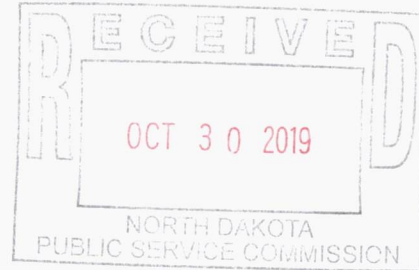




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October 29, 2019

Via Fed Ex



Steven Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Twelfth Floor
Bismarck, ND 58505

Re: Boomerang Wireless, LLC d/b/a enTouch Wireless; Docket No. PU-13-203

Dear Mr. Kahl:

Enclosed for filing is the original and seven (7) copies of a Motion to Partially Amend Order issued in Docket No. PU-13-203 on behalf of our client Boomerang Wireless, LLC ("Boomerang"). Also enclosed is an extra copy that we ask that you stamped "Filed" and return in the self-addressed, postage paid envelope provided.

Thank you for your assistance.

Sincerely,

J. Andrew Gipson

JAG/sb

Enclosures

cc: Julia Redman-Carter

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Request to amend 9 October 2013 ETC Designation Order

Boomerang Wireless, LLC

J. Andrew Gipson, Jones Walker, LLP

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BOOMERANG WIRELESS, LLC) PU-13-203
D/B/A ENTOUCH WIRELESS)
)
)

MOTION TO PARTIALLY AMEND ORDERS

COMES NOW Boomerang Wireless, LLC d/b/a enTouch Wireless (“Boomerang”), pursuant to N.D.A.C. § 69-02-02-08, and moves the Commission to partially amend its October 9, 2013 Order in this Docket. As part of the Order in PU-13-203, Boomerang executed a Certification Relating to Order Provisions, which required at paragraph 17 of the Certification that Boomerang “file at least annually or more often if requested by the Public Service Commission, a complete list of Boomerang’s customers and waivers, including confirmation that each customer has agreed to allow Boomerang to release any records required for the administration of its Lifeline program, and to access any state records and/or databases needed to confirm eligibility, for each customer on the list.” As part of the Order in PU-13-203, the Order states “Boomerang” shall file at least annually ... a complete list of Boomerang’s customers and waivers... for each customer on the list.

As a basis for this motion, Boomerang no longer determines eligibility for Lifeline applicants or the annual recertification for the subscribers residing in ND. As of October 15, 2018 (when North Dakota was soft-launched), USAC administers and determines continuing Lifeline eligibility (recertification) for Boomerang subscribers in North Dakota. January 15, 2019 the North Dakota was “hard-launched” into the National Verifier process and USAC administers the National Verifier determines Lifeline eligibility for all Boomerang’s subscribers in North Dakota

where Boomerang is designated as an ETC. The National Verifier does not request or collect the ND Authorization to Disclose Information from the ND Department of Human Services, SFN 1059form (“Waiver”). Because North Dakota is now part of USAC’s National Verifier, eligibility processing and determinations for Lifeline, including recertifications, are now made by USAC. Nor does USAC’s process provide Boomerang the specific subscriber information from which USAC makes their eligibility determinations. Consistent with the Federal Lifeline process mandates, Boomerang respectfully requests that the Orders be amended to reflect that Boomerang no longer has the obligation to provide annual lists of subscriber documentation, including how the subscriber qualified (SNAP, Medicaid, income, etc.), for Lifeline benefits. Also, Boomerang respectfully requests that the Orders be amended to reflect that Boomerang is no longer required to collect the completed ND Waiver. The request is one made out of practicality because Boomerang simply does not have the information given the changeover to National Verifier.

Boomerang respectfully requests expedited review of its motion as the Company is planning to hold several enrollment events in the near future. In the interim, Boomerang respectfully requests guidance from the Commission as to how to comply with these provisions, or what information to submit so as to avoid any technical noncompliance.

Respectfully submitted,

BOOMERANG WIRELESS LLC
D/B/A ENTOUCH WIRELESS

BY:



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