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April 30, 2021

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: Boomerang Wireless, LLC d/b/a enTouch Wireless Amended Compliance Plan, WC
Docket Nos. 09-197 and 11-42**

Dear Ms. Dortch:

On March 1, 2012, Boomerang Wireless, LLC d/b/a enTouch Wireless (Boomerang or the Company) submitted its Compliance Plan for wireless Lifeline services, outlining the measures it would take to implement the conditions imposed by the Federal Communications Commission (FCC or Commission) in its 2012 Lifeline Reform Order.¹ Following revisions, most recently on July 26, 2012, the Wireline Competition Bureau (Bureau) approved Boomerang's Compliance Plan on August 8, 2012.² Boomerang filed notices of non-material change to its Compliance Plan with the Commission on September 7, 2012, and November 7, 2013.³

Boomerang now seeks expedited approval of the enclosed Amended Compliance Plan, which has been updated to: (1) reflect a proposed change in ownership of the Company; and (2) update the information provided in the approved Compliance Plan due to Commission rule changes and the passage of time.

¹ See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42 and 03-109, CC Docket No. 96-45, and WC Docket No. 12-23, Report and Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012).

² *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and Tag Mobile*, WC Docket Nos. 09-197 and 11-42, Public Notice, DA 12-1286 (rel. August 8, 2012).

³ Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Sept. 7, 2012); Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Nov. 7, 2013).

Change in Ownership

Boomerang is currently majority-owned (51%) by HH Ventures, LLC (HH Ventures), an Iowa limited liability company, and minority-owned (49%) by ViaOne Acquisition Company LLC (ViaOne), a Delaware limited liability company. Prior to December 18, 2020, Boomerang was wholly owned by HH Ventures. 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. Under the Agreement, ViaOne initially acquired 49% of the Membership Interests owned by HH Ventures and it will acquire the remaining 51% of Membership Interests upon receiving necessary regulatory approvals, including approval of this revised Compliance Plan. Following the proposed change in Boomerang's ownership, the Company's corporate and trade names and identifiers will remain unchanged. The transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

Updates Due to Rule Changes and Passage of Time

Boomerang also files this revised Compliance Plan to update its policies and practices to account for changes in the Commission's Lifeline rules, orders, and guidance and due to the passage of time. This includes full implementation of the Lifeline National Verifier, use of standardized application and recertification forms, and new requirements for Lifeline enrollment representatives.

Respectfully submitted,



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Enclosure

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible to)	WC Docket No. 09-197
Receive Universal Service Support)	
)	
Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization)	
)	
Boomerang Wireless, LLC)	

BOOMERANG WIRELESS, LLC REVISED COMPLIANCE PLAN

Boomerang Wireless, LLC d/b/a enTouch Wireless (Boomerang or the Company), by its counsel, hereby respectfully submits and requests expeditious approval of revisions to its approved Compliance Plan, outlining the measures it will take to comply with the Lifeline Program rules, orders, and guidance issued by the Federal Communications Commission (Commission or FCC).¹

¹ See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42 and 03-109, CC Docket No. 96-45, and WC Docket No. 12-23, Report and Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (2012 Lifeline Reform Order); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, and 10-90, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (rel. June 22, 2015) (2015 Lifeline Order); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 00-197, and 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (2016 Lifeline Modernization Order); *Bridging the Digital Divide for Low-Income Consumers Lifeline and Link Up Reform and Modernization Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155 (rel. Dec. 1, 2017) (2017 Lifeline Digital Divide Order); *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and

On July 26, 2012, Boomerang filed a Compliance Plan for its wireless service.² Boomerang's Compliance Plan was approved by the Wireline Competition Bureau (Bureau) on August 8, 2012.³ Boomerang filed notices of non-material change to its Compliance Plan with the FCC on September 7, 2012, and November 7, 2013.⁴ Boomerang files this revised Compliance Plan to reflect a proposed change in ownership of the Company and to update its policies and practices to account for changes in the Commission's Lifeline rules, orders, and guidance and due to the passage of time. Boomerang is a Lifeline eligible telecommunications carrier (ETC) in 34 states and territories and is seeking designation from the Commission as an ETC in the federal jurisdiction states for the limited purpose of offering service supported by the Lifeline program.⁵

Boomerang has availed itself of the grant of forbearance from the "own-facilities" requirement contained in section 214(e)(1)(A) of the Communications Act of 1934, as amended

Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019) (Fifth Report and Order).

² See *Revised Compliance Plan of Boomerang Wireless, LLC*, WC Docket Nos. 09-197 and 11-42 (filed Jul. 26, 2012).

