

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF BOOMERANG)
WIRELESS LLC’S APPLICATION SEEKING) CASE NO. BWL-T-23-02
A PARTIAL RELINQUISHMENT OF ITS)
DESIGNATION AS AN ELIGIBLE) ORDER NO. 36033
TELECOMMUNICATIONS CARRIER)
)

On October 4, 2023, Boomerang Wireless, LLC d/b/a En Touch Wireless, (“Company”) applied to the Idaho Public Utilities Commission (“Commission”) seeking a partial relinquishment of its eligible telecommunications carrier (“ETC”) designation.

On October 25, 2023, the Commission issued a Notice of Application and set deadlines for public and Staff comments and the Company’s reply. Order No. 35968. Staff filed comments. No other comments were received.

With this Order, the Commission grants the Company’s request.

THE APPLICATION

The Company stated that it uses several underlying carriers (“UC”) including Sprint, Verizon Wireless (“VW”), T-Mobile, and AT&T Mobility (“AT&T”).

The Company’s Application for a partial relinquishment of its ETC status consisted of two requests: (1) revocation of its ETC status in only those areas where the Company uses VW as an underlying carrier; and (2) authorization to discontinue use of VW and AT&T as underlying carriers of its service within the State of Idaho.

The Company stated that its requested partial relinquishment complies with federal law. Relatedly, the Company stated that its Application provides notice to the Commission as required by 47 U.S.C. § 214 (e)(4).

The Company represented that more than one ETC currently serves the areas where the Company uses VW as a UC. The Company also stated that these ETCs will be able to continue to serve customers in the service area without building additional facilities.

STAFF COMMENTS

Staff reviewed the Company’s Application for compliance with the Federal Telecommunications Act of 1996, Federal Communications Commission (“FCC”) regulations,

Idaho Code § 62-610D(4), as well as this Commission’s requirements. After this review, Staff believed that the Company is complying with all state and federal requirements.

Staff agreed that there are no Company subscribers in the service area where the Company uses VW and AT&T as UCs. Because of this, Staff stated that no customers would be harmed by the Company ceasing to use VW and AT&T as UCs. For the same reasoning, Staff stated that no customers would be harmed by the Company entirely ceasing to service the area where it uses VW as an UC as proposed. Thus, Staff believed that the Company’s Application complied with U.S.C. § 214(e)(4) and *Idaho Code* § 62-610D(4). Staff also noted that the Company will continue to use the T-Mobile network—which will have an expanded service area after its merger with the Sprint network.¹ Therefore, Staff believed that the Company’s designation as an ETC in its other service areas is still necessary.

For the reasons above, Staff recommended approving the Company’s request to entirely cease servicing those areas where the Company uses VW as a UC. Staff likewise recommended the Commission approve the Company’s proposal to cease using VW and AT&T as UCs.

COMMISSION FINDINGS AND DECISION

The Commission has authority to grant ETC designation to a telecommunications carrier under federal and state law. 47 U.S.C. § 214(e); and *Idaho Code* §§ 62-610D, 62-615(1). The Commission may also “permit an . . . [ETC] . . . to relinquish its designation as such a carrier in any area served by more than one (1) . . . [ETC ,] . . .” provided such carrier provides notice to the Commission. *Idaho Code* § 62-610D(4). Before the Commission permits an ETC to cease providing universal service, the Commission shall require that all customers served by the relinquishing carrier will continue to be served. *See id.*

The Commission has reviewed and considered the record in this case—including the Company’s Application and Staff Comments. The Commission finds that the Company properly notified the Commission of its intent to partially relinquish its ETC designation in the proposed service areas. As the Company and Staff noted, the Commission finds that there are other ETCs servicing the area where the Company uses VW as a UC. The Commission further finds that the Company serves no customers in the areas where the Company uses VW & AT&T as UCs. Therefore, the requirement of *Idaho Code* § 62-610D(4), that no customers in the relevant service

¹ The Company’s Application stated that Sprint was approved as an UC for the Company in Case No. BWL-T-16-01. *See* Order No. 33685.

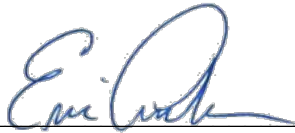
areas will be left without an ETC provider, has been satisfied. Accordingly, the Commission finds it reasonable to approve the Company's requests.

ORDER

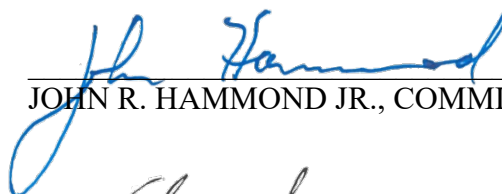
IT IS HEREBY ORDERED that the Company's request to partially relinquish its designation as an ETC in Idaho is granted. Specifically, the Company's request to entirely cease serving the area where it uses VW as a UC is approved; the Company's request to cease using VW and AT&T as UCs within the State of Idaho is likewise approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* §§ 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21st day of December 2023.



ERIC ANDERSON, PRESIDENT



JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Interim Commission Secretary