain functional in emergencies.³² As noted above, Boomerang currently utilizes the network T-Mobile to provide Boomerang's mobile services. The Company has access to T-Mobile's extensive and well-established networks and facilities and believes that the networks and facilities are capable of managing traffic spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. Boomerang and its underlying carrier also have back-up systems to ensure full functionality in the event of a loss of power or network functionality. Boomerang's facilities are 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 data center features redundant generators and redundant fiber optic connectivity. It is a reinforced concrete building located in a secure area and collocated with the area electrical utility headquarters. It is powered from separate paths

³² See 47 C.F.R. § 54.202(a)(2).

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. Boomerang Will Satisfy Applicable Consumer Protection and Service Quality Standards

Section 54.202(a)(3) of the FCC's rules states that a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service (CTIA Consumer Code) will satisfy this consumer protection and service quality requirement. Boomerang fully complies with applicable consumer protection requirements and commits to fully complying with the CTIA Consumer Code. Boomerang complies with the CTIA Consumer Code to ensure it offers its subscribers the highest level of protection and quality service. Boomerang's pledge to provide quality service and voluntarily to comply with this code evidences its commitment to satisfying all of the applicable consumer protection and service quality standards. For example, customers can call customer service by dialing 611 from their Boomerang handset and no minutes will be used or decremented for the call, or they can call 1-866-488-8719 from any phone.

D. Boomerang Is Financially and Technically Capable

As part of the 2012 Lifeline Reform Order, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.³³ Boomerang fully satisfies these criteria.

Boomerang is financially stable and fully capable of honoring its service obligations to customers, as well as meeting its federal and state regulatory obligations. The Company has not

³³ See 2012 Lifeline Reform Order, ¶ 387; *see also* 47 C.F.R. § 202(a)(4).

(and does not) rely exclusively on revenues from its provision of Lifeline services for its operating revenues. The Company also has access to additional capital resources from its parent and affiliate companies, and its members. Additionally, the Company is owned by ViaOne, which derives significant revenues from its diverse subsidiary operations, including non-Lifeline services. The Company's financial resources position the Company to expand its operations to serve currently unserved/underserved eligible low-income Tennessee consumers and increase competition.

The Company has provided Lifeline-supported services successfully for more nearly a decade. In that time, Boomerang has garnered considerable expertise complying with the requirements of the federal Lifeline program and marketing to the low-income consumer sector. Boomerang has direct control over the databases, systems, and processes controlling the customer records, usage records, and reporting, which provides the Company with direct ability to adhere to Lifeline requirements. By reselling the service of T-Mobile, Boomerang's wireless network platform provides robust wireless service coverage across its entire ETC footprint. Boomerang, and both its current and future parent and affiliate companies, have direct, in-depth experience providing voice and data products to subscribers using its carrier relationships. Attached as **Exhibit E** is a current list of the officers and key management employees that are responsible for overseeing and managing Boomerang's operations, along with biographical information for each, showing that the Company has the expertise necessary to provide the services detailed herein. The individuals are employed by ViaOne, but are assigned to Boomerang. Boomerang has not been subject to enforcement actions or ETC revocation proceedings in any state.

E. Boomerang's Proposed Lifeline Offering

Boomerang has the ability to provide all services supported by the universal service program throughout the State of Tennessee. Under its ETC designation, Boomerang will meet or exceed the FCC's minimum service standards, as currently established, as well as any future updates. Boomerang proposes initially to offer the following Lifeline offerings in Tennessee: Each of the following plans includes Caller ID, Call Waiting, Call Forwarding, 3-Way Calling and Voicemail. Furthermore, each of the following plans meets the FCC's the mobile voice minimum service standard (MSS) of 1,000 minutes.³⁴

Free Lifeline Plan: 1,000 voice minutes, 500 texts and 100 MB of data per month at no cost to the subscriber.

Lifeline Plans with a Co-Pay

- 2) For \$1.00, the customer receives 1,000 voice minutes, unlimited texts and 100 MB of data per month.
- 3) For \$5.00, the customer receives 1,200 voice minutes, unlimited texts and 250 MB of data per month.
- 4) For \$10.00, the customer receives 1,200 voice minutes, unlimited texts and 1 GB of data per month.
- 5) For \$25.00, the customer receives unlimited voice minutes, unlimited texts and 4.5 GB of data per month.³⁵

³⁴ See 47 C.F.R. § 54.408(b)(3).

³⁵ This plan, as well as the \$26.00 and \$30.00 plans listed below, meets the mobile broadband MSS of 4.5 GB, pursuant to the FCC's most recent waiver of the MSS established in Section 54.408 of the FCC's rules. See 47 C.F.R. § 54.408; *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Order, FCC 20-1358 (WCB Nov. 16, 2020).

- 6) For \$26.00, the customer receives unlimited voice minutes, unlimited texts and 5 GB of data per month.
- 7) For \$30.00, the customer receives unlimited voice minutes, unlimited texts and 6 GB of data per month.

F. Boomerang's Processes Comply with Lifeline Verification and Enrollment Processes, and the Company Is Committed to Preventing Waste, Fraud, and Abuse of the Lifeline Program

Section 54.410 of the FCC's rules requires ETCs to certify and verify a Lifeline customer's initial and continued eligibility. Boomerang has processes in place to facilitate compliance with federal customer enrollment requirements. Specifically, the Company relies on the National Verifier and the National Lifeline Accountability Database (NLAD), each of which is administered by USAC, to determine an applicant's eligibility for Lifeline service (except in California, Oregon, and Texas, where the Company follows specific state requirements). Every applicant will be required to complete the standardized Lifeline application in the National Verifier environment, which covers the necessary information collection, disclosures, and certifications required by Section 54.410(d) of the Lifeline rules.³⁶ For applicants verified as being eligible by USAC's National Verifier and NLAD, Boomerang completes enrollment by transmitting the required information into NLAD as required by Section 54.404(b)(6) of the FCC's rules. Boomerang also: (1) informs the customer of his or her need to use the service at least once every thirty (30) days as required by Section 54.407(c)(2); (2) provides notice to subscribers on 30 days of non-usage that they must use the service within 15 days or their service will be terminated as required by Section 54.405(e)(3); and (3) requires the customers to activate their Lifeline service as required by Section 54.407(c)(1). Boomerang will not provide a

³⁶ 47 C.F.R. § 54.410(d).

customer with a handset (if the customer qualifies for a free handset) or otherwise activate Lifeline service until the applicant completes the application in the National Verifier and receives eligibility approval.³⁷

Boomerang has additional processes in place to guard against waste, fraud and abuse, and to ensure compliance with FCC rules designed to achieve that objective, including customer usage, cure period, and de-enrollment requirements set forth in Sections 54.407(c)(2) and 54.405(e)(3), general notice and de-enrollment requirements set forth in Section 54.405(e)(1), transmission of information to NLAD and recordkeeping requirements set forth in Sections 54.404(b)(6) and 54.417, annual certification and reporting requirements set forth in Sections 54.416 and 54.420, and reimbursement claims processes established by USAC consistent with Sections 54.403 and 54.407(a). Boomerang also complies with Sections 54.410(f) of the FCC's rules governing annual subscriber re-certification of eligibility and coordinates with USAC's National Verifier and NLAD systems to manage additional de-enrollments related to USAC-administered benefit transfers and failure to re-certify.³⁸ If Boomerang receives a request for de-enrollment from a subscriber, it will process the request within two business days in accordance with Section 54.405(e)(5).

Boomerang will have direct contact with all applicants for Boomerang's Lifeline service, either in person through its employees or representatives, or via the telephone, mail, or online. Boomerang will not enroll customers at retail locations where the Company does not have an agency agreement with the retailer. In addition, in accordance with Section 54.406 of the FCC's rules, Boomerang enrollment representatives are required to register in USAC's Representative

³⁷ 47 C.F.R. § 54.410(a).

³⁸ 47 C.F.R. §§ 54.405(e), 54.410(f).

Accountability Database (RAD), and Boomerang does not offer or provide enrollment representatives or their direct supervisors any commission compensation based on the number of consumers who apply for or are enrolled in the Lifeline program with the Company.³⁹ Finally, Boomerang provides or requires Lifeline-specific training for all personnel, whether employees, direct contractors, or representatives, who interact with new or prospective customers regarding the FCC's Lifeline eligibility and certification rules and the Company's practices and policies designed to implement those rules. Boomerang has a zero tolerance policy for waste, fraud, and abuse, and personnel are instructed to notify the Company's compliance team if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit.

V. BOOMERANG WILL COMPLY WITH ALL REGULATIONS ADOPTED BY THE COMMISSION

Boomerang also hereby asserts its willingness and ability to comply with all rules and regulations that the Commission chooses to impose lawfully upon the Company's provision of service contemplated by this Petition. Boomerang certifies that all federal funding received will be used for Lifeline support and will be used for the direct benefit of eligible low-income consumers. Boomerang is in good standing with the Commission and is in full compliance with all applicable Commission orders, rules, and regulations.

VI. THE PUBLIC INTEREST WILL BENEFIT FROM GRANTING ETC STATUS TO BOOMERANG

The overarching purpose of the Lifeline program is to ensure that low-income consumers have access to and can afford essential voice and broadband communications services. The Lifeline program began with a focus upon the availability of voice services; however, as technology has expanded and broadband has become increasingly essential to everyday living,

³⁹ 47 C.F.R. § 54.406(b).

the Lifeline program has developed as well. Today, robust levels of broadband service must be offered to eligible subscribers, as a means of effectively bridging the “Digital Divide” that separates Tennessee residents on the basis of income. As regulators and policymakers have recognized since the establishment of the Lifeline program, meeting an evolving set of essential communications needs is overwhelmingly in the public interest and, indeed, is critical to the long-term health and prosperity of each state and to the nation as a whole. Designation of experienced ETCs such as Boomerang will directly advance the goals of the Lifeline program in Tennessee State.

A. Advantages of Boomerang’s Lifeline Services

Boomerang’s experience and longevity as a provider of Lifeline services in many states demonstrates the Company’s commitment and ability to provide quality Lifeline services to eligible, low-income consumers in compliance with program requirements. Authorizing Boomerang as a Lifeline ETC in the State of Tennessee will enable the Company to provide eligible low-income consumers with access to high quality mobile voice, text, and data services. This will increase those consumers’ choices in service providers and service options and make essential communications services more affordable and accessible to these consumers.

Boomerang’s combined use of online and in-person, real-time distribution methods rely upon Internet-enabled compliance checks that, while meeting (and often exceeding) Lifeline program requirements, have enabled the Company to bring Lifeline service to those eligible consumers that are not easily reached by carriers relying exclusively on one distribution method or another.

As the Commission, other regulators, and industry participants know well, mobile services are overwhelmingly preferred by Lifeline-eligible consumers who can often afford only a single connection, may frequently change residences or places of employment, may need the

ability to communicate promptly and effectively with prospective employers, and also must manage households and family responsibilities as they do so. Some of these individuals may be homeless, with their Lifeline service being the only reliable contact point they have. For all these consumers, whatever their circumstances, Lifeline services also ensure that they always have the ability to contact 911 emergency services should the need arise. The availability of a no-charge Lifeline service that includes voice minutes, texts, and data is an invaluable resource for cash-strapped consumers in these circumstances.

