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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE DESIGNATION OF )  
ELIGIBLE TELECOMMUNICATIONS CARRIERS BY )  
THE INDIANA UTILITY REGULATORY ) CAUSE NO. 41052 ETC 65  
COMMISSION PURSUANT TO THE )  
TELECOMMUNICATIONS ACT OF 1996 AND )  
RELATED FCC ORDERS AND IN PARTICULAR, ) APPROVED:  
THE APPLICATION OF BOOMERANG WIRELESS, )  
LLC TO BE SO DESIGNATED )

MAY 01 2013

ORDER OF THE COMMISSION

**Presiding Officers:**

**Larry S. Landis, Commissioner**

**Gregory R. Ellis, Administrative Law Judge**

On August 21, 2012, Boomerang Wireless, LLC (“Petitioner” or “Boomerang”) filed its Verified Application for Limited Designation as an Eligible Telecommunications Carrier (“ETC”) for the Purpose of Low Income Support Only (“Petition”) with the Indiana Utility Regulatory Commission (“Commission”). In its Petition, Boomerang sought designation as an ETC pursuant to §214(e)(2)<sup>1</sup> of the Federal Communications Act of 1934, as amended (“Act”) solely to provide wireless services supported by the Federal Universal Service Fund’s (“USF”) Lifeline program. Petitioner did not seek authority to provide services supported by the USF’s high-cost program.

Petitioner pre-filed its direct testimony and exhibits on October 26, 2012. On November 7, 2012, the Indiana Telecommunications Association (“ITA”) filed a Petition for Leave to Intervene on behalf of its members in this Cause for purposes of understanding Boomerang’s intentions for its ETC designated service area. The Commission granted ITA’s Petition for Leave to Intervene on November 15, 2012. The ITA pre-filed its direct testimony on November 26, 2012. On November 27, 2012, Petitioner filed a revised list of wire centers where Boomerang intended to offer service as an ETC. Petitioner filed a second revised list of wire centers where it intended to offer service as an ETC on December 6, 2012. On December 7, 2012, Boomerang responded to questions propounded by the Presiding Officers in a docket entry dated December 5, 2012.

On December 11, 2012, pursuant to notice duly published as required by law, an evidentiary hearing was convened at 10:30 a.m. in Room 224, PNC Center, 101 West Washington Street, Indianapolis, Indiana. At the hearing, Boomerang, the ITA and the OUCC appeared and participated. No members of the general public were present or sought to testify. The testimony and exhibits of the witness were admitted into evidence and the witnesses were made available for cross-examination. In accordance with the direction of the Presiding Officers, Boomerang submitted a late-filed exhibit on January 22, 2013.

<sup>1</sup> 47 U.S.C. § 214 (2012) (originally enacted as Act of June 19, 1934, ch. 652, Title VII, § 707, 48 Stat. 1105).

The Commission, having examined all of the evidence of record, and being duly advised in the premises, now finds as follows:

1. **Notice and Jurisdiction.** Proper, legal, and timely notice of the hearing in this cause was given and published by the Commission as provided for by law. The proofs of publication of the notice of the hearing have been incorporated into the record of this proceeding. Pursuant to the Act, 47 U.S.C. §151 *et seq.*, and applicable Federal Communications Commission (“FCC”) Rules, 47 C.F.R. §§ 54.201 and 54.203, the Commission is authorized to designate ETCs, thereby enabling those so designated to apply for federal universal service support under Section 254 of the Act and in accordance with the Commission’s Orders in Cause Nos. 40785, 41052 and 42067. The Commission also has jurisdiction pursuant to Ind. Code § 8-1-2.6-13(d)(5)(B). The Commission therefore has jurisdiction over the Petitioner and the subject matter of this Cause.

2. **Petitioner’s Characteristics.** Boomerang Wireless, LLC, a wholly owned subsidiary of HH Ventures, LLC, is a communications service provider which offers commercial mobile radio service (“CMRS”) as acknowledged by the Commission in its Certificate of Territorial Authority (“CTA”) issued in Cause No. 44236. Boomerang is an Iowa limited liability company with its principal offices located at 955 Kacena Road, Suite A, Hiawatha, Iowa 52233. Boomerang has registered with the Indiana Secretary of State’s Office as a business entity and is authorized by the Indiana Secretary of State to do business under the assumed name, enTouch Wireless. Boomerang is also a common carrier as defined by 47 C.F.R. §20.9 and a telecommunications carrier as defined by 47 U.S.C. § 153.

3. **Requirements for ETC Designation.** The Commission’s November 5, 1997 Order in Cause No. 40785 (“40785 Order”) adopted the FCC’s original eligibility requirements for designation of ETCs within the State of Indiana. Accordingly, each Indiana ETC receiving federal universal service support is required by 47 C.F.R. § 54.101(b) to offer the universal services or functionalities set out in 47 C.F.R. § 54.101(a). We note that the FCC modified the list of supported services that must be offered by ETC designees in the *USF/ICC Transformation Order*.<sup>2</sup> We also note that on February 6, 2012, the FCC released its *Lifeline Reform Order*,<sup>3</sup> which is discussed in more detail below. In addition to offering the delineated universal services, to be eligible for designation as an ETC, applicants are required by 47 C.F.R. § 54.405 to offer qualifying low-income customers Lifeline programs. The Petition seeks only a limited designation and thus is presented for the limited purpose of participating in the USF’s Lifeline program as a wireless carrier. If the Petition is approved, 47 C.F.R. § 54.201(d)(2) will require Petitioner as an ETC receiving federal universal support for Lifeline to publicize the availability and cost of the supported services and the Lifeline programs using media of general distribution throughout the service areas for which the designation is requested. Pursuant to the 40785 Order, carriers seeking ETC designation in Indiana are also required to file proposed tariffs and boundary maps depicting the area(s) for which ETC designation is sought.

On March 17, 2005, the FCC released ETC eligibility guidelines mandating that future ETC designations would require a public interest analysis for applicants regardless of whether the proposed designation area is served by a rural or non-rural carrier. *Federal-State Joint Board on Universal Service*, 20 FCC Rcd. 6371, 6389-6390 (2005) (“2005 FCC ETC Order”). The Commission adopted the FCC’s new eligibility guidelines by its June 8, 2005 Order in Cause No. 41052 ETC 47. On

<sup>2</sup> *Connect America Fund*, 26 FCC Rcd 17663 (2011) (“*USF/ICC Transformation Order*”)

<sup>3</sup> *Lifeline and Link Up Reform and Modernization*, 27 FCC Rcd 6656 (2012) (“*Lifeline Reform Order*”).