³ *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and Tag Mobile*, WC Docket Nos. 09-197 and 11-42, Public Notice, DA 12-1286 (August 8, 2012).

⁴ Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Sept. 7, 2012); Letter from John J. Heitmann, Counsel to Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42 and 09-197 (Nov. 7, 2013).

⁵ Boomerang currently has petition for designation as a Lifeline-only ETC in the federal jurisdiction states pending before the Commission. 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, New York, North Carolina, Tennessee, and Virginia*, WC Docket No. 09-197 (filed May 2, 2014) (Petition). Boomerang also seeks authorization to provide Lifeline-only service to residents of Tribal lands in those states. Boomerang intends to file an updated version of this petition and respectfully requests to incorporate the commitments made herein into the pending Petition and updated petition when it is filed.

(Communications Act).⁶ In accordance with the procedures established in the 2012 Lifeline Reform Order⁷ and clarified in the Compliance Plan Public Notice issued by the Wireline Competition Bureau on February 29, 2012,⁸ this Compliance Plan outlines the measures Boomerang has implemented to achieve full compliance with all pertinent conditions set forth in the Commission's Lifeline rules, orders, and guidance, including the provision of 911 services to ensure that Lifeline customers can access the same safety and welfare services that are critical for all Americans.⁹

Boomerang is committed to guarding against waste, fraud, and abuse in the Lifeline program. This Compliance Plan details the policies, procedures, and training programs the Company has implemented to achieve this objective. Specifically, this Compliance Plan describes in detail: (1) the measures Boomerang takes to implement the conditions contained in the Lifeline program rules, orders, and guidance, including the procedures the Company follows to enroll eligible Tribal and non-Tribal subscribers into the Lifeline program, the process by which the Company submits for reimbursement from the Low Income Fund for those subscribers, and how

⁶ See 47 U.S.C. § 214(e)(1)(A); 2012 Lifeline Reform Order, ¶ 368-381. Although Boomerang qualifies for and avails itself of the Commission's grant of forbearance from the facilities requirement in section 214(e)(1)(A) for purposes of the federal Lifeline program, the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state for purposes of state universal service funding under state program rules and requirements. Boomerang will follow the requirements of the Commission's Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low Income Fund, including in any state where the public utilities commission determines that Boomerang provides service using its own facilities for purposes of a state universal service program.

⁷ See 2012 Lifeline Reform Order, ¶ 379.

⁸ See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197 and 11-42, Public Notice, DA 12-314 (WCB rel. Feb. 29, 2012) (Compliance Plan Public Notice).

⁹ The compliance practices described herein are subject to change consistent with program rules and as those rules may be amended, replaced, or adopted from time to time.

the Company conducts initial and ongoing certifications; and (2) how Boomerang offers and markets its Lifeline services, the geographic areas in which it offers Lifeline services, and a detailed description of the Company's Lifeline service plan offerings.

COMPANY INFORMATION

I. Change in Ownership of Boomerang

Boomerang is currently majority-owned (51%) by HH Ventures, LLC (HH Ventures), an Iowa limited liability company, and minority-owned (49%) by ViaOne Acquisition Company LLC (ViaOne), a Delaware limited liability company. Prior to December 18, 2020, Boomerang was wholly owned by HH Ventures. 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. Under the Agreement, ViaOne initially acquired 49% of the Membership Interests owned by HH Ventures¹⁰ and it will acquire the remaining 51% of Membership Interests upon receiving necessary regulatory approvals, including approval of this revised Compliance Plan.¹¹ Following the proposed change in Boomerang's ownership, the Company's corporate and trade names and identifiers will remain unchanged. The transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

II. Financial and Technical Capabilities

Boomerang has the financial and technical capabilities to provide the supported services and comply with the Commission's Lifeline service rules.¹² Among the factors the Commission will consider are: (a) a carrier's prior offering of service to non-Lifeline subscribers, (b) the length

¹⁰ The current structure, ownership, and brands is provided as **Exhibit A**.

¹¹ The post-merger structure, ownership, and brands is provided as **Exhibit B**.

