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Attorney for the Commission Staff

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)
TELECOMMUNICATIONS CARRIER) **COMMENTS OF THE**
) **COMMISSION STAFF**
)

COMMISSION STAFF (“STAFF”) OF the Idaho Public Utilities Commission, by and through its Attorney of record, Michael Duval, Deputy Attorney General, submits the following comments.

BACKGROUND

On October 4, 2023, Boomerang Wireless, LLC d/b/a En Touch Wireless, (“Boomerang” or “Company”) applied to the Idaho Public Utilities Commission (“Commission”) seeking the partial relinquishment of its eligible telecommunications carrier (“ETC”) designation in the service area where it uses Verizon Wireless (“VW”) as an underlying carrier; the Company also seeks to discontinue the use of VW and AT&T Mobility (“AT&T”) as underlying carriers (“UC[s]”) in the State of Idaho (“Application”).

Boomerang was granted the ETC designation status throughout the State of Idaho to solely provide Lifeline and tribal Lifeline services to qualified Idaho consumers in certain

designated wire centers served by VW, AT&T, Sprint, and T-Mobile. Thus, in its provision of wireless services, Boomerang Wireless offers resold services obtained from its underlying wireless providers, Sprint, VW, AT&T as well as other Global System for Mobile Commissions carriers. *See* Order No. 33685 of Case No. BWL-T-16-01.

The Lifeline program is intended to provide more affordable telecommunications service benefits to eligible low-income customers through the federal Universal Service Fund. Idaho participates in the residential Lifeline program pursuant to *Idaho Code* § 56-901. *See* Order No. 21713.

THE APPLICATION

Boomerang is an Iowa limited liability company with its principal offices located at 955 Kacena Road, Suite A, Hiawatha, IA 52233. Boomerang is authorized to transact business in Idaho and is registered with the Idaho Secretary of State as a Foreign Limited Liability Company with a commercial registered agent at PARACORP Incorporated 1555 W Shoreline Dr., Ste 100, Boise, ID 83702. Its mailing address is shown as 415 McFarlan Rd, Suite 108, Kennett Square, PA 19348. Boomerang represents that it is a common carrier and provider of Commercial Mobile Radio Services. It provides prepaid wireless telecommunications services to consumers by using several UC[s] including Sprint, VW, T-Mobile, and AT&T. It was designated by the Commission as an ETC in the State of Idaho in certain designated wire centers served by its underlying carriers including Sprint, VW, T-Mobile, and AT&T. *See* Order No. 33685.

Boomerang's Application for a partial relinquishment of its ETC status consists of two requests: (1) revocation of its ETC status in only those service areas where the Company uses VW as an underlying carrier; and (2) authorization to discontinue the use of VW and AT&T as underlying carriers of its service within the State of Idaho. Application at 5.

Boomerang states that in February 2022, its ownership officially changed to ViaOne Services. As a result of the new structure, it no longer utilizes the VW and AT&T networks as underlying carriers. However, Boomerang will continue to utilize the T-Mobile network, which following its merger with the Sprint network includes an expanded service area. Boomerang provided a listing of the zip codes in which it is requesting partial relinquishment because these zip codes are where Boomerang has only VW as an underlying carrier within that zip code. Thus, because of these changes, there are no subscribers receiving service via the underlying

carrier, VW. There are also no subscribers on the AT&T platform; therefore, no subscribers in Idaho will be affected. *Id.* at 2.

Boomerang represents that its requested partial relinquishment complies with federal law. Relatedly, it asserts that its Application provides notice to the Commission as required by 47 U.S.C. § 214 (e)(4). Additionally, the Company states that more than one ETC designation status holder currently serves the areas where the Company uses VW as a UC. The Company also states that these ETCs will be able to continue to serve customers in the service area without building additional facilities. *Id.* at 3-4.

STAFF ANALYSIS

Staff reviewed Boomerang's Application and examined Boomerang's fulfillment of the relinquishment requirements under the rules and regulations of the Idaho Public Utilities Commission, the Federal Telecommunications Act of 1996, and the rules of the Federal Communications Commission ("FCC") regulations. Staff concluded that the Company has fulfilled the statutory requirements for partial relinquishment of its ETC designation status in Idaho.

Boomerang represents that the reason for its request to partially relinquish its ETC designation status in the State of Idaho is due to a change in its corporate ownership, and it will no longer utilize the VW and AT&T networks as underlying carriers. However, the Company will continue to utilize the T-Mobile network, which (following the T-Mobile merger with the Sprint network) includes an expanded service area. Staff reviewed the affected areas as shown in the Exhibits attached to the Application and found them to be reasonable. Thus, the original purpose for which Boomerang sought an ETC designation from the Commission has not changed, and the ETC designation is still necessary. Staff supports the Company's request that the Commission issue an order granting partial relinquishment of its designation as an ETC.

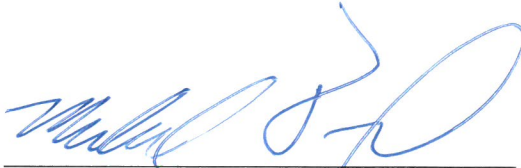
The Commission "shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier." *Idaho Code* § 62-610D(4). The Commission is also required to ensure that customers of the withdrawing company will continue to be served by another ETC provider. Boomerang represents that there are no subscribers receiving service with VW as the UC. There are also no subscribers on the AT&T platform; therefore, no subscribers in Idaho will be affected.

Furthermore, as part of its Application, Boomerang has attached Exhibits showing that the VW service area is also currently served by more than one ETC status holder as required by 47 U.S.C. § 214(e)(4). Staff has verified this assertion. Therefore, Staff believes that the Company is compliant with the applicable federal and state requirements.

STAFF RECOMMENDATION

Staff examined the Company's Application and recommends the Commission issue an Order approving Boomerang's Application for partial relinquishment of its designation as an ETC on a wireless basis (low-income only) in the service area previously served by VW as a UC. Staff also recommends that the Commission allow the Company to discontinue the use of VW and AT&T as UCs for Boomerang Wireless.

Respectfully submitted this 15th day of NOVEMBER 2023.



Michael Duval
Deputy Attorney General


Technical Staff: Johan Kalala-Kasanda

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 15th DAY OF NOVEMBER 2023, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF TO BOOMERANG WIRELESS LLC.**, IN CASE NO. BWL-T-23-02, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

J ANDREW GIPSON ESQ J A GIPSON ADVISORS PLLC 414 HOLLY GROVE CIRCLE BRAXTON MS 39044 E-MAIL: jag@jagipsonadvisors.com	



SECRETARY