November 10, 2010, the Commission issued the first “Lifeline-only” ETC designation to Virgin Mobile in Cause No. 41052 ETC 55 (“Virgin Mobile ETC Order”). Subsequently, we have granted Lifeline only ETC designations to other communications services providers. In each of the Orders, we have imposed certain requirements and reporting obligations as a condition of the ETC designation.

Through the *USF/ICC Transformation Order* and the *USF/ICC Clarification Order*,<sup>4</sup> the FCC revised the ETC designation eligibility requirements by: (1) eliminating the requirement to offer dual tone multi-frequency signaling, single party service, access to operator service, access to interexchange service, and directory assistance from the supported services found in 47 C.F.R. § 54.101(a) to be included in universal service offerings; (2) requiring carriers to certify compliance with the service requirements applicable to the support received, consistent with 47 C.F.R. § 54.202(a)(1)(i); (3) eliminating the additional requirement of offering local usage and providing equal access found in 47 C.F.R. § 54.202; and (4) eliminating the requirement that Lifeline-only applicants submit a 5-year service improvement plan pursuant to 47 C.F.R. § 54.202.

The FCC’s *Lifeline Reform Order*<sup>5</sup> is designed to:

...substantially strengthen protections against waste, fraud, and abuse; improve program administration and accountability; improve enrollment and consumer disclosures; initiate modernization of the program for broadband; and constrain the growth of the program in order to reduce the burden on all who contribute to the Universal Service Fund.

The *Lifeline Reform Order* changed the requirements pertaining to state ETC designations found in 47 C.F.R. § 54.201(h). In the Order, the FCC concluded that “in order to ensure Lifeline-only ETCs, whether designated by the [FCC] or the states, are financially and technically capable of providing Lifeline services, we now include an explicit requirement in section 54.202 that a common carrier seeking to be designated as a Lifeline-only ETC demonstrate its technical and financial capacity to provide the supported service.”<sup>6</sup> Relevant considerations for such a showing include whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state.<sup>7</sup>

The *Lifeline Reform Order* modified and added new requirements for ETC designation that apply to ETC applications filed with state commissions that specifically adopt the additional requirements. The requirement to demonstrate financial and technical capability was added in 47 C.F.R. § 54.202(a)(4). The requirement to offer a Lifeline plan comparable to the incumbent local exchange carrier (“ILEC”) in the service areas for which it seeks designation was replaced with 47 C.F.R. § 54.202(a)(5), which requires ETC applicants to explain the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. Additionally, once designated by this Commission as a Lifeline ETC, the designee’s Lifeline

<sup>4</sup> *Connect America Fund*, 27 FCC Rcd 605(2012) (“*USF/ICC Clarification Order*”).

<sup>5</sup> *Lifeline Reform Order* at 6659.

<sup>6</sup> *Id.* at 6819.

<sup>7</sup> *Id.*

offerings must reflect a uniform \$9.25 per month federal reimbursement of the Lifeline discount; include specific disclosures in advertising and outreach; include required processes for determining initial and ongoing eligibility; and comply with the reporting and compliance obligations set forth herein. In keeping with the Commission's past practice of adopting the FCC's ETC guidelines, we adopt the guidelines and requirements set forth in the *Lifeline Reform Order*, as well as the requirements of the *USF/ICC Transformation Order* and the *USF/ICC Clarification Order*, in addressing the Petitioner's requested relief.

#### 4. Evidence Presented.

**A. Petitioner's Evidence.** James T. Balvanz, Boomerang's Chief Financial Officer, testified in support of the Petition. He began by describing Boomerang's corporate structure and principal location. Mr. Balvanz noted that Boomerang's ownership is detailed in a chart submitted with his prefiled testimony marked as Exhibit 1. He testified that Boomerang received a Certificate of Territorial Authority from the Commission as a reseller in Cause No. 44236 on October 10, 2012. Mr. Balvanz explained that Boomerang has not been the subject of any formal or informal investigation by any state or federal agency or by the Universal Service Administration Company ("USAC"). Mr. Balvanz testified that Boomerang will provide competitive wireless service throughout its service area, but does not currently provide wireless services in Indiana. Specifically Boomerang's communications services will include the provision of wireless services through resold services provided by its underlying carriers, Sprint, Verizon, and other Global System for Mobile Communications carriers ("GSM"), namely, AT&T and T-Mobile, through a resale agreement with PC Management, Inc.

Mr. Balvanz testified that Boomerang is requesting ETC designation in Indiana for the limited purpose of participating in the USF Lifeline program as a prepaid wireless carrier. He explained that Boomerang seeks ETC designation for the federal USF low-income program. Mr. Balvanz asserted that Boomerang has the financial and technical capability to provide Lifeline service. Mr. Balvanz noted that Boomerang generates substantial revenues from non-Lifeline services and has access to capital from its investors. Boomerang currently provides prepaid wireless service to more than 350,000 subscribers, including more than 50,000 retail customers. Mr. Balvanz testified that consequently, Boomerang has not relied, and will not be relying exclusively, on Lifeline reimbursement for its operating revenues. Mr. Balvanz went on to state that Boomerang has received Lifeline-only ETC designation in Maryland, Michigan, South Carolina, Oklahoma, Iowa and Louisiana and has pending petitions in 19 other states including Indiana. Finally, he stated that Boomerang has not been denied in any jurisdiction thus far.

Mr. Balvanz next explained that Boomerang seeks ETC designation in an area covering a number of non-rural telephone exchange areas in the state of Indiana as detailed on its Second Revised Exhibit "A" to Petition submitted on December 5, 2012. Mr. Balvanz stated that Boomerang will enroll Lifeline customers through several different marketing channels. Specifically, he stated that Boomerang's plans for providing Lifeline service are based on reaching about 85% of its subscribers in person, through event marketing targeting currently underserved populations. He noted also that potential subscribers will also be able to avail themselves of a toll free number (in-bound telemarketing) or websites to obtain enrollment information.