Boomerang's Tennessee Lifeline service plans provide attractive options for low-income consumers because they offer low-cost, reliable alternatives to traditional rate plans. Among its Lifeline offerings is a plan with 1,000 voice minutes, 500 texts and 100 MB of data available to all qualifying low-income Tennessee consumers for no cost. In addition, the Company provides additional consumer-friendly options that enable customers to flexibly tailor their wireless services to their variable needs and budgets. This empowers consumers to choose to purchase more of what they need, when they want (and can afford it).

Moreover, Boomerang's Lifeline plans alleviate customer concerns regarding deposits, hidden costs, varying monthly charges (including the infamous "bill shock"), and long-term contract issues. Boomerang's prepaid plans allow customers, who might not otherwise have access to expensive post-paid plans, to subscribe to voice and data services without the hurdle of a credit check or the commitment of a contract. Through the Company's customer service, customers can purchase more minutes as needed. This flexibility and accessibility provides a viable option for "unbanked" and "underbanked" consumers.

Low-income consumers in Tennessee and throughout the nation have long been faced with making difficult choices about how to allocate and spend their limited resources. Today,

these consumers are more challenged than ever before as the COVID-19 pandemic has depleted these resources. Food, shelter, and healthcare are easily recognized as essential, but so too is access to voice and broadband communications. Consequently, the ability for these consumers to meet their communications needs, while at the same time controlling the associated costs, is critical. Boomerang's Lifeline offering is designed with low-income consumers in mind, and thus, the Company's designation as an ETC in the State will help struggling Tennesseans to manage the employment, educational, and health challenges that are all too frequent. As the economic uncertainty of the COVID-19 pandemic continues, the communications access provided to low-income consumers by ETCs such as Boomerang may literally determine whether some of these consumers survive.

In addition, Boomerang's service meets the goals of the Act to provide "higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies" to all American consumers.⁴⁰ Boomerang's services allow customers to rely upon the extensive network of its underlying carrier, while taking advantage of Boomerang's additional features and services provided by its secure facilities. Conferring ETC status upon Boomerang will provide consumers with these higher quality services in its designated service areas.

B. Benefits of Competitive Choice

Designation of Boomerang as an ETC also meets the FCC's stated goals for promoting competition and increasing customer choice. The FCC recognized the interrelationship of ETC designations and competition over a decade ago, concluding that in non-rural areas, designation of multiple ETCs, following demonstration of compliance with eligibility requirements, was so

⁴⁰ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

fundamentally beneficial as to warrant characterization as “consistent *per se* with the public interest.”⁴¹ In rural and high-cost areas, the FCC determined that “designation of competitive ETCs promotes competition and benefits consumers . . . by increasing customer choice, innovative services, and new technologies.”⁴² The correlation between increased market choice and lowering of costs, when dealing with competitive services, has been adopted as a “given” by telecommunications industry regulators across the country. In the Lifeline context, this equation takes on new importance, because the entry of additional providers increases competitive choice for lower-income customers who often are less desirable to providers focused on upscale consumer offerings. Boomerang’s addition, in particular, will add its affordable, innovative services to the marketplace. Further, its presence as a competitor will lead to additional competition within the Lifeline market that should help improve the rate of program participation by eligible subscribers and spur other ETCs to improve their own Lifeline service offerings.

C. Impact on the Universal Service Fund

In the past, the FCC also recognized that, in contrast to the historic designation of carriers to receive high cost funds, the designation of Lifeline ETCs should not have an adverse effect upon the health of the USF. The Lifeline benefit is provided to each eligible customer that enrolls, albeit channeled through the ETCs via reimbursements, and as a result, the USF is unaffected by whether Boomerang or another ETC serves that customer. Moreover, with strict compliance to the FCC’s rules concerning prevention of waste, fraud, and abuse of the USF,

⁴¹ *Federal-State Joint Board on Universal Service, Cellco Partnership d/b/a Bell Atlantic Mobile (Petition for Designation as an Eligible Telecommunications Carrier)*, Memorandum, Opinion and Order, CC Docket No. 96-45, DA 00-2895, ¶ 14 (rel. Dec. 26, 2000).

⁴² *See Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, Memorandum Opinion and Order, CC Docket No. 96-45, DA 00-2896, ¶ 17 (rel. Dec. 26, 2000).

there is greater certainty that no customers served by Boomerang or other ETCs are ineligible or are receiving duplicative benefits. It would be ingenuous, however, to claim that designation of a Lifeline ETC at this time will not have any effect upon the USF. As the Commission knows and ETCs fully recognize, there are still many—indeed the majority of—eligible consumers not receiving Lifeline benefits, and this number has only increased due to the financial instability for millions of Americans brought on by the COVID-19 pandemic. That is why ETC applicants highlight their ability to reach those consumers. The presence of more Lifeline ETCs, with increasingly sophisticated ways to reach previously unserved eligible consumers, will help to increase the overall numbers of consumers receiving Lifeline benefits. And that inevitably will increase the demands upon the USF. But this result does not reflect a failure of the process or recommend against designating new ETCs. Quite the contrary. Ensuring the availability of critical communications to Americans in desperate need is precisely why the USF was established. And it has never been more necessary. Any increase in funding demands upon the USF will be directly proportionate to the escalated imperative for the USF to fulfill its function.

VII. CONCLUSION

For the reasons outlined above, designation of Boomerang as an ETC in the State of Tennessee fully satisfies the requirements of Section 214(e)(2) of the Act and is in the public interest.

WHEREFORE, Boomerang respectfully requests that the Commission promptly designate Boomerang as an ETC in the State of Tennessee, throughout the requested service area, solely for purposes of participating in the Lifeline program to receive federal support and reimbursement for the provision of communications services on a wireless basis to qualified low-income Tennessee consumers.

Respectfully submitted,

/s/ John J. Heitmann
John J. Heitmann
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Debra McGuire Mercer
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*Attorneys for Boomerang Wireless, LLC
d/b/a enTouch Wireless*

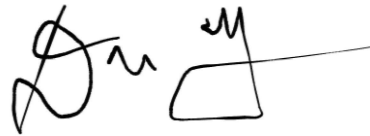
July 28, 2022

Exhibit A

VERIFICATION

STATE OF PENNSYLVANIA §
 §
COUNTY OF CHESTER §

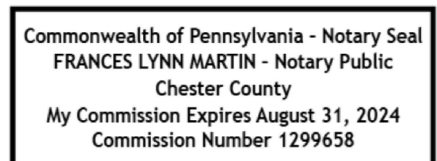
I, Domenic Fontana, state that I am the Senior Vice President Finance of Boomerang Wireless, LLC (Boomerang); that I am authorized to make this Verification on behalf of Boomerang; that I have read the foregoing document; and that the statements in the foregoing document with respect to Boomerang are true, accurate and correct to the best of my knowledge, information and belief. I declare under penalty of perjury that the foregoing is true and correct.



Domenic Fontana
Senior Vice President Finance
Boomerang Wireless, LLC

Subscribed and sworn to before me this 25th day of July, 2022.

Notary Public:



My Commission expires: August 31, 2024

Exhibit B



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

Filing Information

Name: **Boomerang Wireless, LLC**

General Information

| | | | |
|----------------------|-------------------------------------|-------------------|------------|
| SOS Control # | 000682495 | Formation Locale: | IOWA |
| Filing Type: | Limited Liability Company - Foreign | Date Formed: | 01/18/2008 |
| | 03/26/2012 12:46 PM | Fiscal Year Close | 12 |
| Status: | Active | Member Count: | 2 |
| Duration Term: | Perpetual | | |
| Managed By: | Manager Managed | | |

Registered Agent Address

PARACORP INCORPORATED
STE B
992 DAVIDSON DR
NASHVILLE, TN 37205-1051

Principal Address

415 1ST ST SE
CEDAR RAPIDS, IA 52401-1808

The following document(s) was/were filed in this office on the date(s) indicated below:

| Date Filed | Filing Description | Image # |
|------------|--|------------|
| 04/19/2022 | Registered Agent Change (by Entity) | B1203-0231 |
| | Registered Agent Organization Name Changed From: CORPORATION SERVICE COMPANY To: PARACORP INCORPORATED | |
| | Registered Agent Physical Address 1 Changed From: 2908 POSTON AVE To: 992 DAVIDSON DR | |
| | Registered Agent Physical Address 2 Changed From: No Value To: STE B | |
| | Registered Agent Physical Postal Code Changed From: 37203-1312 To: 37205-1051 | |
| 12/01/2021 | 2021 Annual Report | B1127-7582 |
| | Principal Address 1 Changed From: 955 KACENA RD To: 415 1ST ST SE | |
| | Principal City Changed From: HIAWATHA To: CEDAR RAPIDS | |
| | Principal Postal Code Changed From: 52233-1327 To: 52401-1808 | |
| 03/09/2021 | Assumed Name | B0994-1384 |
| | New Assumed Name Changed From: No Value To: enTouch Wireless | |
| 12/08/2020 | 2020 Annual Report | B0955-0401 |
| 02/06/2020 | 2019 Annual Report | B0811-6814 |
| 01/23/2020 | Registered Agent Change (by Entity) | B0804-6911 |
| | Registered Agent Organization Name Changed From: COGENCY GLOBAL INC. To: CORPORATION SERVICE COMPANY | |

Filing Information

Name: **Boomerang Wireless, LLC**

Registered Agent Physical Address 1 Changed From: 992 DAVIDSON DR To: 2908 POSTON AVE
Registered Agent Physical Address 2 Changed From: STE B To: No Value
Registered Agent Physical Postal Code Changed From: 37205-1051 To: 37203-1312
03/05/2019 2018 Annual Report B0663-7595
02/09/2018 2017 Annual Report B0496-0518
05/30/2017 Registered Agent Change (by Entity) B0382-6607
Registered Agent Organization Name Changed From: CORPORATION SERVICE COMPANY To: COGENCY GLOBAL INC.
Registered Agent Physical Address 1 Changed From: 2908 POSTON AVE To: 992 DAVIDSON DR
Registered Agent Physical Address 2 Changed From: No Value To: STE B
Registered Agent Physical Postal Code Changed From: 37203-1312 To: 37205-1051
01/03/2017 2016 Annual Report B0328-7041
Member Count Changed From: 1 To: 2
12/02/2015 2015 Annual Report B0169-8425
12/16/2014 2014 Annual Report B0028-6882
02/10/2014 2013 Annual Report A0214-0242
Member Count Changed From: 2 To: 1
01/19/2013 2012 Annual Report A0150-1127
Member Count Changed From: 1 To: 2
Managed By Changed From: Other To: Manager Managed
05/17/2012 Registered Agent Change (by Entity) A0121-0690
Registered Agent Organization Name Changed From: NATIONAL REGISTERED AGENTS, INC. To: CORPORATION SERVICE COMPANY
Registered Agent Physical Address 1 Changed From: 2300 HILLSBORO RD To: 2908 POSTON AVE
Registered Agent Physical Address 2 Changed From: STE 305 To: No Value
Registered Agent Physical Postal Code Changed From: 37212-4927 To: 37203-1312
03/26/2012 Initial Filing 7020-1670

Active Assumed Names (if any)

| | Date | Expires |
|------------------|------------|------------|
| enTouch Wireless | 03/09/2021 | 03/09/2026 |

Exhibit C



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 22-54

Released: January 18, 2022

WIRELINE COMPETITION BUREAU APPROVES THE REVISED COMPLIANCE PLAN OF BOOMERANG WIRELESS, INC.

