

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BOOMERANG)	
WIRELESS LLC D/B/A ENTOUCH WIRELESS FOR)	
PARTIAL RELINQUISHMENT OF DESIGNATION)	
AS AN ELIGIBLE TELECOMMUNICATIONS)	CASE NO.
CARRIER ON A WIRELESS BASIS (LOW-INCOME)	2023-00267
ONLY) IN A CERTAIN SERVICE AREA)	
PREVIOUSLY SERVED BY UNDERLYING)	
CARRIER VERIZON WIRELESS)	

ORDER

Boomerang Wireless LLC (Boomerang), on August 11, 2023, filed with the Commission an application to partially relinquish Boomerang’s designation as an Eligible Telecommunications Carrier (ETC) for the purposes of providing Lifeline, in the areas of Kentucky served by Verizon Wireless and not overlapping with the coverage areas of Boomerang’s other underlying carriers. Boomerang requests an Order from the Commission no later than October 20, 2023.¹

Boomerang was granted ETC designation status in Case No. 2012-00422 on January 22, 2013.² At the time of the January 22, 2013 Order, Boomerang’s underlying carriers were Sprint and Verizon Wireless. Three years later, on April 12, 2016, Boomerang provided notice to the Commission of agreements with additional Global

¹ Boomerang’s Application (filed Aug. 11, 2023) (Application) at 1, 3.

² Case No. 2012-00422, *Application of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier on a Wireless Basis (Low Income Only)* (Ky. PSC Jan. 22, 2013), final Order.

System for Mobile Communications carriers, including T-Mobile, which expanded Boomerang's service area.³

Boomerang provided notice to the Commission on March 28, 2022, that ViaOne Services completed the acquisition of Boomerang Wireless.⁴ The change in ownership enabled Boomerang Wireless to access a new mobile virtual network enabler. While Boomerang Wireless continues to use the T-Mobile network, which includes an expanded service area, since T-Mobile's merger with Sprint, Boomerang Wireless no longer uses the Verizon Wireless network as an underlying carrier.⁵ Boomerang requests approval from the Commission to relinquish those areas that Verizon Wireless serves and that do not overlap with the T-Mobile coverage area.⁶

LEGAL STANDARD

The Lifeline program is a federal program in which carriers, authorized by state commissions as ETCs, may participate in the program. Electing to be authorized as an ETC is voluntary. However, in order to relinquish Lifeline ETC status, a carrier must meet the following statutory standards: (1) there is more than one ETC in the area of the carrier seeking relinquishment; (2) the carrier provides advance notice to the State Commission of its intent to relinquish; (3) customers must continue to be served by an ETC; and (4) sufficient notice is given if additional facilities will need to be constructed to serve the

³ Application at 2–3.

⁴ Case No. 2012-00422, *Application of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier on a Wireless Basis (Low Income Only)* (filed Mar. 28, 2022), Post Case Files, Boomerang Wireless, LLC Notice of Completed Change of Control and Update Contact Information.

⁵ Application at 3.

⁶ Application at 3.

customers of the relinquishing entity. If the carrier meets the requirements, the State Commission shall approve the relinquishment.

The relevant statute is 47 U.S.C. § 214(e)(4), which provides, in pertinent part, that:

A State 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. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State Commission . . . of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission . . . shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State Commission . . . shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

DISCUSSION

Boomerang has met the statutory minimums so that the Commission must grant the relinquishment. First, there are at least ten other wireless ETCs, such as Assurance Wireless and Infiniti Mobile, in Boomerang's coverage area.⁷ Therefore, there are multiple Lifeline providers in the areas that Boomerang proposes to relinquish. Second, Boomerang provided over 60 days' notice, which is sufficient advance notice. Third,

⁷ Application at 4 and 7.

Boomerang has approximately 16 Lifeline customers subscribing to the former Verizon Wireless service areas who have received sufficient notice of the relinquishment and who have been directed to either port their service to Boomerang's alternate underlying carrier in available zip codes or to transfer their service to another ETC. Those ETCs, because they all adhere to the same FCC requirements and provide service in Boomerang's areas, will be able to meet the service needs of the customers. Finally, Boomerang does not believe any additional facilities will be necessary to provide service to the remaining customers as the majority of the wireless ETCs use the existing facilities of the current carriers and those facilities are sufficient to provide service to the customers.⁸

CONCLUSIONS AND FINDINGS

Based on the evidence and having been sufficiently advised, the Commission finds that, pursuant to 47 U.S.C. § 214(e)(4) Boomerang has made timely application to the Commission to relinquish Boomerang's ETC authority; there is more than one ETC in Verizon Wireless' service territory and those carriers have sufficient facilities for the provision of service; and Boomerang will provide sufficient notice to its Lifeline customers so that the customers may find other Lifeline providers. The Commission, therefore, pursuant to 47 U.S.C. § 214(e)(4), finds that Boomerang shall be permitted to relinquish its designation as an ETC.

IT IS THEREFORE ORDERED that:

1. Boomerang's request to relinquish its designation as an ETC in the zip code areas as listed in Exhibit A of the application is granted.

⁸ Application at 5.

2. A copy of this Order shall be served on the Federal Communications Commission and the Universal Service Administration Company.

3. This case is closed and removed from the Commission's docket.

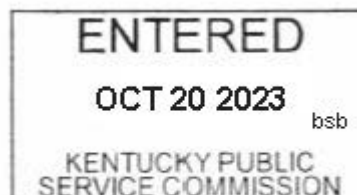
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION

Hunt Baker
Chairman

*Lex KYC
w/permission* *Angie Haffern*
Vice Chairman

Mary Pat Rogan
Commissioner



ATTEST:

[Signature] *for*
Executive Director

*Gerald E Wuetcher
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*J. Andrew Gipson
Boomerang Wireless, LLC
2711 Lyndon B Johnson Fwy, Suite 1065
Dallas, TX 75234

*Julia Redman-Carter
Boomerang Wireless, LLC
2711 Lyndon B Johnson Fwy, Suite 1065
Dallas, TX 75234

*Boomerang Wireless, LLC
2711 Lyndon B Johnson Fwy, Suite 1065
Dallas, TX 75234