Mr. Balvanz stated that Boomerang will provide eligible customers a choice of two Lifeline plans. The first plan consists of 125 rollover minutes and is free to Lifeline customers. The second plan provides for 250 non-rollover minutes and is also free to Lifeline customers. Mr. Balvanz explained

that in both plans 1 minute and one text equal one unit. Mr. Balvanz also testified that eligible customers will have the ability to purchase additional bundles of minutes as follows:

Denomination	\$5	\$10	\$10	\$15	\$15	\$30	\$30	\$50	\$7	\$20	\$30
Days of Use	10	3	7	7	10	14	30	30	10	30	30
Minutes									100	500	1,000
Peak Minutes		Unlmt	30	Unlmt	60	Unlmt	140	Unlmt			
N/W Minutes		Unlmt	Unlmt	Unlmt	Unlmt	Unlmt	Unlmt	Unlmt			
Texts		Unlmt	.10/txt	Unlmt	.10/txt	Unlmt	.10/txt	Unlmt	200	1000	1,200
Units-Min+Txt	50										

Mr. Balvanz noted that the Boomerang plans each include a free handset, caller identification, call waiting, call forwarding, three-way calling and voicemail. Mr. Balvanz testified that Boomerang will turn on the data capability for all of its handsets, which will allow the customers to add a data plan to their phone service. Mr. Balvanz testified that once a customer is successfully verified by Boomerang, the customer will be enrolled in their selected service plan and mailed the handset. He added that customers can activate the plan at any time during a given month and the appropriate amount of minutes will be credited automatically to the customer's Lifeline account. He then stated that customers will receive subsequent allotments of free minutes at the beginning of each 30 day cycle. Mr. Balvanz testified that Boomerang will not seek Lifeline reimbursement until the customer has activated the handset or has made an outgoing call. Mr. Balvanz added that Boomerang has billing controls that automatically reload the airtime minutes per customer plan and customers can contact customer service via 611 or other designated toll-free numbers to inquire regarding available and used airtime minutes and request a record of usage. Mr. Balvanz stated that customers can communicate with Boomerang's customer service and those calls will not be deducted from customers' allotment of airtime minutes. He also testified that airtime replenishment cards will be made available at Boomerang's website and at many retail outlets frequented by low income customers throughout the service area such as CVS, Dollar General, Walgreens, Seven Eleven, Fred's and Rite Aid.

Mr. Balvanz testified that Boomerang will remit enhanced 911 ("E-911") fees in Indiana once it begins offering service. He also noted that Boomerang will ensure that all handsets used in connection with Lifeline service are E911 compliant and if any customer does not have an E911 complaint handset, Boomerang will replace the customer's handset at no charge. Finally, Mr. Balvanz testified that any new customer who qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911 compliant handset as well.

Mr. Balvanz next testified that Boomerang contributes a portion of its revenues to the funding of Federal Universal Service. He noted that, as a prepaid wireless service provider, Boomerang does not provide traditional monthly billing statements to its customers. He added that Boomerang collects applicable fees and surcharges at the point of sale. Mr. Balvanz testified that Boomerang commits to paying all applicable fees, including the Indiana Telecommunications Relay Access Corporation ("InTRAC") fee pursuant to Ind. Code ch. 8-1-2.8; the public utility fee required under Ind. Code ch.

8-1-6, the Indiana USF fee established in Cause No. 42144; and the wireless E-911 fee required under Ind. Code § 36-8-16.5-30.5. Mr. Balvanz confirmed that customers will have access to InTRAC services for speech and hearing impaired individuals. Mr. Balvanz also testified that Boomerang can quantify the sales made in Indiana and determine which customer accounts remain open or have been closed.

Mr. Balvanz addressed Boomerang's satisfaction of the requirements for ETC designation in Indiana. He stated Boomerang will provide prepaid wireless services to consumers through a combination of resold services which it obtains from underlying wireless providers that currently operate their own networks, and through Boomerang's own facilities. He testified that Boomerang requested that the FCC forbear from applying the "own facilities" requirements of Section 214(e)(1)(A) of the Act, and that Boomerang filed a Compliance Plan with the FCC on February 24, 2012. At the FCC's request, a revised Compliance Plan was filed on July 26, 2012 and was approved by the FCC on August 28, 2012. Boomerang's approved Compliance Plan was admitted into evidence as Petitioner's Exhibit D. Mr. Balvanz noted that Boomerang will provide equal access to interexchange services of the customer's choice in the event that all other ETCs in its service area relinquish their designation pursuant to 47 U.S.C. § 214(A)(4). Mr. Balvanz also testified that upon designation as an ETC in Indiana, Boomerang will offer all of the services and functionalities required by 47 C.F.R. § 54.101, which were described in Boomerang's Petition as follows:

1. Voice-grade access to the public switched telephone network: Boomerang will provide voice-grade access to the public switched telephone network. All Boomerang customers are able to transmit and receive calls on the public switched telephone network.
2. Local Usage: Boomerang will offer a local usage plan comparable to the one offered by the Incumbent Local Exchange Carrier ("ILEC") in its service area in Indiana. Specifically, Boomerang will provide Lifeline customers with two Lifeline plans that include minutes of use for local service at no additional charge.
3. Access to emergency services: Boomerang will provide access to emergency services in conformance with the FCC's requirements. All of the phones that Boomerang will distribute to subscribers will be capable of delivering automatic numbering information and automatic location information, and otherwise satisfy applicable E-911 requirements.
4. Toll limitation for qualified low-income consumers: Boomerang will not, however, provide toll limitation services which allow low-income customers to avoid unexpected toll charges. Since Boomerang is a prepaid provider, customers cannot be disconnected for failure to pay toll charges nor are there additional charges for exceeding their minutes. Further Boomerang does not differentiate local and long distance usage and all usage is paid in advance. Boomerang's low income customers will, however, effectively experience toll limitation and avoid unexpected toll charges under these circumstances.

Mr. Balvanz asserted that Boomerang is prepared to act as a Carrier of Last Resort in all areas in Indiana in which it has wireless coverage, to the extent that it is able to do so as a reseller. He noted that Boomerang expects to launch Lifeline services in Indiana as soon as possible after the Commission approves its pending petition.