WC Docket Nos. 11-42 and 09-197

The Wireline Competition Bureau (Bureau) hereby approves the revised compliance plan¹ of Boomerang Wireless, Inc. d/b/a enTouch Wireless (Boomerang) filed pursuant to the requirements for the continued provision of Lifeline service.²

The Act provides that a carrier be designated as an eligible telecommunications carrier (ETC) to receive universal service support.³ The Federal Communications Commission (Commission) has required that all non-facilities based telecommunications carriers seeking Lifeline-only ETC designation must meet the following conditions: (1) compliance with certain 911 and enhanced 911 (E911) public safety requirements; and (2) Bureau approval of a compliance plan providing specific information regarding the carrier and its service offerings and outlining the measures the carrier will take to implement its obligations.⁴

The Bureau has clarified that any transfer of ownership or control of an ETC with an approved Lifeline compliance plan requires approval in advance of the transaction.⁵ This includes renewing compliance plan approval for changes in the corporate ownership and control of the ETC.⁶

In accordance with this requirement, Boomerang submitted a revised compliance plan to reflect the proposed acquisition of Boomerang by ViaOne Acquisition Company LLC (ViaOne), and to

¹ Boomerang Wireless, LLC Revised Compliance Plan, WC Docket Nos. 09-197, 11-42 (filed Apr. 30, 2021), [https://ecfsapi.fcc.gov/file/10430095021382/Boomerang%20Wireless%20Compliance%20Plan%20\(April%202021\).pdf](https://ecfsapi.fcc.gov/file/10430095021382/Boomerang%20Wireless%20Compliance%20Plan%20(April%202021).pdf) (Boomerang Revised Compliance Plan).

² See *Lifeline and Link Up Reform and Modernization et al*, 27 FCC Rcd 6656, 6816, paras. 379-380 (2012) (2012 *Lifeline Reform Order*); *In the Matter of Lifeline & Link Up Reform & Modernization*, 30 FCC Rcd 7818 (2015) (2015 *Lifeline Order*).

³ 47 U.S.C. § 214(e)(1)(A).

⁴ See 2012 *Lifeline Reform Order*, 27 FCC Rcd at 6814, 6819, paras. 373 and 389. Subsequently, the Bureau provided guidance for carriers submitting compliance plans pursuant to the 2012 *Lifeline Reform Order*. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, 27 FCC Rcd 2186 (WCB 2012).

⁵ *Wireline Competition Bureau Reminds Carriers of Eligible Telecommunications Carrier Designation and Compliance Plan Approval Requirements for Receipt of Federal Universal Service Support*, Public Notice, 29 FCC Rcd 9144, 9145 (WCB 2014).

⁶ *Id.*

otherwise update Boomerang's Compliance Plan in conformance with changes to the Commission's rules since approval of Boomerang's previously approved Compliance Plan.⁷

Boomerang is a Lifeline ETC in 34 states and territories.⁸ Boomerang is currently majority-owned (51%) by HH Ventures, LLC (HH Ventures), and minority-owned (49%) by ViaOne. Prior to December 18, 2020, Boomerang was wholly owned by HH Ventures.⁹ On December 18, 2020, HH Ventures and ViaOne entered into a Membership Interest Purchase Agreement (Agreement) wherein ViaOne agreed to purchase Boomerang from HH Ventures.¹⁰ Under the Agreement, ViaOne initially acquired 49% of the Membership Interests owned by HH Ventures and it will acquire the remaining 51% Membership Interests upon receiving the necessary regulatory approvals.¹¹ Following the proposed change in Boomerang's ownership, Boomerang's corporate and trade names and identifiers will remain unchanged.¹² Further, Boomerang attests that the transaction will not result in any loss or impairment of service for any customer, and that customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.¹³

The Bureau has reviewed Boomerang's Revised Compliance Plan for conformance with the relevant requirements, and now approves the Revised Compliance Plan.¹⁴ We note that with respect to this matter, Boomerang will remain the only entity with an approved compliance plan. Additionally, Boomerang must continue to comply with any future additions to or amendments of the Lifeline program rules unless it has relinquished its relevant designation(s) pursuant to section 214(e)(4) of the Act.¹⁵

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-7400 or TTY (202) 418-0484.

For further information, please contact John Lockwood, Telecommunications Access Policy Division, Wireline Competition Bureau at john.lockwood@fcc.gov.

- FCC -

⁷ See Boomerang Revised Compliance Plan at 4.

⁸ *Id.* at 2, 5.

⁹ *Id.* at 4.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Boomerang also filed a petition to expand its ETC designation in several states over which the Commission has jurisdiction. Today's action has no impact on that item and it remains under review. See Amended Petition of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Maine, New Hampshire, North Carolina, Tennessee, and Virginia, WC Docket No. 09-197 (filed Sept. 17, 2021), <https://ecfsapi.fcc.gov/file/10917500328262/FCC%20Amended%20ETC%20Petition.pdf>.

¹⁵ See 47 U.S.C. § 214(e)(4).



Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC 20007
Tel: (202) 342-8400
Fax: (202) 342-8451

April 30, 2021

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: Boomerang Wireless, LLC d/b/a enTouch Wireless Amended Compliance Plan, WC
Docket Nos. 09-197 and 11-42**

Dear Ms. Dortch:

On March 1, 2012, Boomerang Wireless, LLC d/b/a enTouch Wireless (Boomerang or the Company) submitted its Compliance Plan for wireless Lifeline services, outlining the measures it would take to implement the conditions imposed by the Federal Communications Commission (FCC or Commission) in its 2012 Lifeline Reform Order.¹ Following revisions, most recently on July 26, 2012, the Wireline Competition Bureau (Bureau) approved Boomerang's Compliance Plan on August 8, 2012.² Boomerang filed notices of non-material change to its Compliance Plan with the Commission on September 7, 2012, and November 7, 2013.³

Boomerang now seeks expedited approval of the enclosed Amended Compliance Plan, which has been updated to: (1) reflect a proposed change in ownership of the Company; and (2) update the information provided in the approved Compliance Plan due to Commission rule changes and the passage of time.

¹ See *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 Nos. 11-42 and 03-109, CC Docket No. 96-45, and WC Docket No. 12-23, Report and Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012).

² *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and Tag Mobile*, WC Docket Nos. 09-197 and 11-42, Public Notice, DA 12-1286 (rel. August 8, 2012).

³ Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Sept. 7, 2012); Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Nov. 7, 2013).

Change in Ownership

Boomerang is currently majority-owned (51%) by HH Ventures, LLC (HH Ventures), an Iowa limited liability company, and minority-owned (49%) by ViaOne Acquisition Company LLC (ViaOne), a Delaware limited liability company. Prior to December 18, 2020, Boomerang was wholly owned by HH Ventures. On December 18, 2020, HH Ventures and ViaOne entered into a Membership Interest Purchase Agreement (Agreement) wherein ViaOne agreed to purchase Boomerang from HH Ventures. Under the Agreement, ViaOne initially acquired 49% of the Membership Interests owned by HH Ventures and it will acquire the remaining 51% of Membership Interests upon receiving necessary regulatory approvals, including approval of this revised Compliance Plan. Following the proposed change in Boomerang's ownership, the Company's corporate and trade names and identifiers will remain unchanged. The transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

Updates Due to Rule Changes and Passage of Time

Boomerang also files this revised Compliance Plan to update its policies and practices to account for changes in the Commission's Lifeline rules, orders, and guidance and due to the passage of time. This includes full implementation of the Lifeline National Verifier, use of standardized application and recertification forms, and new requirements for Lifeline enrollment representatives.

Respectfully submitted,



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Chris M. Laughlin
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Washington, DC 20007
(202) 342-8400
jheitmann@kelleydrye.com

Enclosure

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

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

BOOMERANG WIRELESS, LLC REVISED COMPLIANCE PLAN

Boomerang Wireless, LLC d/b/a enTouch Wireless (Boomerang or the Company), by its counsel, hereby respectfully submits and requests expeditious approval of revisions to its approved Compliance Plan, outlining the measures it will take to comply with the Lifeline Program rules, orders, and guidance issued by the Federal Communications Commission (Commission or FCC).¹

¹ See *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 Nos. 11-42 and 03-109, CC Docket No. 96-45, and WC Docket No. 12-23, Report and Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (2012 Lifeline Reform Order); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, and 10-90, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (rel. June 22, 2015) (2015 Lifeline Order); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 00-197, and 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (2016 Lifeline Modernization Order); *Bridging the Digital Divide for Low-Income Consumers Lifeline and Link Up Reform and Modernization Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155 (rel. Dec. 1, 2017) (2017 Lifeline Digital Divide Order); *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and

On July 26, 2012, Boomerang filed a Compliance Plan for its wireless service.² Boomerang's Compliance Plan was approved by the Wireline Competition Bureau (Bureau) on August 8, 2012.³ Boomerang filed notices of non-material change to its Compliance Plan with the FCC on September 7, 2012, and November 7, 2013.⁴ Boomerang files this revised Compliance Plan to reflect a proposed change in ownership of the Company and to update its policies and practices to account for changes in the Commission's Lifeline rules, orders, and guidance and due to the passage of time. Boomerang is a Lifeline eligible telecommunications carrier (ETC) in 34 states and territories and is seeking designation from the Commission as an ETC in the federal jurisdiction states for the limited purpose of offering service supported by the Lifeline program.⁵

Boomerang has availed itself of the grant of forbearance from the "own-facilities" requirement contained in section 214(e)(1)(A) of the Communications Act of 1934, as amended

Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019) (Fifth Report and Order).

² See *Revised Compliance Plan of Boomerang Wireless, LLC*, WC Docket Nos. 09-197 and 11-42 (filed Jul. 26, 2012).

³ *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and Tag Mobile*, WC Docket Nos. 09-197 and 11-42, Public Notice, DA 12-1286 (August 8, 2012).

⁴ Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Sept. 7, 2012); Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Nov. 7, 2013).

⁵ Boomerang currently has petition for designation as a Lifeline-only ETC in the federal jurisdiction states pending before the Commission. See *Amended Petition of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Maine, New Hampshire, New York, North Carolina, Tennessee, and Virginia*, WC Docket No. 09-197 (filed May 2, 2014) (Petition). Boomerang also seeks authorization to provide Lifeline-only service to residents of Tribal lands in those states. Boomerang intends to file an updated version of this petition and respectfully requests to incorporate the commitments made herein into the pending Petition and updated petition when it is filed.

