

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Received
on

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

FEB 11 2013

by
State Corporation Commission
of Kansas

In the Matter of the Application of Boomerang)
Wireless, LLC for Designation as an Eligible) Docket No. 13-BOWZ-121-ETC
Telecommunications Carrier on a Wireless)
Basis (Low Income Only).)

NOTICE OF FILING OF STAFF REPORT AND RECOMMENDATION
WITHDRAWING PRIOR STAFF RECOMMENDATION THAT APPLICATION BE
DISMISSED WITHOUT PREJUDICE

COMES Now the Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission", respectively), and files its Notice of Filing of Staff Report and Recommendation, withdrawing its prior recommendation of January 11, 2013 (filed January 18, 2013), requesting Commission dismissal, without prejudice, Boomerang Wireless, LLC's Application seeking designation as an Eligible Telecommunications Carrier (ETC). Boomerang has addressed the issues raised by Staff in an Amendment to the Company's Application filed January 31, 2013, and Staff has resumed its analysis of Boomerang's Application in order to determine if all rules established by the Federal Communications Commission (FCC) and this Commission are met prior to the granting of any ETC designation to Boomerang.

WHEREFORE, Staff requests the Commission consider its Report and Recommendation and grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,



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Mark Sievers, Chairman
Thomas E. Wright, Commissioner
Shari Feist Albrecht, Commissioner

Sam Brownback, Governor

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Mark Sievers
Commissioner Thomas E. Wright
Commissioner Shari Feist Albrecht

STATE CORPORATION
COMMISSION

FEB 05 2013

CHRISTINE PETERSEN-KLEIN
EXECUTIVE DIRECTOR

FROM: Paula L. Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: February 1, 2013

DATE SUBMITTED TO EXECUTIVE DIRECTOR: 2/5/13

DATE SUBMITTED TO LEGAL: 2-6-13

DATE SUBMITTED TO COMMISSIONERS: 2/11/13

SUBJECT: 13-BOWZ-121-ETC

In the Matter of the Application of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier on a Wireless Basis (Low-Income Only)

EXECUTIVE SUMMARY:

Boomerang Wireless, LLC (Boomerang) filed an Application requesting designation as an Eligible Telecommunications Carrier (ETC). Staff requested a dismissal of the Application without prejudice on January 11, 2013. Boomerang has addressed the outstanding issues with Staff, therefore, Staff is withdrawing its prior recommendation that Boomerang's Application be dismissed.

BACKGROUND:

On July 21, 2012, Boomerang filed an Application requesting the Commission grant its request to be designated as an ETC for the purpose of receiving Low-Income Federal Universal Service Fund (FUSF) support within the state of Kansas. Boomerang's Application indicates it is not seeking to receive high-cost support, only Lifeline support.

On January 11, 2013, Staff filed a recommendation to dismiss Boomerang's request for ETC designation in Kansas. The recommendation to dismiss was due to the poor payment history and the outstanding balance of Boomerang's parent company, HH Ventures, and inadequate responses to Staff's four pending Requests for Information (RFIs).

On January 31, 2013, Boomerang submitted its remaining responses to the four RFIs and provided copies of the electronically submitted updates requested to their Federal filings. As of January 31, 2013, all outstanding KUSF balances and penalty fees have been paid by Boomerang's parent company, HH Ventures. The Company has indicated they have contracted with a third party provider to process their KUSF reports and payments to the KUSF Administrator in the future.

Boomerang has indicated through their legal representation that it is working with Staff and is committed to provide Staff all information and respectfully requests that the Commission not dismiss its Application for designation as an ETC.

ANALYSIS:

Staff has completed its review of Boomerang's newly submitted documentation in response to Staff's recommendation to dismiss the Company's Application. Staff finds the RFI responses provide adequate information in response to the outstanding RFIs. However, Staff reserves the right to submit follow-up RFIs as it deems necessary in its analysis of the Company's Application.

RECOMMENDATION:

Staff **withdraws** its prior recommendation for the dismissal of Boomerang's Application for ETC designation and Staff will continue its analysis to determine if all rules established by the Federal Communications Commission (FCC) and this Commission are met prior to granting any ETC designation to Boomerang.

cc: Patrice Petersen-Klein, Executive Director

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Notice of Filing of Staff Report and Recommendation* was placed in the United States Mail, postage prepaid, on this 11th day of February, 2013, properly addressed to:


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