Mr. Balvanz testified that Boomerang will comply with the consumer protection standards set by the Federal Communications Commission, including the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service. Additionally, Mr. Balvanz stated that since Boomerang is providing service to its customers through the use of facilities obtained from other carriers, it is able to provide its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers. He explained that Boomerang, as well as the underlying carriers, have all created backup systems to ensure full functionality in the event of a loss of power or network functionality. Mr. Balvanz specifically described Boomerang's switching facilities. He stated that the switching facilities are housed in a carrier-class data center with fully redundant power and HVAC, a controlled temperature and humidity environment, fire threat detection and suppression, year-round critical monitoring and secure access with biometric security. Mr. Balvanz explained that the facility features redundant generators and redundant fiber optic connectivity. The data center is a reinforced concrete building located in a secure area and collocated with the area electrical utility headquarters. It is powered from separate paths independent of anyone electrical generation plant. Finally Mr. Balvanz noted that all systems within the facility are implemented on redundant servers each with redundant data network and power.

Mr. Balvanz referenced the Compliance Plan submitted as part of its Petition in this proceeding and confirmed that Boomerang will certify and verify consumer eligibility to participate in the Lifeline program in accordance with FCC rules. Similarly, Mr. Balvanz testified that as required by the *Lifeline Reform Order*, Boomerang will require every consumer enrolled in the Lifeline program to verify on an annual basis that he or she is the head of the household, participates in one of the state approved means tested programs, receives Lifeline-supported service only from Boomerang and, will notify Boomerang in the event that they no longer participate in the qualifying program. Also, as required by the *Lifeline Reform Order*, Mr. Balvanz stated that Boomerang will implement a non-usage policy (which was outlined in detail in Boomerang's Compliance Plan) whereby it will de-enroll Lifeline customers that have not used the Lifeline service for 60 consecutive days.

Mr. Balvanz testified that Boomerang's ETC designation in Indiana serves the public interest in several ways. He noted the public interest benefits associated with the Boomerang's wireless service include allowing low income persons free wireless service to access emergency service providers when necessary, allowing children to reach their parents, allowing a person seeking employment the ability to be contacted by potential employers, and referenced broadly other situations facilitating job search efforts and maintaining contact with family members. Mr. Balvanz stated that designation of Boomerang as an ETC will serve the public interest by furthering the extensive role that Boomerang believes it will play in the provision of communications service to low income consumers and transient users, who, due to the restrictive credit criteria, deposit requirements, and long term commitments of wireline and traditional wireless service providers are without a viable communications alternative and are likely to remain so.

Mr. Balvanz testified that designation of Boomerang as an ETC would not unduly burden the USF or otherwise reduce the amount of funding available to other carriers. He stated that Lifeline support is provided on a customer specific basis, and only after a carrier has acquired and begun to serve an eligible customer does the carrier receive lifeline support for that customer. Mr. Balvanz explained that by tying lifeline support to the actual service of a customer ensures that USF support only funds the carrier that actually obtains the customer. This program feature eliminates the potential for duplicative funding, which is a problem that has plagued the high cost system.

Mr. Balvanz concluded his testimony by confirming Boomerang's commitment to comply with all the rules and regulations the Commission may lawfully impose upon the provision of service contemplated by its Petition. Mr. Balvanz stated that Boomerang will comply with annual reporting obligations the Commission has imposed on other similar ETCs.

**B. ITA's Evidence.** Alan I. Matsumoto, State Regulator and Legislative Affairs Manager at Century Link, testified on behalf of ITA, a non-profit trade association representing Indiana's telecommunications industry. Mr. Matsumoto stated that the purpose of his testimony was to address ITA's concerns regarding Boomerang's Petition.

Mr. Matsumoto noted that on the first page of the Petition, Boomerang stated that its proposed service area is limited to non-rural portions of Indiana so that the Commission is authorized to designate Boomerang as an ETC in non-rural areas without redefining the service areas of any telephone company. Mr. Matsumoto explained, however, that Exhibit A of Boomerang's Petition listed numerous rural wire centers of the ITA's members, e.g. Lawrenceburg, Brookston, Odon, Cloverdale, DeMotte, St. Meinrad, Star City, French Lick and Roachdale. Mr. Matsumoto stated that each of the affected ITA members is a "rural telephone company" as the term is defined in 47 U.S.C. § 153(37). Mr. Matsumoto testified that the ITA seeks clarification that Boomerang is not requesting ETC designation in any of the rural wire centers of the ITA's members.

Mr. Matsumoto then explained that the designation as a rural telephone company is significant because when a competitive ETC applies for ETC designation in an area served by an incumbent rural telephone company, the designated service area must be the incumbent provider's entire study area, unless a special request is made to re-define the study area. Mr. Matsumoto asserted that 47 U.S.C. § 54.207(b) is unambiguous in that regard. He noted that based upon the ITA's cursory review of Boomerang's Petition, the ITA member wire centers shown in Boomerang's proposed designated service area do not encompass the ITA member study areas in their entirety. Mr. Matsumoto further testified that the ITA is not aware of any proceedings in accordance with 47 U.S.C. § 54.207 (b) to redefine the service area for Boomerang that is different from the study areas of the affected ITA members.

Mr. Matsumoto stated that notwithstanding the foregoing, the ITA expressed a willingness to work with Boomerang to remove rural areas, but that there was no time to do so prior to the filing deadline for ITA's testimony. Mr. Matsumoto concluded that the ITA takes no position on Boomerang's requests for ETC designation. Mr. Matsumoto requested that if the ETC designation is granted by the Commission, that Boomerang's ETC designation be limited to non-rural wire centers.

**5. Commission Discussion and Findings.** Universal service funds are provided in four areas: (1) funds to support service to high-cost areas; (2) provision of discounted telecommunications and internet access to eligible schools and libraries (also known as the "E-Rate" program); (3) funds to assist low-income customers by provision of a monthly discount on telecommunications costs; and (4) provision of discounted service to rural health care providers. *Comprehensive Review of Universal Service Fund Management, Administration and Oversight*, 22 FCC Red 16372, 16374 (2007).

Boomerang seeks designation in Indiana for the limited purpose of offering federally supported, discounted wireless Lifeline service to low-income customers. Accordingly, Boomerang's Petition does not implicate the other three Universal Service programs. Based on the evidence in the record, we find that Boomerang meets the eligibility criteria for ETC designation as contained in

Section 214(e)(1) of the Act and related FCC rules, for the limited purpose of offering Lifeline service in Indiana, and satisfies the public interest analysis called for in the *2005 FCC ETC Order*.