(Communications Act).⁶ In accordance with the procedures established in the 2012 Lifeline Reform Order⁷ and clarified in the Compliance Plan Public Notice issued by the Wireline Competition Bureau on February 29, 2012,⁸ this Compliance Plan outlines the measures Boomerang has implemented to achieve full compliance with all pertinent conditions set forth in the Commission's Lifeline rules, orders, and guidance, including the provision of 911 services to ensure that Lifeline customers can access the same safety and welfare services that are critical for all Americans.⁹

Boomerang is committed to guarding against waste, fraud, and abuse in the Lifeline program. This Compliance Plan details the policies, procedures, and training programs the Company has implemented to achieve this objective. Specifically, this Compliance Plan describes in detail: (1) the measures Boomerang takes to implement the conditions contained in the Lifeline program rules, orders, and guidance, including the procedures the Company follows to enroll eligible Tribal and non-Tribal subscribers into the Lifeline program, the process by which the Company submits for reimbursement from the Low Income Fund for those subscribers, and how

⁶ See 47 U.S.C. § 214(e)(1)(A); 2012 Lifeline Reform Order, ¶ 368-381. Although Boomerang qualifies for and avails itself of the Commission's grant of forbearance from the facilities requirement in section 214(e)(1)(A) for purposes of the federal Lifeline program, the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state for purposes of state universal service funding under state program rules and requirements. Boomerang will follow the requirements of the Commission's Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low Income Fund, including in any state where the public utilities commission determines that Boomerang provides service using its own facilities for purposes of a state universal service program.

⁷ See 2012 Lifeline Reform Order, ¶ 379.

⁸ See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197 and 11-42, Public Notice, DA 12-314 (WCB rel. Feb. 29, 2012) (Compliance Plan Public Notice).

⁹ The compliance practices described herein are subject to change consistent with program rules and as those rules may be amended, replaced, or adopted from time to time.

the Company conducts initial and ongoing certifications; and (2) how Boomerang offers and markets its Lifeline services, the geographic areas in which it offers Lifeline services, and a detailed description of the Company's Lifeline service plan offerings.

COMPANY INFORMATION

I. Change in Ownership of Boomerang

Boomerang is currently majority-owned (51%) by HH Ventures, LLC (HH Ventures), an Iowa limited liability company, and minority-owned (49%) by ViaOne Acquisition Company LLC (ViaOne), a Delaware limited liability company. Prior to December 18, 2020, Boomerang was wholly owned by HH Ventures. On December 18, 2020, HH Ventures and ViaOne entered into a Membership Interest Purchase Agreement (Agreement) wherein ViaOne agreed to purchase Boomerang from HH Ventures. Under the Agreement, ViaOne initially acquired 49% of the Membership Interests owned by HH Ventures¹⁰ and it will acquire the remaining 51% of Membership Interests upon receiving necessary regulatory approvals, including approval of this revised Compliance Plan.¹¹ Following the proposed change in Boomerang's ownership, the Company's corporate and trade names and identifiers will remain unchanged. The transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

II. Financial and Technical Capabilities

Boomerang has the financial and technical capabilities to provide the supported services and comply with the Commission's Lifeline service rules.¹² Among the factors the Commission will consider are: (a) a carrier's prior offering of service to non-Lifeline subscribers, (b) the length

¹⁰ The current structure, ownership, and brands is provided as **Exhibit A**.

¹¹ The post-merger structure, ownership, and brands is provided as **Exhibit B**.

¹² See Compliance Plan Public Notice at 3; 47 C.F.R. § 54.202(a)(4).

of time the carrier has been in business, (c) whether the carrier relies exclusively on Lifeline reimbursements to operate, (d) whether the carrier receives revenues from other sources, and (e) whether the carrier has been the subject of an enforcement action or ETC revocation proceeding in any state.¹³

Boomerang is a wireless Lifeline-only ETC with such designation from 34 states and territories.¹⁴ The Company has been successfully providing Lifeline-supported service since October 9, 2012 and service to non-Lifeline customers itself or through affiliates since 2008. Boomerang has an established customer base, serving over 47,000 Lifeline customers across the 34 states where it operates. The Company has ETC applications pending in Massachusetts, New Jersey, and Vermont. In addition, the Company plans to file with the Commission a revised petition for ETC designation in ten federal jurisdiction states.¹⁵ Boomerang has not sought High Cost support in any of the states for which it has been designated an ETC, nor has it sought High Cost support in any pending ETC application.

Boomerang has considerable expertise complying with the requirements of the federal Lifeline program and marketing to the low-income consumer sector. Boomerang has direct control over the databases, systems, and processes controlling the customer records, usage records, and reporting, which provides the Company with direct ability to adhere to Lifeline requirements.

¹³ 2012 Lifeline Reform Order, ¶ 388.

¹⁴ Those thirty-four states are: Arkansas, Arizona, California, Colorado, Georgia, Hawaii, Iowa, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Dakota, Nebraska, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin, West Virginia, Wyoming, and Puerto Rico.

¹⁵ Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, Tennessee, Virginia, and the District of Columbia.

Boomerang is currently transitioning to utilizing ViaOne as its MVNE. ViaOne's core management team currently includes five senior executives and the company employs 55 full time employees. ViaOne also intends to continue its employment relationships with key Boomerang employees that have allowed the Company to successfully provide Lifeline service over its nearly nine years of operation. ViaOne is a cash-flow positive entity with diverse business operations. ViaOne currently is the sole owner or majority owner of seven subsidiaries: Alchemy Insurance Agency, Assist Wireless, Cali Distributors, CTC Outreach Marketing, Good Gaming, Inc., PayGo Distributors, and V1 Fiber. ViaOne, itself and through its subsidiaries, provides integrated communications services as an MVNE, including MVNO enablement, cellular carrier access aggregation, voice/text/data services, marketing services, deployment of mobile services to customers, and operational support.

On December 6, 2020, Boomerang entered into a distribution agreement with ViaOne subsidiary Cali Distribution, LLC (Cali) to distribute Lifeline services and enroll Lifeline subscribers, subject to Boomerang's oversight. Once the acquisition is complete, Boomerang will also benefit from the services of PayGo Distributors, which provides outreach, sales, and marketing services for Lifeline providers. ViaOne also has significant experience providing services that comply with the requirements of the Lifeline program through its subsidiary, Assist Wireless, a wireless Lifeline-only ETC designated in the States of Arkansas, Maryland, Missouri, and Oklahoma. Assist Wireless has been successfully providing Lifeline-supported service since January 2011 and has an established customer base, serving nearly 78,000 Lifeline customers. Using ViaOne's established MVNE services, Boomerang will continue to have the ability to reach eligible consumers throughout the country.

Boomerang is financially stable and fully capable of honoring its service obligations to customers, as well as meeting its federal and state regulatory obligations. The Company has not (and does not) rely exclusively on revenues from its provision of Lifeline services for its operating revenues. The Company also has access to additional capital resources from its parent and affiliate companies, its members, and its individual investors. ViaOne also derives significant revenues from its diverse subsidiary operations, including non-Lifeline services, which will benefit Boomerang following final consummation of the purchase. The Company's financial resources position the Company to expand its operations to serve currently unserved/underserved eligible low-income and Tribal consumers and increase competition.

Boomerang resells the services of T-Mobile/Sprint¹⁶ and Verizon to provide Lifeline services. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. Boomerang, and both its current and future parent and affiliate companies, have direct, in-depth experience providing voice and data products to subscribers using its carrier relationships.

Boomerang has not been subject to any enforcement actions related to the Low Income Fund or ETC revocation proceedings in any state.

ACCESS TO 911/E911 SERVICES

In the 2012 Lifeline Reform Order, the Commission stated that forbearance from the "own-facilities" requirement is conditioned on a carrier seeking limited ETC designation: (1) "providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes;" and (2) "providing its Lifeline subscribers with E911-compliant handsets and

¹⁶ Boomerang has MVNO agreements for both the T-Mobile and Sprint networks. At this time, the merged T-Mobile/Sprint entity has advised that Sprint network service will discontinue in approximately January 2022.

replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.”¹⁷ Wireless resellers also have an independent obligation to provide access to basic and E911 service, to the extent the local government in its service area has implemented 911 or E911 systems.¹⁸

The Commission and consumers are hereby assured that all Boomerang Lifeline customers have available access to emergency calling services at the time that Lifeline service is initiated and that such 911 and E911 access are available from Boomerang handsets regardless of the activation status and availability of minutes. Further, Boomerang ensures that all handsets used in connection with the Company’s Lifeline service offering are E911-compliant. Boomerang is not aware of any existing Boomerang customer that does not have an E911-compliant handset, but if that should occur, the Company will replace it with a 911/E911 compliant handset at no charge to the customer. Any new customer who qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911 compliant handset as well. Boomerang provides 911 and E911 services to the extent these services have been implemented by local governments in the service area and deployed by Boomerang’s underlying facilities-based wireless carriers. Boomerang’s underlying carriers route 911 calls from the Company’s customers and provide the same functionality for such calls as they do for 911 calls from their own retail customers.

¹⁷ 2012 Lifeline Reform Order, ¶ 373.

¹⁸ See 47 C.F.R. § 54.101(a).

COMPLIANCE PLAN

I. Procedures for Enrolling and Maintaining Lifeline Subscribers¹⁹

A. Policy

This Compliance Plan describes the specific measures that Boomerang has implemented to comply with the Commission's Lifeline rules and orders, including the uniform eligibility criteria established in section 54.409 of the Commission's rules,²⁰ as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC. In accordance with these provisions, all subscribers will be required to demonstrate eligibility, as determined by the National Lifeline Eligibility Verifier (National Verifier),²¹ based on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in sections 54.409(a)(2) or 54.409(b) of the Commission's rules.²² In addition, through the certification requirements described below and use of the National Lifeline Accountability Database (NLAD), the Company will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service. Boomerang shares the Commission's concerns about the potential for waste, fraud, and abuse of the Lifeline program and is thus committed to the safeguards stated herein.

¹⁹ See Compliance Plan Public Notice at 3.

²⁰ 47 C.F.R. § 54.409.

²¹ The National Verifier is fully operational, except in NLAD opt-out states where it is undergoing a modified launch. See *Wireline Competition Bureau Announces the Next National Lifeline Eligibility Verifier Launch in Three States*, WC Docket No. 11-42, Public Notice, DA 19-1290 (rel. Dec. 18, 2019); *Wireline Competition Bureau Announces the Launch of the National Lifeline Eligibility Verifier in California*, WC Docket No. 11-42, Public Notice, DA 20-1372 (rel. Nov. 18, 2020). In these states, Boomerang will rely upon state administrators for eligibility determination.

²² See 47 C.F.R. §§ 54.409(a)(1)-(2); 47 C.F.R. § 54.409(b).

