

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Boomerang Wireless, LLC  
Designated Eligible Carrier  
Application

Case No. PU-13-203

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

John G. Hamre deposes and says that:

he is over the age of 18 years and not a party to this action and, on the **16th day of April 2020**, he deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

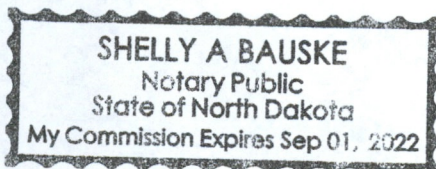
- **Order**

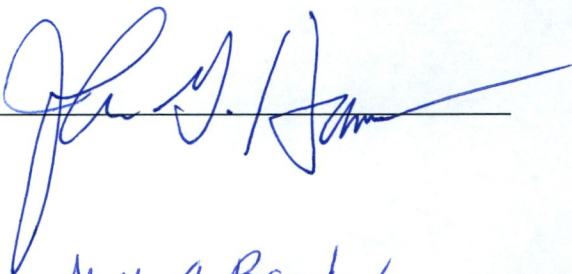
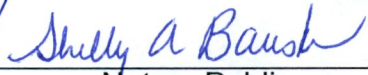
The envelope was addressed as follows:

J. Andrew Gipson  
Jones Walker, LLP  
PO Box 427  
Jackson, MS 39205-0427  
**Cert. No. 7019 1120 0002 3204 7085**

The address shown is the respective addressee's last reasonably ascertainable post office mail addresses.

Subscribed and sworn to before me  
this **16th day of April 2020**.



  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public

SEAL

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Boomerang Wireless, LLC**  
**Designated Eligible Carrier**  
**Application**

**Case No. PU-13-203**

**ORDER**

**April 15, 2020**

**Preliminary Statement**

On October 9, 2013, the Commission issued an Order on Eligible Telecommunications Carrier Designation (Order), designating Boomerang Wireless, LLC d/b/a enTouch Wireless (Boomerang), an Iowa limited liability company with its principal offices located at Hiawatha, Iowa, as an eligible telecommunications carrier (ETC) in all exchange areas within North Dakota. The designation, known as Lifeline-only ETC designation, is for the purpose of receiving federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E.

On October 30, 2019, Boomerang filed a motion to amend the Order, requesting that the Commission eliminate the requirements contained within the Order, order paragraph 4 and paragraph 17 of the Certification to Relating to Order Provisions.

On November 21, 2019, the Commission issued a Notice of Intent to Amend Order and Notice of Opportunity for Hearing providing until January 6, 2020, for comments and requests for hearing. No comments or requests for hearing were received. The Notice identified the issue to be considered in this matter is whether the Order should be amended to remove the requirement to file annually a complete listing of lifeline customers, including the type of proof reviewed, eligibility dates, and North Dakota Department of Human Services Form SFN 1059. The Notice stated that the Commission can determine the matter without a formal hearing.

On March 18, 2020, the Commission held an Informal Hearing to discuss the issue with Boomerang.

**Discussion**

Boomerang is requesting to eliminate Order paragraph 4 and Certification to Order Provision 17 due to the National Verifier becoming mandatory for North Dakota as of January 15, 2019. The National Verifier is a system, run by the Universal Service Administrative Company, which requires documentation from subscribers to ensure eligibility for Lifeline telecommunications service. This system has made the information

required by the Commission's October 9, 2013 Order paragraph 4 and Certification to Order Provision 17 unnecessary.

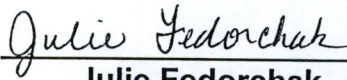
Having allowed all interested persons an opportunity to be heard and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

### Order

The Commission orders:

1. Paragraph 4 of the original Order in this case dated October 9, 2013 is eliminated.
2. The Certification Relating to Order Provisions as signed by James T. Balvanz, Chief Financial Officer for Boomerang and filed on August 2, 2013 is incorporated by reference and attached to this order with the exception of paragraph 17, which is eliminated.

### PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
**Julie Fedorchak**  
Commissioner

  
\_\_\_\_\_  
**Brian P. Kroshus**  
Chairman

  
\_\_\_\_\_  
**Randy Christmann**  
Commissioner

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Boomerang Wireless, LLC**  
**Eligible Telecommunications Carrier**  
**Application**

**Case No. PU-13-203**

**CERTIFICATION**

I am James T. Balvanz, a representative of Boomerang Wireless, LLC (Boomerang) with authority to bind Boomerang and I certify that:

1. Boomerang understands and agrees to the conditions and criteria set forth in Chapter 49-21 of the North Dakota Century Code and Chapter 69-09-05 of the North Dakota Administrative Code that pertain to Wireless Lifeline Only Eligible Telecommunications Carriers (ETC), and that Boomerang will be responsible for compliance with this Certification, the Public Service Commission's order designating Boomerang as an ETC, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Eligible Telecommunications Carriers offering Lifeline Only services.
2. Boomerang agrees to comply with all statements, processes and procedures set forth in its Application for designation as an ETC in the non-rural and rural wire centers in North Dakota identified in its Application. Boomerang agrees that all statements made and matters set forth in its Application are true and correct to the best of Boomerang's knowledge, information, and belief.
3. Boomerang will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.
4. Boomerang meets all of the prerequisites to be designated as an ETC throughout its proposed ETC Designated Area in the state of North Dakota.
5. Boomerang provides each of the services supported by federal universal service support mechanisms, specified in Federal Communications Commission's (FCC's) rules, 47 C.F.R. § 54.101, and will offer these supported services in North Dakota upon designation as an ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.
6. Boomerang will provide the supported services on a timely basis to requesting customers within Boomerang's designated service area where Boomerang's underlying carriers' network exists.

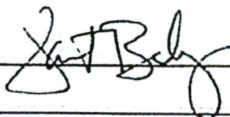
7. Boomerang will provide service within a reasonable period of time, if the potential customer is within Boomerang's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by:
  - (a) Modifying or replacing the requesting customer's equipment;
  - (d) Adjusting network or customer facilities; or
  - (e) Reselling services from another carrier's facilities to provide service.
8. Boomerang is not seeking Universal Service Fund high-cost support as part of its Application.
9. Boomerang will use all available means to ensure customers are eligible for the Lifeline program at the time of sign-up and recertification in accordance with the federal default eligibility criteria in 47 C.F.R. § 54.409(2) and the relevant proof documentation specified in 47 C. F. R. § 54.410. Boomerang will check all available databases including the FCC's National Accountability Database and the National Lifeline Eligibility Database when fully functional to prevent duplication and determine eligibility.
10. Boomerang has taken, and will continue to take, steps to work with its underlying carriers to remain functional in emergency situations by: (1) maintaining a reasonable amount of backup power to ensure functionality without an external power source; (2) maintaining the ability to re-route traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and (3) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services.
11. Boomerang will meet or exceed applicable consumer protection and quality standards and will comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.
12. Boomerang will advertise the availability of the supported services detailed in its Application, and the corresponding rates and charges, in a manner designed to inform the general public within North Dakota. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.
13. Boomerang will offer the services described in its Application.
14. Boomerang understands and agrees that if Boomerang has not advertised its Lifeline services or signed up any North Dakota customers within 12 months of the effective date of Boomerang's designation as a Lifeline-only ETC, the Public Service Commission may revoke Boomerang's ETC designation and Boomerang may reapply to be designated as a Lifeline-only ETC in North

Dakota.

15. Boomerang understands and agrees that it may be required by the FCC to provide equal access to long distance carriers in the event that no other ETC provides equal access within Boomerang's designated ETC service area.
16. Boomerang will comply with all applicable annual reporting requirements associated with being an ETC in North Dakota including filing with the Public Service Commission a copy of each report filed with the FCC, within 30 days of filing with the FCC.
17. Boomerang will file at least annually or more often if requested by the Public Service Commission, a complete list of its customers and waivers, including North Dakota Department of Human Services' Form SFN 1059, Authorization for Release of Information 449-55-05, for each customer on the list.
18. Boomerang understands and agrees that its ability to offer service is subject to suspension or revocation for failure to comply with the Public Service Commission's orders, or applicable statutes, rules, regulations, standards, and other authorizations.
19. Boomerang agrees to maintain the records to demonstrate that Boomerang has complied with the requirements of the Public Service Commission's order(s) and that Boomerang will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
20. Boomerang understands and agrees that, to the extent there are any conflicts or inconsistencies between Boomerang's Application and the provisions in this Certification, the Certification provisions control.

Dated this 2 day of August, 2013.

BOOMERANG WIRELESS, LLC

By 

Its CFO