**A. Common Carrier.** The first requirement for ETC designation is status as a common carrier under federal law. A common carrier is generally defined by 47 U.S.C. § 153(11) as any person engaged as a common carrier on a for-hire basis in interstate communication utilizing either wire or radio technology (except for radio broadcasters). As a provider of wireless telecommunications services, we find that Boomerang is a “common carrier” for purposes of obtaining ETC designation under Section 214(e)(1) of the Act.

**B. Required Service Offerings.** The evidence confirms that upon designation as an ETC in Indiana, Boomerang will provide all of the functionalities required of an ETC in the *Lifeline Reform Order* and pursuant to 47 C.F.R. § 54.101(a), as follows:

i. Voice-grade access to the public switched telephone network. Pursuant to 47 C.F.R. § 54.101(a), eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent. No evidence was presented that Boomerang’s customers would not be able to make and receive calls on the public switched telephone network in accordance with the federal rules. Accordingly, we find that Boomerang satisfies this requirement.

ii. Local usage. Eligible voice telephony services must provide minutes of use for local service at no additional charge to end users as part of a universal service offering. As the record demonstrates, Boomerang will offer users the ability to send and receive local phone calls wherever the company offers service. Mr. Balvanz noted that Boomerang intends to offer Lifeline customers access to a variety of other features at no cost, including caller ID, call waiting, call forwarding, 3-way calling and voicemail. Based on this evidence, we find that Boomerang has satisfied this requirement.

iii. Access to Emergency Services. As part of a universal service offering and as required by 47 C.F.R. § 54.101(a), eligible voice telephony services must provide access to the emergency services provided by local government or other public safety organizations, such as 911 and E-911, to the extent the local government in an eligible carrier’s service area has implemented 911 or E-911 systems. Mr. Balvanz testified that Boomerang will provide access to emergency services in conformance with the FCC’s requirements. Based on the foregoing, we find that Boomerang has satisfied this requirement,

iv. Toll Limitation for Qualifying Low-Income Consumers. Voice telephony services eligible for federal universal service support mechanisms must provide toll limitation services to qualifying low-income consumers. Boomerang will not specifically provide toll limitation services which allow low-income customers to avoid unexpected toll charges. However, since Boomerang is a prepaid provider, customers cannot be disconnected for failure to pay toll charges nor are there additional charges for exceeding their minutes. Further Boomerang does not differentiate local and long distance usage and all usage is paid in advance. Therefore, Boomerang is effectively providing toll blocking to qualified Lifeline customers, at no charge, as part of its Lifeline offerings. Accordingly, the Commission is satisfied that Boomerang meets the toll limitation requirement.

**C. Lifeline Service Offering Requirements.** 47 C.F.R. § 54.202(a)(5) requires common carriers seeking designation as an ETC to submit information describing the terms and

conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. Mr. Balvanz provided evidence that Boomerang will offer Lifeline eligible customers the choice of having 250 rollover minutes or 125 non-rollover minutes, with either option also including such additional features as caller ID, call waiting, call forwarding, 3-way calling and voicemail. One text message is treated as the equivalent of one minute. Customers who wish to purchase additional minutes may obtain airtime replenishment cards either from Boomerang's website or such retail outlets as CVS, Dollar General Store, Walgreens, Seven-Eleven or Rite Aid. The evidence shows that Boomerang agrees to comply with all applicable Lifeline requirements upon designation as an ETC.

**D. Functionality in Emergency Situations.** 47 C.F.R. § 54.202(a)(2) requires an ETC to provide a “[d]emonstration of the carrier’s ability to remain functional in emergency situations.” Boomerang has certified that it has the ability to remain functional in emergency situations, which includes access to a reasonable amount of back-up power available from the other carriers from whom Boomerang purchases wholesale service, as well as those carriers’ rerouting of traffic around damaged facilities, and their capability to manage traffic spikes resulting from emergency situations. Boomerang also explained its use of redundant power generators and fiber optic connectivity as a means of additional assurance that its customers would not lose service in certain emergencies. The Commission is satisfied that Boomerang is able to meet this requirement.

**E. Advertising Requirements.** Boomerang demonstrated that it will broadly advertise the availability and rates for its Lifeline services using a variety of media in conformance with state and federal regulations. Boomerang will implement an advertising plan that will reach consumers using varying media and distribution methods. Based on the foregoing, we find that the evidence in the record indicates that Boomerang will comply with 47 U.S.C. § 214(e)(1)(B) and all applicable advertising requirements.

**F. Petitioner’s Designated ETC Service Area.** The FCC’s rules define “service area” as a “geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms.” 47 C.F.R. § 54.207(a). Boomerang is authorized to provide telecommunications service throughout the State of Indiana, but only intends to offer Lifeline service in the non-rural ILEC territories of AT&T Indiana and Frontier Communications. The wire centers in which Boomerang will offer Lifeline service are listed on Exhibit A to its verified Petition. Exhibit “A” was amended twice by Petitioner prior to the evidentiary hearing in this Cause, and the wire center in French Lick was removed from the Exhibit during the evidentiary hearing. Neither the OUCC nor ITA objected to Boomerang’s proposed service area as amended. Accordingly, we approve Boomerang’s proposed Lifeline-only ETC service area, as amended.

**G. Facilities-Ownership.** Boomerang is not a facilities-based CMRS provider and will be reselling the services of other wireless carriers. Federal rules prohibit pure resellers from being designated as ETCs. However, the FCC can grant wireless resellers who seek ETC designation for the limited purpose of providing Lifeline services forbearance from the facilities requirement of 47 U.S.C. § 214(e)(1)(A) if the reseller files a compliance plan that is approved by the FCC and complies with certain 911 requirements. *See 2012 Lifeline Reform Order*, at 6813-6814. The evidence shows that Boomerang submitted a Compliance Plan to the FCC on February 24, 2012, as well as a revised Compliance Plan on July 26, 2012. The FCC approved Boomerang’s revised Compliance Plan on

August 8, 2012. Accordingly, we find that Boomerang has secured the required forbearance from the FCC for the facilities ownership requirement.