B. Eligibility Determination

Boomerang relies on the National Verifier and NLAD (except in California, Oregon, and Texas, where the Company follows state requirements) to determine an applicant's eligibility for Lifeline service. Customers who have received eligibility approval from the National Verifier can apply for enrollment in Boomerang's Lifeline service using multiple methods, including in-person at events or retail locations, over the phone, online using an electronic application, or through the mail using a paper application. Applications are processed using CGM, LLC's Lifeline enrollment application—used by more than a dozen other ETCs—which works in conjunction with the National Verifier and NLAD. Procedurally, the CGM application queries the National Verifier to determine whether an applicant has been approved to receive Lifeline services based on the applicant's program- or income-based eligibility. If the applicant has not applied or received approval from the National Verifier, Boomerang directs the applicant to the National Verifier portal for an eligibility determination. The CGM application does not permit enrollment without indication of approval from the National Verifier. Boomerang does not collect, review, or maintain eligibility documentation, other than in NLAD-opt out states (California, Texas and Oregon). The CGM application also completes the steps necessary to prevent duplicate Lifeline benefits from being awarded to the same person or household by querying the NLAD during the application process.²³ Additionally, the CGM application currently performs additional checks, such as a check of Boomerang's subscriber database to identify and prevent intra-company duplicate enrollments. Further, the CGM application currently assesses whether an applicant is seeking

²³ 47 C.F.R. §§ 54.404(b)(1), 54.409(c); 2012 Lifeline Reform Order, ¶ 203. In states that have opted out of the NLAD, Boomerang will follow the duplicates detection process required by the state.

service in Boomerang's designated service territory and underlying carrier coverage area in the state. Upon verification of eligibility, the CGM application conducts the NLAD enrollment.²⁴

If the NLAD or subscriber database queries indicate that enrollment would result in a duplicate benefit, Boomerang takes appropriate steps to address the result. If the queries show that the applicant is currently receiving Lifeline service from another ETC, the Company asks if the applicant is receiving Lifeline services from another Lifeline provider and explains that the applicant cannot have multiple Lifeline benefits with the same or different service providers or apply the Lifeline benefit to more than one device, whether a wireless or wireline phone. If the applicant wishes to transfer the Lifeline benefit to Boomerang, the Company obtains consent from the applicant and acknowledgement that doing so will result in loss of Lifeline service with their former Lifeline service provider prior to initiating a benefit transfer. If the queries indicate that the applicant shares an address with one or more existing Lifeline subscribers, Boomerang directs the applicant to the National Verifier where the applicant can complete the Lifeline Program Household Worksheet, which contains the necessary disclosures and certifications.

C. Subscriber Disclosures and Certifications

Except in the NLAD opt-out states, every applicant is required to complete the standardized Lifeline application in the National Verifier environment, which covers the necessary information collection, disclosures, and certifications required by the Lifeline rules.²⁵ Boomerang will not provide a customer with a handset or otherwise activate Lifeline service until the applicant

²⁴ The Company transmits to the NLAD the information required for each new and existing Lifeline subscriber. *See* 2012 Lifeline Reform Order, ¶¶ 189-195; 47 C.F.R. § 54.404(b)(6). Further, the Company updates each subscriber's information in the NLAD within ten business days of any change, except for de-enrollment, which is transmitted within one business day. *See* 47 C.F.R. § 54.404(b)(8),(10).

²⁵ *See* 47 C.F.R. § 54.410(d).

completes the application in the National Verifier and receives eligibility approval.²⁶ Separately, Boomerang, collects any additional consents, state certifications,²⁷ and information necessary for Boomerang to be able to serve the customer through the CGM application.

In addition to the verification and certification processes described above, Boomerang may take additional steps to advise new and potential applicants about eligibility requirements. Specifically, Boomerang personnel may explain and emphasize the one-Lifeline-benefit-per-household limitation and the duplicate Lifeline benefit prohibition, advise about the non-usage rule, describe the annual recertification requirements, and reiterate that Lifeline is a government benefit and that providing false information could subject the applicant to consequences. This information may also be presented to new and potential applicants on Boomerang's printed materials, marketing, and website.

As part of the application process, Boomerang requires each applicant to authorize the Company to access any records required to verify the applicant's statements related to the applicant's request for Lifeline. The applicant also has to authorize the Company to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in a Lifeline program database.²⁸ The Company complies with all applicable state and federal regulations concerning the protection of subscriber customer proprietary network information (CPNI) and eligibility documentation. Boomerang accepts electronic signatures that

²⁶ 47 C.F.R. § 54.410(a).

²⁷ 2012 Lifeline Reform Order, ¶ 61.

²⁸ See Section 54.404(b)(9). The application/certification form also describes the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program, and that failure to provide consent will result in the applicant being denied the Lifeline benefit. See *id.*

meet the requirements of the E-SIGN Act²⁹ and any applicable state laws, including signature verification via IVR systems.

D. Oversight and Training of Employees, Agents, and Representatives

Except in states in which applicants are enrolled through a designated state administrator, the Company has direct contact with all applicants for Boomerang's Lifeline service, either in person through its employees, agents, or representatives, or via the telephone, mail, or online. Boomerang does not enroll customers at retail locations where the Company does not have an agency agreement with the retailer. In addition, in accordance with section 54.406 of the Commission's rules, Boomerang enrollment representatives are required to register in USAC's Representative Accountability Database (RAD), and Boomerang does not offer or provide enrollment representatives or their direct supervisors any commission compensation based on the number of consumers who apply for or are enrolled in the Lifeline program with the Company.³⁰

To track enrollments and ensure that customer enrollment information is safeguarded against potential identity fraud, Boomerang enrollment representatives are currently required to register with the Company and log in to the CGM software with a unique username and password to enroll customers. The registration process requires representatives to provide their address and sign an agreement to follow all Lifeline program rules and requirements, including with respect to assisting an applicant with Lifeline enrollment and maintaining the confidentiality of personal information. The unique login information permits Boomerang to track activity through CGM by agent so that the Company can monitor accounts and agents for irregularities (e.g., excessive activity or improper behavior) and take corrective action if necessary.

²⁹ 47 C.F.R. § 54.419; *see also* Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 15 U.S.C. §§ 7001-7006.

³⁰ 47 C.F.R. § 54.406(b).

Boomerang provides or requires Lifeline-specific training for all personnel, whether employees, direct contractors, or representatives, who interact with new or prospective customers regarding the Commission's Lifeline eligibility and certification rules and the Company's practices and policies designed to implement those rules. All personnel receive an online training, which requires review of the company's policies and procedures, and submit a Standard of Conduct form before being authorized to sign up applicants for Lifeline service with Boomerang. 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, how the National Verifier makes program- and income-based eligibility determinations, and how the CGM application uses the NLAD to prevent duplicate Lifeline benefits from being awarded to the same person or household. Personnel are also trained on how to explain and answer questions about the eligibility criteria, one-per-household limitation, and duplicate benefit prohibition.³¹

Personnel are given instruction in how to assist Lifeline applicants with completing Lifeline applications and how to input applications into CGM. Additionally, personnel learn how to advise applicants when the National Verifier or NLAD returns a response that an applicant is ineligible, including informing applicants of the reason for the rejection, directing applicants to the National Verifier to complete any additional eligibility determination steps, and potentially assisting applicants with transferring Lifeline benefits or understanding the Universal Household Worksheet.

Personnel are instructed that the company has zero tolerance for waste, fraud or abuse, and that they should notify the compliance team if they suspect that anyone might be providing false

³¹ Pursuant to restrictions in California labor and employment law, Boomerang makes such training materials available, but does not directly train independent contractors.

information or attempting to obtain a duplicate Lifeline benefit. In addition, if personnel have any questions or concerns regarding eligibility and enrollment, the Company strongly encourages them to bring such questions and concerns to the Boomerang compliance team so that they can be researched and resolved in accordance with the Commission's Lifeline rules and regulations. Boomerang provides personnel with refresher training, including to inform them of changes to Lifeline program rules and regulations, including eligibility requirements. Personnel will be disciplined, up to and including termination, for failing to comply with Lifeline rules and regulations. Boomerang also provides comprehensive training to its internal compliance personnel.

E. Activation and Usage of Lifeline Service

Once a prospective customer is successfully enrolled in Boomerang's Lifeline service, the Company provides the customer with a welcome packet that has instructions for activating the service and may provide a handset. Customers can activate the service by using any of the means described in section 54.407(c)(2) of the Commission's rules for establishing ongoing usage of the Lifeline service or another means described by Boomerang.³² Aside from customers from whom Boomerang collects a monthly fee, the Company will not seek Lifeline reimbursement for a qualifying low-income consumer until that subscriber activates the service.³³

Except for subscribers from whom Boomerang collects a monthly fee, the Company will only maintain Lifeline-supported service for subscribers who actually use the service, and it will only seek reimbursement from the Lifeline fund for subscribers who remain eligible to be enrolled in the program. Under the Company's non-usage policy, "usage" is established based on the

³² 47 C.F.R. § 54.407(c)(2).

³³ See 2012 Lifeline Reform Order, ¶ 257; 47 C.F.R. § 54.407(c)(1).

activities listed in section 54.407(c)(2) of the Commission’s rules.³⁴ If, after a subscriber has activated the Lifeline service, the subscriber has not used the Company’s Lifeline service within the last thirty (30) days,³⁵ Boomerang will discontinue seeking Lifeline reimbursements for that subscriber³⁶ and will provide the subscriber with notice using clear, easily understood language, that if the subscriber does not use the service within fifteen (15) days, the service will be terminated and the subscriber will be de-enrolled from the Company’s Lifeline service.³⁷ If the subscriber has not used the service within the additional 15-day cure period, Boomerang de-enrolls the subscriber from the Lifeline program effective on the 46th day following 45-days of non-usage. Boomerang will update the NLAD within one (1) business day of de-enrolling a subscriber for non-usage³⁸ and will submit a non-usage de-enrollment report annually to the Commission with the number of subscribers de-enrolled for non-usage by month.³⁹

F. Annual Re-certification

The annual re-certification process is administered by the National Verifier. Boomerang advises customers that they may need to re-certify their eligibility annually if the National Verifier or state Lifeline administrator does not automatically do so in accordance with section 54.410(f) of the Commission’s rules. If the National Verifier cannot re-certify a subscriber’s program- or

³⁴ Subscribers can “use” the service by: (1) completing an outbound call or usage of data; (2) purchasing minutes from Boomerang to add to the subscriber’s plan; (3) answering an incoming call from a party other than Boomerang or its agent or representative; (4) responding to a direct contact from Boomerang and confirming that the subscriber wants to continue receiving the service; or (5) sending a text message. 47 C.F.R. § 54.407(c)(2).

³⁵ 47 C.F.R. § 54.407(c)(2).

³⁶ Boomerang will seek reimbursement if the subscriber “cures” the non-usage.

³⁷ 47 C.F.R. § 54.405(e)(3).

³⁸ 47 C.F.R. § 54.404(b)(10).