¹² See Compliance Plan Public Notice at 3; 47 C.F.R. § 54.202(a)(4).

of time the carrier has been in business, (c) whether the carrier relies exclusively on Lifeline reimbursements to operate, (d) whether the carrier receives revenues from other sources, and (e) whether the carrier has been the subject of an enforcement action or ETC revocation proceeding in any state.¹³

Boomerang is a wireless Lifeline-only ETC with such designation from 34 states and territories.¹⁴ The Company has been successfully providing Lifeline-supported service since October 9, 2012 and service to non-Lifeline customers itself or through affiliates since 2008. Boomerang has an established customer base, serving over 47,000 Lifeline customers across the 34 states where it operates. The Company has ETC applications pending in Massachusetts, New Jersey, and Vermont. In addition, the Company plans to file with the Commission a revised petition for ETC designation in ten federal jurisdiction states.¹⁵ Boomerang has not sought High Cost support in any of the states for which it has been designated an ETC, nor has it sought High Cost support in any pending ETC application.

Boomerang has considerable expertise complying with the requirements of the federal Lifeline program and marketing to the low-income consumer sector. Boomerang has direct control over the databases, systems, and processes controlling the customer records, usage records, and reporting, which provides the Company with direct ability to adhere to Lifeline requirements.

¹³ 2012 Lifeline Reform Order, ¶ 388.

¹⁴ Those thirty-four states are: Arkansas, Arizona, California, Colorado, Georgia, Hawaii, Iowa, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Dakota, Nebraska, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin, West Virginia, Wyoming, and Puerto Rico.

¹⁵ Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, Tennessee, Virginia, and the District of Columbia.

Boomerang is currently transitioning to utilizing ViaOne as its MVNE. ViaOne's core management team currently includes five senior executives and the company employs 55 full time employees. ViaOne also intends to continue its employment relationships with key Boomerang employees that have allowed the Company to successfully provide Lifeline service over its nearly nine years of operation. ViaOne is a cash-flow positive entity with diverse business operations. ViaOne currently is the sole owner or majority owner of seven subsidiaries: Alchemy Insurance Agency, Assist Wireless, Cali Distributors, CTC Outreach Marketing, Good Gaming, Inc., PayGo Distributors, and V1 Fiber. ViaOne, itself and through its subsidiaries, provides integrated communications services as an MVNE, including MVNO enablement, cellular carrier access aggregation, voice/text/data services, marketing services, deployment of mobile services to customers, and operational support.

On December 6, 2020, Boomerang entered into a distribution agreement with ViaOne subsidiary Cali Distribution, LLC (Cali) to distribute Lifeline services and enroll Lifeline subscribers, subject to Boomerang's oversight. Once the acquisition is complete, Boomerang will also benefit from the services of PayGo Distributors, which provides outreach, sales, and marketing services for Lifeline providers. ViaOne also has significant experience providing services that comply with the requirements of the Lifeline program through its subsidiary, Assist Wireless, a wireless Lifeline-only ETC designated in the States of Arkansas, Maryland, Missouri, and Oklahoma. Assist Wireless has been successfully providing Lifeline-supported service since January 2011 and has an established customer base, serving nearly 78,000 Lifeline customers. Using ViaOne's established MVNE services, Boomerang will continue to have the ability to reach eligible consumers throughout the country.

Boomerang is financially stable and fully capable of honoring its service obligations to customers, as well as meeting its federal and state regulatory obligations. The Company has not (and does not) rely exclusively on revenues from its provision of Lifeline services for its operating revenues. The Company also has access to additional capital resources from its parent and affiliate companies, its members, and its individual investors. ViaOne also derives significant revenues from its diverse subsidiary operations, including non-Lifeline services, which will benefit Boomerang following final consummation of the purchase. The Company's financial resources position the Company to expand its operations to serve currently unserved/underserved eligible low-income and Tribal consumers and increase competition.

Boomerang resells the services of T-Mobile/Sprint¹⁶ and Verizon to provide Lifeline services. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. Boomerang, and both its current and future parent and affiliate companies, have direct, in-depth experience providing voice and data products to subscribers using its carrier relationships.

Boomerang has not been subject to any enforcement actions related to the Low Income Fund or ETC revocation proceedings in any state.

ACCESS TO 911/E911 SERVICES

In the 2012 Lifeline Reform Order, the Commission stated that forbearance from the “own-facilities” requirement is conditioned on a carrier seeking limited ETC designation: (1) “providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes;” and (2) “providing its Lifeline subscribers with E911-compliant handsets and

¹⁶ Boomerang has MVNO agreements for both the T-Mobile and Sprint networks. At this time, the merged T-Mobile/Sprint entity has advised that Sprint network service will discontinue in approximately January 2022.

replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.”¹⁷ Wireless resellers also have an independent obligation to provide access to basic and E911 service, to the extent the local government in its service area has implemented 911 or E911 systems.¹⁸