In prior Orders granting ETC designation to wireless resellers, the Commission has required the reseller to obtain certification regarding 911 capabilities from each public safety answering point (“PSAP”) in its proposed service area. This requirement was consistent with federal requirements. However, the FCC has since determined that resellers no longer need to obtain individual certifications, but that states may impose a self-certification requirement. *Lifeline Reform Order* at 6815. In an effort to ensure the availability of information concerning the provision of, and access to, 911 and E911 services, it is necessary to have a clear understanding of where a wireless reseller ETC is obligated to provide 911 service and which facilities-based wireless carrier(s) services an ETC is reselling. Therefore, in this instance, we find that it is in the public interest to require Boomerang to: (1) certify that it provides subscribers with 911 and E911 access by providing a letter from its underlying facilities-based wireless carrier(s) which affirms the facilities-based wireless carrier is the underlying carrier for the reseller, and it routes all 911 calls from the resellers’ customers to the PSAP in the same manner that it routes 911 calls from its own customers; and (2) provide a self-certification that it is 911 compliant. The certifications shall be submitted to the Commission with copies to the OUCC and the Statewide 911 Board prior to offering Lifeline service in Indiana.

**H. Public Interest Considerations.** As noted above and in accordance with 47 C.F.R. § 54.202(b), the designation of Boomerang as an ETC requires a public interest analysis. *See also 2005 FCC ETC Order* at 6389-6390. In the absence of statutory strictures for evaluating the public interest, the FCC has recommended that ETC designations be analyzed “in a manner that is consistent with the purposes of the Act itself, including the fundamental goals of preserving and advancing universal service; ensuring the availability of quality telecommunication services at just, reasonable, and affordable rates; and promoting the deployment of advanced telecommunications and information services to all regions of the nation, including rural and high-cost areas.” *2005 FCC ETC Order*, at 6388.

i. Use of Lifeline Funding. The record indicates that Boomerang will use funds from the federal Lifeline program to provide supported services to Lifeline customers. Boomerang has met its burden of proof for the Lifeline program. We also note that Boomerang will be subject to federal recordkeeping and auditing requirements in 47 C.F.R. § 54.417 and 47 C.F.R. § 54.420 respectively. We find that Boomerang’s plans are consistent with current FCC regulations on the use of such funds.

ii. Impact on the Universal Service Fund. We have previously recognized that the FCC has undertaken various steps to address the growth in high-cost universal service support disbursements. *See, e.g., Perry-Spencer Communications, Inc.*, Cause No. 41052-ETC-53, 2008 Ind. PUC LEXIS 510, at \*33 (IURC July 24, 2008). Notably, however, Boomerang is not seeking access to funding from the federal USF to provide service to high-cost areas. Lifeline support is provided on a customer-specific basis, and only after a carrier has acquired and begun to serve an eligible customer does the carrier receive Lifeline support for that customer. By tying support to actual service of a customer, the Lifeline program ensures that the low-income universal service fund support is only paid to the carrier actually serving a given customer. However, we also recognize that costs for the low income portion of the universal service fund are increasing rapidly. While it is in the public interest that Lifeline eligible customers get connected to affordable telecommunications service, preventing

misuse of the Lifeline program is necessary to control unproductive growth of the fund and increased USF surcharges for all Indiana telecommunications customers.

We have historically underscored our concern that prepaid wireless providers may be especially vulnerable to misapplication of the program due to the appeal of free phones and free minutes. Therefore, we find as we did in the Virgin Mobile ETC Order that the public interest requires that we impose certain safeguards on Boomerang. To ensure that a prepaid Lifeline offering does not unnecessarily increase USF expenditures, we condition our grant on Boomerang's adoption of policies to control waste, fraud and abuse of the Lifeline program, such as terminating service to inactive customers after 60 days of inactivity as described in 47 C.F.R. § 54.405(e)(3); dealing directly with the customer; and obtaining documentation from the customer which demonstrates eligibility with other conditions enumerated in this Order. Provided these requirements are satisfied, along with other conditions and safeguards promulgated in this Order and in FCC rules to deter waste fraud and abuse, we find that Boomerang's Lifeline-only designation should not have an excessive impact on the federal universal service fund.

iii. Consumer Protection. One of the requirements established by the 2005 FCC ETC Order was that, regardless of certification date, all ETCs must submit to the FCC, on an annual basis, certification that the ETC is complying with applicable service quality standards and consumer protection rules. 47 C.F.R. § 54.202(a)(3). According to the verified Petition, Boomerang will comply with consumer protection requirements in the CTIA Consumer Code of Conduct.

iv. Creamskimming. The FCC identified creamskimming as an appropriate factor to consider in "areas where an ETC applicant seeks designation below the study area level of a rural company." See 47 C.F.R. § 54.202(b). That type of analysis is unnecessary in this case since Boomerang seeks ETC designation to serve only the non-rural ILEC territories of AT&T Indiana and Frontier Communications as indicated on its twice amended and subsequently corrected Exhibit A. See 2005 FCC ETC Order.

v. Increased Customer Choice. Currently in Indiana all ILECs are required to provide the Lifeline discount to eligible customers. In light of Indiana's low Lifeline take rate and recent ETC relinquishments by several other Indiana carriers, Boomerang's Lifeline service offerings will bring increased competitive choice to Lifeline eligible customers in Indiana and may reach a particular segment of Lifeline eligible customers that have not yet been reached. Based on the record, we find that Boomerang's designation as a Lifeline-only ETC will increase the level of customer choice by expanding the availability of wireless services to qualifying income-eligible Indiana customers.

vi. Affordable Rates. We must also consider whether designation as an ETC will "...ensur[e] the availability of quality telecommunications services at just, reasonable, and affordable rates[.]" 2005 FCC ETC Order at 6388. Boomerang presented evidence that its Lifeline offering is free to eligible retail customers choosing either 250 non-rollover-eligible anytime minutes or 125 rollover-eligible anytime minutes. Boomerang's Lifeline offering also includes calling features such as call waiting, caller identification, and voice mail. Boomerang also allows qualified Lifeline subscribers to purchase certain additional optional features, such as text messaging. Boomerang offers these "pay-as-you-go" services so customers can purchase the packages they consider most beneficial to them. These packages are similar to other prepaid wireless ETC offerings previously approved by this Commission. The OUCC did not dispute the affordability of Boomerang's rates. Accordingly, we

find that the designation of Boomerang as an ETC would serve the public interest by ensuring the availability of telecommunications services at just, reasonable and affordable rates. Therefore, Boomerang should file tariffs consistent with the testimony filed herein prior to offering Lifeline services in Indiana.