³⁹ 47 C.F.R. § 54.405(e)(3).

income-based eligibility for Lifeline during the annual re-certification, the National Verifier will request a signed certification from the subscriber on a form that meets the certification requirements in section 54.410(d) of the Commission's rules.⁴⁰ The Company may notify the subscriber in writing, using clear, easily understood language, that failure to respond to the re-certification request will trigger de-enrollment.⁴¹ USAC de-enrolls any Lifeline subscribers who do not re-certify through the National Verifier.⁴²

G. De-Enrollment for Ineligibility or by Request

Boomerang will de-enroll a subscriber within five (5) business days if it receives notification from USAC that the subscriber should be de-enrolled because the subscriber is receiving Lifeline service from more than one ETC or that more than one member of the subscriber's household is receiving Lifeline service.⁴³ Additionally, if the Company has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, Boomerang notifies the subscriber of impending termination in writing, complies with any state dispute resolution procedures applicable to Lifeline termination, and gives the subscriber thirty (30) days to demonstrate continued eligibility.⁴⁴ A demonstration of eligibility must comply with the annual re-certification procedures found in section 54.410(f) of the Commission's rules,

⁴⁰ The FCC has adopted a standardized recertification form that is used by USAC. *See Annual Recertification Form*, FCC Form 5630, https://www.usac.org/wp-content/uploads/lifeline/documents/forms/LI_Recertification_UniversalForms.pdf.

⁴¹ *See* 2012 Lifeline Reform Order, ¶ 145 ("ETCs and states may also choose to notify subscribers about the re-certification requirements in their Lifeline outreach materials. By taking these actions, ETCs and states will ensure that consumers are aware of the importance of responding to re-certification efforts, and that they are not inadvertently disconnected due to a lack of understanding of program rules.")

⁴² 47 C.F.R. § 54.405(e)(4).

⁴³ 47 C.F.R. § 54.405(e)(2).

⁴⁴ *See* 2012 Lifeline Reform Order, ¶ 143; 47 C.F.R. § 54.405(e)(1).

including the submission of a completed and signed re-certification form. If a Boomerang Lifeline customer who contacted the Company expresses that the customer is not eligible for Lifeline or requests to de-enroll for any reason, the Company will de-enroll the customer within two (2) business days. Customers can make this request by calling the Company's customer service number and are not be required to submit any documents.

H. Marketing of Lifeline Service Offering⁴⁵

Boomerang's marketing efforts are 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 advertises the availability and prices of its Lifeline services through a variety of mediums, including online advertising, direct marketing campaigns, print advertising, event-based distribution, partnering with local community groups, pamphlet distribution, and meetings with government agencies. 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. While most of Boomerang's outreach succeeds via direct contact with consumers, potential subscribers will also be able to avail themselves of a toll-free number or website to obtain enrollment information. Boomerang's online outreach uses search engine optimization and targeted ad placement to reach eligible low-income consumers. Boomerang also has a long history with retail distribution—the Company currently offers its services through retail stores and agents who understand the underserved consumers in communities Boomerang serves as an ETC.

⁴⁵ See Compliance Plan Public Notice at 3.

Boomerang offers its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying carriers, T-Mobile/Sprint and Verizon. The company uses these network relationships to ensure a good experience for its Lifeline customers.

Boomerang's Lifeline offerings include a range of service plan options for Lifeline subscribers. Among its Lifeline offerings is a 1,000 minute, 500 text and 100 MB plan at no cost to the end user and an unlimited voice, unlimited text, and 4.5 GB of data plan for a co-pay of \$25, which meets the mobile broadband minimum service standard (MSS) of 4.5 GB, pursuant to the Commission's most recent waiver of the MSS established in Section 54.408 of the Commission's rules.⁴⁶ The Company's Enhanced Lifeline plan of unlimited voice and text and 4.5 GB of data is available to Tribal customers that reside on Federally Recognized Tribal lands at no cost. The Company commits to modify its service offerings to meet or exceed the MSS as they change, in accordance with the Commission's rules or other Commission action.⁴⁷ Boomerang's Lifeline offerings are detailed in Exhibit C. Additional information regarding the Company's plans, rates, and services can be found on its website: www.entouchwireless.com.

In addition to its voice and data services, the following features are provided at no charge: Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Voicemail. Boomerang's Lifeline plans may include a free handset, or a customer may choose to purchase a device or use a device owned by the customer. All plans will include domestic long-distance at no extra per minute charge. Calls to 911 emergency services and customer service by dialing 611 on customer handsets are always free, regardless of Lifeline service activation or availability of minutes.

⁴⁶ See *Lifeline and Link Up Reform and Modernization et. al.*, WC Docket No. 11-42 et. al., Order, DA 20-1358 (WCB Nov. 16, 2020).

⁴⁷ See 47 C.F.R. § 54.408; *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, WC Docket No. 11-42, Public Notice, DA 20-820 (WCB rel. July 31, 2020).

Boomerang includes the following information regarding its Lifeline service on all marketing materials describing the service: (1) the offering is a Lifeline service; (2) Lifeline is a government assistance program; (3) the service is non-transferable; (4) only eligible consumers may enroll in the program; (5) the program is limited to one discount per household, consisting of either wireline or wireless service; (6) documentation is necessary for enrollment; and (7) the name under which Boomerang does business.⁴⁸ A sample of the Company's marketing materials can be found on its website: www.entouchwireless.com.⁴⁹

II. Reimbursements From the Fund

Boomerang seeks Lifeline reimbursement for providing Lifeline service based on the number of actual qualifying low-income customers listed in the NLAD that the Company serves as of the first of the month snapshot.⁵⁰ As part of each reimbursement request, Boomerang certifies its compliance with all of the Commission's Lifeline rules and, to the extent required, that it has obtained valid certifications from each of the subscribers for whom it is seeking reimbursement.⁵¹ Additionally, Boomerang has implemented measures for ongoing identification and removal of duplicate subscribers prior to certifying its Lifeline Claims System lists for reimbursement, including scans of its database to flag any duplicate subscriber information and a comparison of all subsidy requests to Boomerang's underlying carrier invoice to ensure that subsidies are

⁴⁸ See 2012 Lifeline Reform Order, ¶ 275; 47 C.F.R. § 54.405(c).

⁴⁹ Boomerang's marketing materials are subject to change and the Company will update the marketing materials whenever necessary to reflect changes in the Commission's Lifeline rules or state-specific conditions.

⁵⁰ 47 C.F.R. § 54.407(a).

⁵¹ See 2012 Lifeline Reform Order, ¶ 128; 47 C.F.R. § 54.407(d). Collecting certification and re-certification forms is now done by the National Verifier.

requested only for active lines. Further, the Company keeps accurate records as directed by USAC, in accordance with sections 54.407(e) and 54.417 of the Commission's rules.⁵²

As a provider of Lifeline services to residents of Tribal lands, Boomerang passes through the full Tribal support amount to qualifying residents of Tribal lands, and under no circumstances does it collect from the Lifeline Program more than the rate charged to Tribal subscribers.

III. Certifications, Reporting, and Cooperation with Regulators

Boomerang hereby certifies that it complies with the service requirements applicable to the support the Company receives.⁵³ Specifically, (i) the Company's Lifeline-supported services include broadband Internet access service (BIAS) and voice telephony service that provides voice grade access to the public switched network or its functional equivalent; (ii) the Company's Lifeline-supported services meet the MSS for BIAS and voice set forth in section 54.408 of the Commission's rules, as such standards are updated on an annual basis or otherwise modified by the Commission;⁵⁴ (iii) the Company's wireless service offerings provide its Lifeline customers with a set number of voice minutes that can be used for local and nationwide calling at no additional charge beyond the monthly plan rate; (iv) the Company will provide toll control for qualifying low-income consumers through its provision of a non-toll, any-distance domestic voice service;⁵⁵ (v) the handsets that Boomerang provides or makes available to Lifeline subscribers are

⁵² See 47 C.F.R. §§ 54.407(e), 54.417.

⁵³ 47 C.F.R. § 54.202(a)(1)(i).

⁵⁴ See 47 C.F.R. § 54.408(a)-(c).

⁵⁵ 47 C.F.R. § 54.101(a). Toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control. As the Commission found in its grant of ETC designation to Virgin Mobile, "the prepaid nature of [a prepaid wireless carrier's] service offering works as an effective toll control." *Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, Order, FCC 09-18 (rel. Mar. 5, 2009). Boomerang's calling plans do not distinguish between local or toll services, and instead offer nationwide calling with available usage is allocated

Wi-Fi enabled and E911-compliant, and customers are offered a choice of devices that are equipped with hotspot functionality;⁵⁶ (vi) the Company does not impose an additional or separate tethering charge for mobile data usage below the MSS;⁵⁷ and (vii) the Company provides subscribers with access to the emergency services provided by local government or other public safety organizations, including 911 and E911, where implemented by the local government in Boomerang's service areas. Boomerang satisfies applicable consumer protection and service quality standards. It is a member of, and continues its commitment to comply with, the CTIA Consumer Code for Wireless Service.

In accordance with section 54.202(a)(2) of the Commission's rules, Boomerang commits to remain functional in emergency situations. Back-up systems are in place to ensure full functionality in the event of a loss of power or network functionality. Boomerang's facilities are 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. Direct carrier

in advance. Moreover, Boomerang will provide this form of toll control to qualifying low-income consumers at no additional charge. Pursuant to the 2012 Lifeline Reform Order, subscribers to such services are not considered to have voluntarily elected to receive toll limitation service (TLS). *See* 2012 Lifeline Reform Order, ¶ 230. Boomerang does not provide toll blocking service for its wireless service offerings.

⁵⁶ *See* 47 C.F.R. § 54.408(f); 2012 Lifeline Reform Order, ¶ 373.

⁵⁷ 47 C.F.R. § 54.408(f).

access with the T-Mobile/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.

Boomerang files FCC Form 555 with USAC annually, which is signed by a Company officer and includes a certification, under penalty of perjury, that the Company: (1) has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services;⁵⁸ (2) is in compliance with all federal Lifeline certification procedures;⁵⁹ and (3) is in compliance with the MSS set forth in section 54.408 of the Commission's rules.⁶⁰ To the extent necessary now that USAC conducts annual re-certification efforts, the Company provides to the Commission, USAC, applicable state commissions, and relevant Tribal governments (for subscribers residing on Tribal lands) the results of its re-certification efforts, performed pursuant to section 54.410(f) of the Commission's rules, annually by January 31st for its re-certification efforts of the previous year.⁶¹ Further, the Company reports annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁶²

Boomerang files FCC Form 481 with the Commission, USAC, applicable state commissions, and the relevant authority in a U.S. territory or Tribal government, as appropriate, by July 1st of each year,⁶³ providing information regarding: (a) the company name, names of the

⁵⁸ See 2012 Lifeline Reform Order, ¶ 126; 47 C.F.R. § 54.416(a)(1).

⁵⁹ See 2012 Lifeline Reform Order, ¶ 127; 47 C.F.R. § 54.416(a)(2).

⁶⁰ See 47 C.F.R. § 54.416(a)(3).

⁶¹ See 2012 Lifeline Reform Order, ¶¶ 132, 148; 47 C.F.R. § 54.416(b).

