

# PUBLIC NOTICE

DA 22-54

Released: January 18, 2022

## WIRELINE COMPETITION BUREAU APPROVES THE REVISED COMPLIANCE PLAN OF BOOMERANG WIRELESS, INC.

WC Docket Nos. 11-42 and 09-197

The Wireline Competition Bureau (Bureau) hereby approves the revised compliance plan<sup>1</sup> of Boomerang Wireless, Inc. d/b/a enTouch Wireless (Boomerang) filed pursuant to the requirements for the continued provision of Lifeline service.<sup>2</sup>

The Act provides that a carrier be designated as an eligible telecommunications carrier (ETC) to receive universal service support.<sup>3</sup> The Federal Communications Commission (Commission) has required that all non-facilities based telecommunications carriers seeking Lifeline-only ETC designation must meet the following conditions: (1) compliance with certain 911 and enhanced 911 (E911) public safety requirements; and (2) Bureau approval of a compliance plan providing specific information regarding the carrier and its service offerings and outlining the measures the carrier will take to implement its obligations.<sup>4</sup>

The Bureau has clarified that any transfer of ownership or control of an ETC with an approved Lifeline compliance plan requires approval in advance of the transaction.<sup>5</sup> This includes renewing compliance plan approval for changes in the corporate ownership and control of the ETC.<sup>6</sup>

In accordance with this requirement, Boomerang submitted a revised compliance plan to reflect the proposed acquisition of Boomerang by ViaOne Acquisition Company LLC (ViaOne), and to

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<sup>1</sup> Boomerang Wireless, LLC Revised Compliance Plan, WC Docket Nos. 09-197, 11-42 (filed Apr. 30, 2021), [https://ecfsapi.fcc.gov/file/10430095021382/Boomerang%20Wireless%20Compliance%20Plan%20\(April%202021\).pdf](https://ecfsapi.fcc.gov/file/10430095021382/Boomerang%20Wireless%20Compliance%20Plan%20(April%202021).pdf) (Boomerang Revised Compliance Plan).

<sup>2</sup> See *Lifeline and Link Up Reform and Modernization et al*, 27 FCC Rcd 6656, 6816, paras. 379-380 (2012) (*2012 Lifeline Reform Order*); *In the Matter of Lifeline & Link Up Reform & Modernization*, 30 FCC Rcd 7818 (2015) (*2015 Lifeline Order*).

<sup>3</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>4</sup> See *2012 Lifeline Reform Order*, 27 FCC Rcd at 6814, 6819, paras. 373 and 389. Subsequently, the Bureau provided guidance for carriers submitting compliance plans pursuant to the *2012 Lifeline Reform Order*. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, 27 FCC Rcd 2186 (WCB 2012).

<sup>5</sup> *Wireline Competition Bureau Reminds Carriers of Eligible Telecommunications Carrier Designation and Compliance Plan Approval Requirements for Receipt of Federal Universal Service Support*, Public Notice, 29 FCC Rcd 9144, 9145 (WCB 2014).

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

otherwise update Boomerang's Compliance Plan in conformance with changes to the Commission's rules since approval of Boomerang's previously approved Compliance Plan.<sup>7</sup>

Boomerang is a Lifeline ETC in 34 states and territories.<sup>8</sup> Boomerang is currently majority-owned (51%) by HH Ventures, LLC (HH Ventures), and minority-owned (49%) by ViaOne. Prior to December 18, 2020, Boomerang was wholly owned by HH Ventures.<sup>9</sup> On December 18, 2020, HH Ventures and ViaOne entered into a Membership Interest Purchase Agreement (Agreement) wherein ViaOne agreed to purchase Boomerang from HH Ventures.<sup>10</sup> Under the Agreement, ViaOne initially acquired 49% of the Membership Interests owned by HH Ventures and it will acquire the remaining 51% Membership Interests upon receiving the necessary regulatory approvals.<sup>11</sup> Following the proposed change in Boomerang's ownership, Boomerang's corporate and trade names and identifiers will remain unchanged.<sup>12</sup> Further, Boomerang attests that the transaction will not result in any loss or impairment of service for any customer, and that customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.<sup>13</sup>

The Bureau has reviewed Boomerang's Revised Compliance Plan for conformance with the relevant requirements, and now approves the Revised Compliance Plan.<sup>14</sup> We note that with respect to this matter, Boomerang will remain the only entity with an approved compliance plan. Additionally, Boomerang must continue to comply with any future additions to or amendments of the Lifeline program rules unless it has relinquished its relevant designation(s) pursuant to section 214(e)(4) of the Act.<sup>15</sup>

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For further information, please contact John Lockwood, Telecommunications Access Policy Division, Wireline Competition Bureau at [john.lockwood@fcc.gov](mailto:john.lockwood@fcc.gov).

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<sup>7</sup> See Boomerang Revised Compliance Plan at 4.

<sup>8</sup> *Id.* at 2, 5.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Boomerang also filed a petition to expand its ETC designation in several states over which the Commission has jurisdiction. Today's action has no impact on that item and it remains under review. See Amended Petition of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Maine, New Hampshire, North Carolina, Tennessee, and Virginia, WC Docket No. 09-197 (filed Sept. 17, 2021), <https://ecfsapi.fcc.gov/file/10917500328262/FCC%20Amended%20ETC%20Petition.pdf>.

<sup>15</sup> See 47 U.S.C. § 214(e)(4).