vii. Advantages and Disadvantages of the Offering. The record reflects that Boomerang's Lifeline service offering will expand available, accessible service options for income-eligible Indiana households. Accordingly, we find that Boomerang has satisfied this criterion of our public interest inquiry.

viii. Commitment to Provide Service upon Reasonable Request. Boomerang provided evidence that, to the extent it does not currently have wireless coverage within a portion of its proposed ETC service area, it will consider requests for service, consistent with its universal service obligations. Further, over time, Boomerang will expand its coverage to serve consumers throughout its ETC service area. We find that Boomerang's commitments satisfy the requirements of 47 C.F.R. § 54.405(a). Accordingly, we find that Boomerang has demonstrated its willingness and ability to provide service throughout its requested service area.

ix. Additional Public Interest Analysis. ETC designation confers both benefits and burdens upon the petitioning telecommunications service provider. Because the designation gives the provider the right to apply for federal universal service funds, it is essential that the provider comply with its obligations to contribute to public interest funds and not have a competitive advantage over other Indiana telecommunications carriers by avoiding such obligations. We find that it would not be competitively neutral to designate an ETC permitting it to collect public funds, yet not contribute its fair share to public interest funds from which its network and its customers benefit. Boomerang has testified to its willingness to comply with Indiana laws and policies regarding public interest funds for which the Commission has administrative oversight, including the public utility fee pursuant to Indiana Code ch. 8-1-6; the InTRAC fee pursuant to Indiana Code ch. 8-1-2.8; and the Indiana Universal Service Fund pursuant to the Commission's Order in *Commission Investigation of Universal Service Reform*, Cause No. 42144, 2004 Ind. PUC LEXIS 61 (IURC March 17, 2004). In addition, Boomerang agreed at the hearing that Indiana law would apply to resolution of disputes with Indiana customers. Based on the foregoing public interest analysis, we conclude that designating Boomerang as an ETC will promote the public interest and further the goals of the Act.

x. Determination of Financial and Technical Ability. In the *Lifeline Reform Order*, the FCC concluded that a common carrier seeking to be designated as a Lifeline-only ETC must demonstrate its technical and financial capacity to provide the supported service. The FCC provided that relevant considerations for such a showing include whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state. The FCC added these criteria to compel a more rigorous review of companies prior to designating them as eligible to receive reimbursement from the federal universal service fund. In addition to the *Lifeline Reform Order*, the FCC adopted a new rule found in 47 C.F.R. 54.201(h) which states:

A state commission shall not designate a common carrier as an eligible telecommunications carrier for purposes of receiving support only under subpart E

[Lifeline] of this part unless the carrier seeking such designation has demonstrated that it is financially and technically capable of providing the supported Lifeline service in compliance with subpart E of this part.

Petitioner submitted Articles of Incorporation demonstrating that the company was formed in 2008. Mr. Balvanz testified that Petitioner provides prepaid wireless service to more than 350,000 subscribers, including more than 50,000 retail customers. Petitioner also provides a complete wholesale Mobile Virtual Network Enabler ("MVNE") platform to several ETCs and other white label partners. Mr. Balvanz testified that Boomerang has not been subject to enforcement actions or ETC revocation proceedings in any state. Based on the evidence in the record, Boomerang Wireless has made a sufficient showing of financial and technical ability to provide lifeline services.

**6. Regulatory Oversight.** This Commission has recognized certain specific regulatory requirements that competitive wireless ETC applicants must satisfy in order to secure and maintain their ETC status in Indiana. See e.g., *Nextel*, Cause No 41052 ETC 43, 2004 Ind. PUC LEXIS 87 (IURC March 17, 2004). Such regulatory requirements stem from the FCC's mandate that state commissions certify that federal USF support is being used "only for the provision, maintenance and upgrading of facilities and services for which the support is intended," consistent with 47 U.S.C. § 254(e). Absent such a certification, carriers will not receive such support. In order for this Commission to satisfy its ETC certification requirements to the FCC, it requires ETC applicants to file a tariff with the Commission and track its USF expenditures. See *Commission Investigation of Universal Service Reform*, Cause No. 40785, 1997 Ind. PUC LEXIS 354 (IURC November 15, 1997). The record reflects Boomerang's intention to comply with the Commission's Lifeline tariff filing requirement. Petitioner must also comply with USF tracking requirements this Commission previously established to ensure that funds received from the Universal Service Administrative Company for Indiana are devoted to furthering universal service goals within Boomerang's Indiana ETC designated service area. Accordingly, we find that Boomerang's terms and conditions of service should be incorporated into its Lifeline tariff for Indiana and filed with the Commission's Communications Division for review prior to Boomerang making its universal service offering available to eligible consumers in Indiana.

In previous ETC designations of prepaid wireless Lifeline providers, the Commission (and the FCC) imposed a condition that the ETC deal directly with the customer as an additional safeguard to prevent abuse of the Lifeline program. Boomerang committed in testimony to require each customer to self-certify under penalty of perjury that he or she is the only member of a household receiving the Lifeline discount and that he or she does not receive the Lifeline discount for any other phone. Boomerang indicated it will require Lifeline customers to provide copies of documentation demonstrating that they are eligible for Lifeline based upon participation in one of the qualifying low income programs or based upon income. Boomerang will abide by the applicable regulations of the FCC and the Commission regarding certification and verification of customer eligibility.

**7. Prospective ETC Reporting Requirements.** Finally, we find that Boomerang shall be required to meet the prospective reporting requirements consistent with new federal rules in 47 C.F.R. § 54.422 which include reporting: (1) the ETCs holding company and operating names, any affiliate relationships, and branding as well as universal service identifiers; (2) information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan; (3) detailed information on any outage in the prior calendar year; (4) number

of complaints per 1000 handsets; (5) certification of compliance with applicable service quality standards; and (6) certification that the carrier is able to function in emergency situations.

Boomerang's compliance filings shall be filed under this Cause at the same time it files its annual report pursuant to 47 C.F.R. § 54.422, unless otherwise directed by the Commission.