⁶² See 2012 Lifeline Reform Order, ¶ 257; 47 C.F.R. § 54.405(e)(3).

⁶³ See 47 C.F.R. § 54.422(c).

company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation), as well as relevant universal service identifiers for each entity by Study Area Code;⁶⁴ (b) the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low-income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, such as minutes of use or toll calls;⁶⁵ and (c) if the Company is designated as an ETC by the Commission, pursuant to section 214(e)(6) of the Communications Act, service outages in the previous year, the number of complaints received, and certifications regarding service quality standards, consumer protection rules, and the Company's ability to function in emergency situations.⁶⁶

Boomerang cooperates with state and federal regulators to prevent waste, fraud and abuse. More specifically, the Company will: (a) assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims; (b) promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and (c) de-enroll any subscriber whom the Company has a reasonable basis to believe is receiving Lifeline-supported service from another ETC or is no longer eligible.

⁶⁴ See 2012 Lifeline Reform Order, ¶¶ 296, 390; 47 C.F.R. § 54.422(a).

⁶⁵ See 2012 Lifeline Reform Order, ¶ 390; 47 C.F.R. § 54.422(a)(2).

⁶⁶ See 2012 Lifeline Reform Order, ¶ 389; 47 C.F.R. § 54.422(b)(1)-(4).

CONCLUSION

Boomerang submits that the Bureau should approve its revised Compliance Plan reflecting a proposed change in ownership of the Company and that this Compliance Plan continues to fully satisfy the conditions set forth in the Commission's 2012 Lifeline Reform Order, the Compliance Plan Public Notice, and the Commission's Lifeline orders and rules.

Respectfully submitted,



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April 30, 2021

Exhibit A

Pre-Merger Organizational Chart

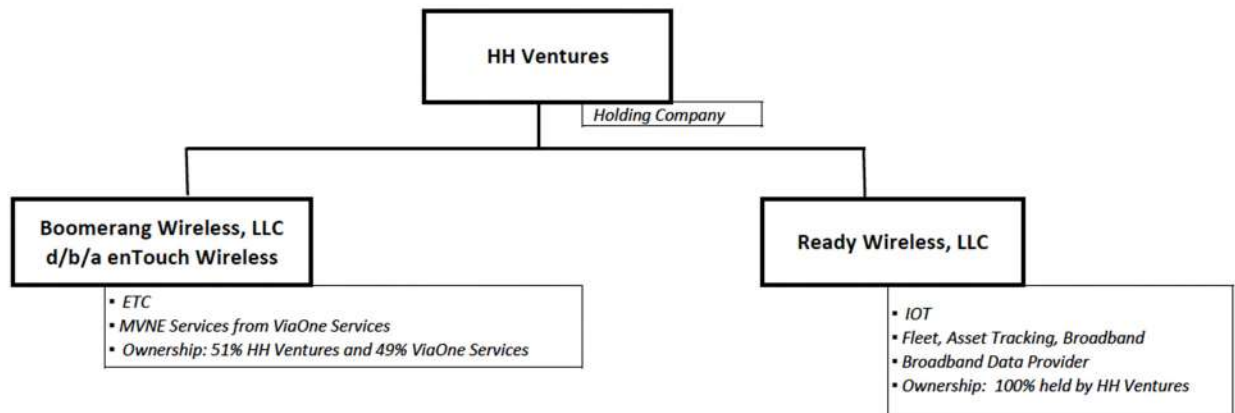


Exhibit B

Post-Merger Organizational Chart

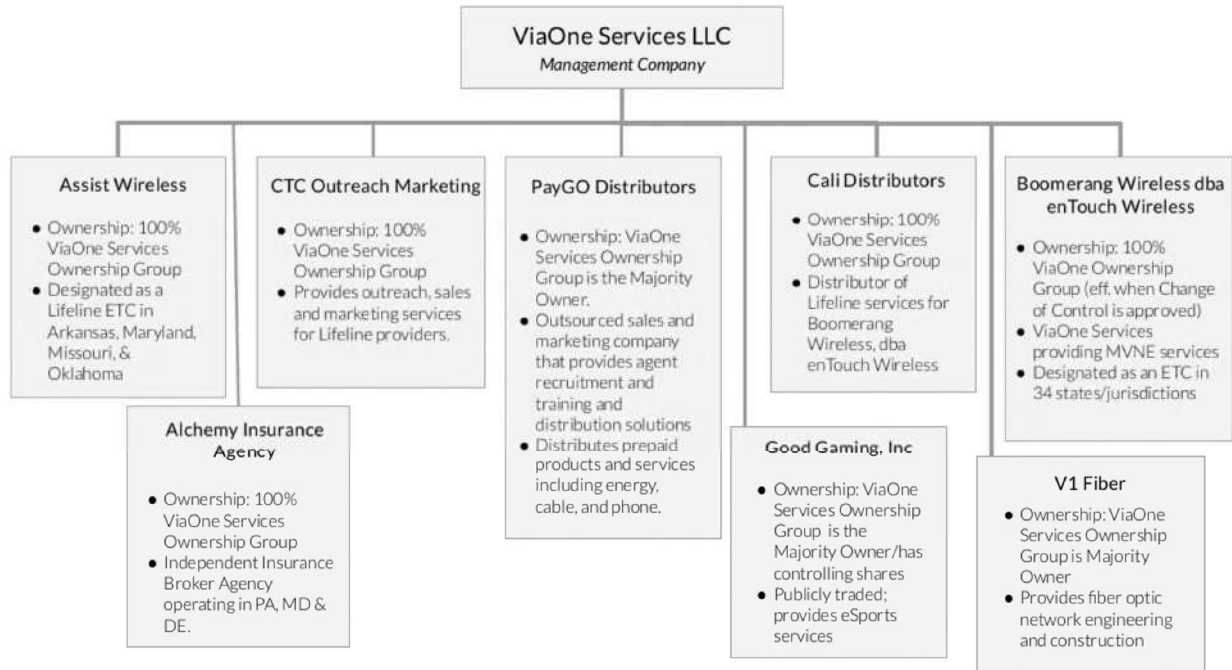


Exhibit C

Lifeline Service Plans

Boomerang (Non-Tribal) Lifeline Plans:

| <i>Lifeline Plans</i> | 1000 Bundled Voice plus 100 MB | 1000 Voice & Unltd Text | 1200 Voice, Unltd Text, 250 MB | 1200 Voice, Unltd Text, 1 GB |
|-----------------------|---|------------------------------------|---|---|
| <i>Customer Copay</i> | FREE | \$1.00 | \$5.00 | \$10.00 |
| <i>Voice</i> | 1000 | 1000 | 1200 | 1200 |
| <i>Text</i> | 500 | unlimited | unlimited | unlimited |
| <i>Data</i> | 100 MB | 100 MB | 250 MB | 1GB |
| <i>MSS/Svc Type</i> | Bundled Voice <i>(Voice Default)</i> | Bundled Voice | Bundled Voice | Bundled Voice |

| <i>Lifeline Plans</i> | Unlimited Talk & Text plus 4.5 GB | Unlimited Talk & Text plus 5 GB | Unlimited Talk & Text plus 6 GB |
|-----------------------|--|--|--|
| <i>Customer Copay</i> | \$25.00 | \$26.00 | \$30.00 |
| <i>Voice</i> | unlimited | unlimited | unlimited |
| <i>Text</i> | unlimited | unlimited | unlimited |
| <i>Data</i> | 4.5 GB | 5 GB | 6 GB |
| <i>MSS/Svc Type</i> | Bundled Voice & Broadband | Bundled Voice & Broadband | Bundled Voice & Broadband |

Boomerang Enhanced (Tribal) Lifeline Plans:

| <i>Lifeline Plans</i> | Tribal Unlimited Unit & 4.5GB | Tribal Unlimited Unit & 5GB | Tribal Unlimited Unit & 6GB |
|-----------------------|---|--|--|
| <i>Customer Copay</i> | FREE | \$1.00 | \$5.00 |
| <i>Voice</i> | unlimited | unlimited | unlimited |
| <i>Text</i> | unlimited | unlimited | unlimited |
| <i>Data</i> | 4.5 GB | 5 GB | 6 GB |
| <i>MSS/Svc Type</i> | Bundled Voice & Broadband <i>(Broadband Default)</i> | Bundled Voice & Broadband | Bundled Voice & Broadband |

Exhibit D

Boomerang Wireless d/b/a enTouch Wireless
Tennessee Coverage Area ZIP Codes

| | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 24244 | 37041 | 37095 | 37180 | 37241 | 37349 | 37404 | 37662 | 37748 |
| 24251 | 37042 | 37101 | 37181 | 37244 | 37350 | 37405 | 37663 | 37754 |
| 24258 | 37043 | 37110 | 37183 | 37250 | 37351 | 37406 | 37664 | 37757 |
| 24271 | 37044 | 37111 | 37184 | 37301 | 37352 | 37407 | 37665 | 37760 |
| 28615 | 37046 | 37115 | 37186 | 37302 | 37353 | 37408 | 37669 | 37763 |
| 28771 | 37047 | 37116 | 37187 | 37303 | 37354 | 37409 | 37680 | 37764 |
| 30707 | 37048 | 37118 | 37188 | 37304 | 37355 | 37410 | 37681 | 37765 |
| 30725 | 37049 | 37119 | 37189 | 37306 | 37356 | 37411 | 37682 | 37769 |
| 30726 | 37050 | 37121 | 37190 | 37307 | 37357 | 37412 | 37683 | 37770 |
| 30728 | 37051 | 37122 | 37191 | 37308 | 37359 | 37414 | 37686 | 37771 |
| 30736 | 37052 | 37127 | 37201 | 37309 | 37360 | 37415 | 37687 | 37772 |
| 30738 | 37055 | 37128 | 37202 | 37310 | 37361 | 37416 | 37688 | 37774 |
| 30739 | 37056 | 37129 | 37203 | 37311 | 37362 | 37419 | 37690 | 37777 |
| 30741 | 37059 | 37130 | 37204 | 37312 | 37363 | 37421 | 37691 | 37778 |
| 30742 | 37060 | 37131 | 37205 | 37314 | 37364 | 37422 | 37692 | 37779 |
| 30750 | 37061 | 37132 | 37206 | 37316 | 37365 | 37424 | 37694 | 37801 |
| 30752 | 37062 | 37133 | 37207 | 37318 | 37366 | 37450 | 37699 | 37802 |
| 30757 | 37063 | 37135 | 37208 | 37320 | 37367 | 37544 | 37701 | 37803 |
| 37010 | 37064 | 37136 | 37209 | 37321 | 37369 | 37601 | 37705 | 37804 |
| 37011 | 37065 | 37138 | 37210 | 37322 | 37370 | 37602 | 37708 | 37806 |
| 37012 | 37066 | 37141 | 37211 | 37323 | 37371 | 37604 | 37709 | 37807 |
| 37013 | 37067 | 37142 | 37212 | 37324 | 37373 | 37605 | 37710 | 37809 |
| 37014 | 37068 | 37143 | 37213 | 37325 | 37374 | 37614 | 37711 | 37810 |
| 37015 | 37069 | 37144 | 37214 | 37327 | 37375 | 37615 | 37713 | 37811 |
| 37016 | 37070 | 37145 | 37215 | 37328 | 37376 | 37616 | 37714 | 37813 |
| 37018 | 37071 | 37146 | 37216 | 37329 | 37377 | 37617 | 37716 | 37814 |
| 37019 | 37072 | 37148 | 37217 | 37330 | 37378 | 37618 | 37717 | 37815 |
| 37020 | 37073 | 37149 | 37218 | 37331 | 37379 | 37620 | 37719 | 37816 |
| 37022 | 37074 | 37150 | 37219 | 37332 | 37380 | 37621 | 37721 | 37818 |
| 37024 | 37075 | 37151 | 37220 | 37334 | 37381 | 37625 | 37722 | 37820 |
| 37025 | 37076 | 37152 | 37221 | 37335 | 37382 | 37640 | 37723 | 37821 |
| 37026 | 37077 | 37153 | 37222 | 37336 | 37383 | 37641 | 37725 | 37822 |
| 37027 | 37079 | 37160 | 37224 | 37337 | 37384 | 37642 | 37726 | 37824 |
| 37029 | 37080 | 37161 | 37227 | 37338 | 37385 | 37643 | 37727 | 37825 |
| 37030 | 37082 | 37162 | 37228 | 37339 | 37387 | 37644 | 37731 | 37826 |
| 37031 | 37085 | 37165 | 37229 | 37340 | 37388 | 37645 | 37732 | 37828 |
| 37032 | 37086 | 37166 | 37230 | 37341 | 37396 | 37650 | 37737 | 37829 |
| 37034 | 37087 | 37167 | 37232 | 37342 | 37397 | 37656 | 37738 | 37830 |
| 37035 | 37088 | 37171 | 37235 | 37343 | 37398 | 37657 | 37742 | 37831 |
| 37036 | 37089 | 37172 | 37236 | 37345 | 37401 | 37658 | 37743 | 37840 |
| 37037 | 37090 | 37174 | 37238 | 37347 | 37402 | 37659 | 37744 | 37841 |
| 37040 | 37091 | 37179 | 37240 | 37348 | 37403 | 37660 | 37745 | 37843 |