**8. Conditions on Boomerang's Designation as an ETC.** In accordance with the Commission's findings above, Boomerang shall be subject to the following conditions:

- (a) Approval shall be subject to Boomerang's Compliance Plan approved by the FCC and subject to the Lifeline plans, rates, conditions and procedures set forth in the Compliance Plan.
- (b) Consistent with 47 C.F.R. § 54.407, Boomerang shall not receive universal service support for a subscriber to lifeline service until the subscriber activates the service.
- (c) Boomerang shall deactivate a Lifeline account if the customer has no usage for 60 consecutive days. Boomerang shall report annually the number of subscribers de-enrolled for non-usage under 47 C.F.R. § 54.405(e)(3). This de-enrollment information must be reported by month and must be submitted to the Commission at the time an eligible telecommunications carrier submits its annual certification report pursuant to 47 C.F.R. § 54.416.
- (d) Boomerang is authorized to offer Lifeline-eligible customers the Lifeline packages set forth in the testimony provided by Mr. Balvanz which shall include either a plan consisting of 125 rollover minutes which is free to Lifeline customers or a plan which provides for 250 non-rollover minutes and is also free to Lifeline customers. Prior to providing Lifeline service in Indiana, Boomerang shall file a tariff which defines all terms and conditions of their proposed Lifeline plans and airtime minute cards consistent with the Commission's findings herein and notify the Commission in the form of a new tariff if any terms, conditions or allocation of free minutes change.
- (e) Boomerang shall provide its Lifeline customers with 911 and E-911 access regardless of activation status and availability of prepaid minutes as of the date it provides Lifeline services in Indiana.
- (f) Boomerang shall provide its Lifeline customers with E-911 compliant handsets and replace, at no additional charge, noncompliant handsets of existing customers who obtain Lifeline supported services as of the date it provides Lifeline services in Indiana.
- (g) Boomerang shall certify 911 compliance in accordance with Paragraph 5.G. above.
- (h) Boomerang shall establish safeguards to prevent its customers from receiving multiple Lifeline subsidies at the same address as required by 47 C.F.R. § 54.405 and abide by the *Lifeline Reform Order* and the FCC's *2011 Duplicative Program Payments Order*<sup>8</sup>,

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<sup>8</sup> *Lifeline and Link Up Reform and Modernization*, 26 FCC Rcd 9022, 9027-9028 (2011).

which requires ETCs to explain to consumers in plain, easily comprehensible language that they are not permitted to receive more than one Lifeline subsidy.

- (i) On a quarterly basis Boomerang shall provide: (1) the number of Indiana Lifeline customers that it enrolled during the previous quarter, with the data listed separately for each month; (2) the number of deactivated Lifeline customers for each month in the previous quarter and the reasons for deactivation (e.g., no usage for 60 consecutive days, unsuccessful annual verification, or voluntary exit); and (3) an update on Boomerang's investment in establishing stores and hiring employees in Indiana. Quarterly reports shall be filed with the Commission no later than 30 days after the end of each quarter. Boomerang will continue to make such quarterly filings until otherwise instructed by the Commission.
- (j) Boomerang shall certify the eligibility of Lifeline customers pursuant to 47 C.F.R. § 54.410 requiring prospective Lifeline customers to demonstrate that they are eligible for Lifeline based upon participation in one of the qualifying low income programs or based upon income.
- (k) Pursuant to 47 C.F.R. § 54.410, Boomerang shall notify each Lifeline customer on an annual basis and request confirmation of continued eligibility by requiring that the customer re-certify continued eligibility for the discount based upon income or participation in a qualifying low income program. Such verification will be required in order for the consumer to continue to purchase prepaid airtime at the discounted rate. Consistent with the changes precipitated by the *Lifeline Reform Order* relating to the timing of verifications to USAC and the FCC, Boomerang shall provide the Commission with a copy of its Lifeline re-certification results that it files annually with USAC by January 31 each year.
- (l) Boomerang shall contribute to the InTRAC Fund on a monthly basis in an amount equal to the Commission approved InTRAC monthly surcharge multiplied by the number of active Boomerang accounts during each month, consistent with the Commission's January 19, 2005 Order in Cause No. 39880 and Ind. Code ch. 8-1-2.8.
- (m) Boomerang shall pay applicable fees, such as the public utility fee, pursuant to Ind. Code ch. 8-1-6; the InTRAC fee pursuant to Ind. Code ch. 8-1-2.8; the Indiana USF fee pursuant to the 42144 Order; the wireless emergency E-911 fee pursuant to Ind. Code § 36-8-16.5-30.5 and any other applicable fees.

We therefore find, based on the evidence presented, that Boomerang has met all of the ETC eligibility requirements and that the public interest supports granting ETC status to Boomerang for the limited purpose of participation in the Lifeline program. We find that making Boomerang's Lifeline service available to eligible customers will increase customer choice and will not adversely affect the USF. Boomerang has the financial and technical capability to provide Lifeline service in compliance with State and Federal law. Boomerang also has demonstrated it has the ability to satisfy the obligation to serve the designated service areas within a reasonable time frame. Finally, we note that the Commission has the statutory authority to investigate, as it deems necessary, Boomerang's compliance with this Order and its eligibility for ETC designation. We further find that Boomerang should be subject to the prospective reporting requirements and conditions set forth herein.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. Boomerang Wireless, LLC's petition for designation as an Eligible Telecommunications Carrier for the limited purpose of participation in the Universal Service Fund's Lifeline program, for the service areas identified in Boomerang Wireless, LLC's evidence, shall be and hereby is granted.

2. Boomerang Wireless, LLC's request for authority to apply for or receive universal service funds from the Lifeline program pursuant to 47 U.S.C. § 254 shall be and hereby is granted, subject to Boomerang Wireless, LLC's compliance with the terms, conditions and reporting requirements of this Order and other applicable laws.

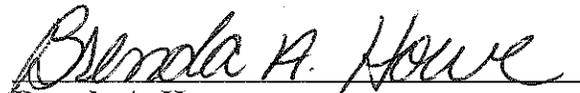
3. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, LANDIS AND ZIEGNER CONCUR; BENNETT AND MAYS ABSENT:**

**APPROVED:**

**MAY 01 2013**

**I hereby certify that the above is a true and correct copy of the Order as approved.**



**Brenda A. Howe**  
**Secretary to the Commission**