Boomerang Wireless d/b/a enTouch Wireless
Tennessee Coverage Area ZIP Codes

| | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 37845 | 37920 | 38036 | 38113 | 38186 | 38352 | 38501 | 38583 |
| 37846 | 37921 | 38037 | 38114 | 38187 | 38355 | 38502 | 38585 |
| 37848 | 37922 | 38039 | 38115 | 38188 | 38356 | 38503 | 38587 |
| 37849 | 37923 | 38040 | 38116 | 38190 | 38358 | 38504 | 38588 |
| 37852 | 37924 | 38041 | 38117 | 38193 | 38362 | 38505 | 38589 |
| 37853 | 37927 | 38042 | 38118 | 38194 | 38366 | 38506 | 38649 |
| 37854 | 37928 | 38045 | 38119 | 38197 | 38369 | 38541 | 38661 |
| 37857 | 37930 | 38046 | 38120 | 38220 | 38377 | 38542 | 38680 |
| 37860 | 37931 | 38047 | 38122 | 38230 | 38378 | 38543 | 38686 |
| 37861 | 37932 | 38048 | 38124 | 38232 | 38382 | 38544 | 42223 |
| 37862 | 37933 | 38049 | 38126 | 38233 | 38389 | 38545 | 72301 |
| 37863 | 37934 | 38050 | 38127 | 38237 | 38391 | 38547 | 72303 |
| 37864 | 37938 | 38053 | 38128 | 38240 | 38392 | 38548 | 72332 |
| 37865 | 37939 | 38054 | 38132 | 38253 | 38401 | 38549 | |
| 37866 | 37940 | 38055 | 38133 | 38254 | 38402 | 38550 | |
| 37868 | 37950 | 38057 | 38134 | 38255 | 38449 | 38551 | |
| 37869 | 37995 | 38058 | 38135 | 38257 | 38451 | 38552 | |
| 37871 | 37996 | 38059 | 38136 | 38259 | 38453 | 38553 | |
| 37872 | 37997 | 38060 | 38137 | 38260 | 38454 | 38554 | |
| 37873 | 37998 | 38063 | 38138 | 38261 | 38455 | 38555 | |
| 37874 | 38001 | 38066 | 38139 | 38271 | 38456 | 38556 | |
| 37876 | 38002 | 38068 | 38141 | 38281 | 38457 | 38557 | |
| 37877 | 38004 | 38069 | 38145 | 38301 | 38459 | 38558 | |
| 37878 | 38006 | 38070 | 38148 | 38302 | 38460 | 38560 | |
| 37880 | 38007 | 38071 | 38150 | 38303 | 38461 | 38562 | |
| 37881 | 38010 | 38075 | 38151 | 38305 | 38462 | 38563 | |
| 37882 | 38011 | 38076 | 38152 | 38308 | 38463 | 38564 | |
| 37885 | 38012 | 38077 | 38157 | 38313 | 38464 | 38565 | |
| 37886 | 38014 | 38079 | 38159 | 38314 | 38468 | 38567 | |
| 37888 | 38015 | 38080 | 38161 | 38316 | 38469 | 38568 | |
| 37890 | 38016 | 38083 | 38163 | 38321 | 38472 | 38569 | |
| 37891 | 38017 | 38088 | 38166 | 38330 | 38473 | 38570 | |
| 37901 | 38018 | 38101 | 38167 | 38331 | 38474 | 38571 | |
| 37902 | 38019 | 38103 | 38168 | 38336 | 38476 | 38572 | |
| 37909 | 38023 | 38104 | 38173 | 38337 | 38477 | 38573 | |
| 37912 | 38024 | 38105 | 38174 | 38338 | 38478 | 38574 | |
| 37914 | 38025 | 38106 | 38175 | 38340 | 38481 | 38575 | |
| 37915 | 38027 | 38107 | 38177 | 38343 | 38482 | 38577 | |
| 37916 | 38028 | 38108 | 38181 | 38345 | 38483 | 38578 | |
| 37917 | 38029 | 38109 | 38182 | 38346 | 38486 | 38580 | |
| 37918 | 38030 | 38111 | 38183 | 38348 | 38487 | 38581 | |
| 37919 | 38034 | 38112 | 38184 | 38351 | 38488 | 38582 | |

Exhibit E

Officer Bio's – ViaOne Services and Boomerang Wireless
2022-04-29

ViaOne Services:

David Dorwart, CEO and Chairman

Dave is an accomplished Chief Executive with a unique blend of Leadership, Sales, and Operational experience spanning over 30 years. With a demonstrated ability to influence organizational growth, increase market share, and identify/develop new revenue opportunities, he exercises motivational leadership skills to drive the success of multiple businesses. He has pioneered in various business environments, and possesses proficient expertise within the Telecommunications and Energy Industries.

JD Hilzendager, Executive Vice President and General Manager

JD has spent 2 decades in the wireless space across multiple roles ranging from Market Development, Sales Operations and Executive Leadership. His time in the major Telecoms like Verizon, Sprint and AT&T gave him invaluable experience at operating in companies at scale. He spent time in those companies' emerging enterprise sectors helping develop new brands and sales channels to bring to market. He has been an award winning leader at all 3 of those companies and brings that experience and passion for growth to ViaOne Services.

Domenic Fontana, Senior Vice President Finance

Domenic joined ViaOne Services in January of 2013 as Vice President of Finance. He has spent a decade working in the telecom field honing his skills in accounting, finance, and treasury duties. Domenic works in concert with the compliance department to make sure all practices and accounting procedures are in alignment with the law. His personal time is spent with his family and giving back to his community.

Scott Jeffrey, Vice President Sales and Operations

Scott has 13+ years of wireless experience including retail sales, operations, and merchandising. He launched Verizon Wireless at RadioShack and owned Postpaid and Prepaid P&Ls for 4,000+ locations. Scott is highly skilled in project management and certified with PMP and Scrum Master in SAFe Agile. He is an expert in Workforce Management and led the development team responsible for bi-weekly payroll services at Walmart amassing over \$1.2B on a weekly basis. Scott is the President of S&A Solutions, a workforce management consulting company.

Scott received his Bachelor's from University of North Texas.

Lesli Rowe, Director of Regulatory Affairs

Lesli has 15+ years experience in the telecom industry, working for Clearwire, LLC and British Telecom prior to joining ViaOne Services. She has demonstrated ability coordinating between multiple departments at all levels of the organization and in different locations across large regions

with a proven track record motivating teams to achieve beyond organizational goals while remaining within budgets and on schedule. Her integrity, attention to detail and her ability to adapt to an ever changing industry are key to ensuring compliance with federal and state rules and regulations, as well as being able to manage special projects and day-to-day operations across multiple departments within the organization in the areas of compliance, operations, agent and customer support and systems.

Lesli is a graduate of West Texas A&M University with a Bachelors in Mass Communications and Advertising/Public Relations.

Jordan Axt, Vice President of Marketing

Jordan Axt is a results-producing marketing executive with more than 18 years of experience developing marketing and branding strategies that effectively position companies' values, products, and services in the marketplace for both B2C and B2B organizations. Jordan is currently Vice President of Marketing at ViaOne Services where he develops all marketing and acquisition strategies for many consumers facing ViaOne brands. Jordan and his team work closely with the compliance team to ensure state and federal regulations are followed regarding marketing practices and required customer communications. Additionally, Jordan holds a board position with the publicly traded company, Good Gaming, Inc. (OTCQB Ticker Symbol: GMER) He was acknowledged in the book "Earning Success" by Bill Lisowski and John Mengelson and has been quoted by GD USA Magazine, eMarketer, and Multichannel Merchant Publications. Jordan joined ViaOne services in 2014.

Julia Redman-Carter, Regulatory and Compliance Officer

Julia Redman-Carter has had a successful 35 year career in the telecommunications industry, with over 28 years focused on regulatory and compliance roles. For major carriers, including US West, McLeod USA and PAETEC, she has worked directly with Public Utility Commissions and national organizations. Her expertise includes translating federal and state legislation into methods and procedures that ensure the company is aligned with regulatory requirements. She is skilled at creating audit management processes and systems which monitor and report on the company compliance history. The systems and processes she creates allow for broad communication across the organization ensuring all individuals are trained in their roles related to meeting federal and state guidelines. Julia's responsibilities over the last 10-year tenure with Boomerang have been to build the enTouch Wireless regulatory and compliance programs which are aligned with the evolving dynamic industry.

Other skill sets Julia has developed include telecommunications interconnection negotiations, and merger and acquisition due diligence. Her attention to detail and understanding of the legal and business ramifications of decisions makes her a trusted partner and advisor.

Julia holds a BA from Metropolitan State College in Denver, Colorado and a JD from the University of Colorado in Boulder.