The Commission and consumers are hereby assured that all Boomerang Lifeline customers have available access to emergency calling services at the time that Lifeline service is initiated and that such 911 and E911 access are available from Boomerang handsets regardless of the activation status and availability of minutes. Further, Boomerang ensures that all handsets used in connection with the Company’s Lifeline service offering are E911-compliant. Boomerang is not aware of any existing Boomerang customer that does not have an E911-compliant handset, but if that should occur, the Company will replace it with a 911/E911 compliant handset at no charge to the customer. Any new customer who qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911 compliant handset as well. Boomerang provides 911 and E911 services to the extent these services have been implemented by local governments in the service area and deployed by Boomerang’s underlying facilities-based wireless carriers. Boomerang’s underlying carriers route 911 calls from the Company’s customers and provide the same functionality for such calls as they do for 911 calls from their own retail customers.

¹⁷ 2012 Lifeline Reform Order, ¶ 373.

¹⁸ See 47 C.F.R. § 54.101(a).

COMPLIANCE PLAN

I. Procedures for Enrolling and Maintaining Lifeline Subscribers¹⁹

A. Policy

This Compliance Plan describes the specific measures that Boomerang has implemented to comply with the Commission's Lifeline rules and orders, including the uniform eligibility criteria established in section 54.409 of the Commission's rules,²⁰ as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC. In accordance with these provisions, all subscribers will be required to demonstrate eligibility, as determined by the National Lifeline Eligibility Verifier (National Verifier),²¹ based on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in sections 54.409(a)(2) or 54.409(b) of the Commission's rules.²² In addition, through the certification requirements described below and use of the National Lifeline Accountability Database (NLAD), the Company will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service. Boomerang shares the Commission's concerns about the potential for waste, fraud, and abuse of the Lifeline program and is thus committed to the safeguards stated herein.

¹⁹ See Compliance Plan Public Notice at 3.

²⁰ 47 C.F.R. § 54.409.

²¹ The National Verifier is fully operational, except in NLAD opt-out states where it is undergoing a modified launch. See *Wireline Competition Bureau Announces the Next National Lifeline Eligibility Verifier Launch in Three States*, WC Docket No. 11-42, Public Notice, DA 19-1290 (rel. Dec. 18, 2019); *Wireline Competition Bureau Announces the Launch of the National Lifeline Eligibility Verifier in California*, WC Docket No. 11-42, Public Notice, DA 20-1372 (rel. Nov. 18, 2020). In these states, Boomerang will rely upon state administrators for eligibility determination.

²² See 47 C.F.R. §§ 54.409(a)(1)-(2); 47 C.F.R. § 54.409(b).

B. Eligibility Determination

Boomerang relies on the National Verifier and NLAD (except in California, Oregon, and Texas, where the Company follows state requirements) to determine an applicant's eligibility for Lifeline service. Customers who have received eligibility approval from the National Verifier can apply for enrollment in Boomerang's Lifeline service using multiple methods, including in-person at events or retail locations, over the phone, online using an electronic application, or through the mail using a paper application. Applications are processed using CGM, LLC's Lifeline enrollment application—used by more than a dozen other ETCs—which works in conjunction with the National Verifier and NLAD. Procedurally, the CGM application queries the National Verifier to determine whether an applicant has been approved to receive Lifeline services based on the applicant's program- or income-based eligibility. If the applicant has not applied or received approval from the National Verifier, Boomerang directs the applicant to the National Verifier portal for an eligibility determination. The CGM application does not permit enrollment without indication of approval from the National Verifier. Boomerang does not collect, review, or maintain eligibility documentation, other than in NLAD-opt out states (California, Texas and Oregon). The CGM application also completes the steps necessary to prevent duplicate Lifeline benefits from being awarded to the same person or household by querying the NLAD during the application process.²³ Additionally, the CGM application currently performs additional checks, such as a check of Boomerang's subscriber database to identify and prevent intra-company duplicate enrollments. Further, the CGM application currently assesses whether an applicant is seeking

²³ 47 C.F.R. §§ 54.404(b)(1), 54.409(c); 2012 Lifeline Reform Order, ¶ 203. In states that have opted out of the NLAD, Boomerang will follow the duplicates detection process required by the state.

service in Boomerang's designated service territory and underlying carrier coverage area in the state. Upon verification of eligibility, the CGM application conducts the NLAD enrollment.²⁴

If the NLAD or subscriber database queries indicate that enrollment would result in a duplicate benefit, Boomerang takes appropriate steps to address the result. If the queries show that the applicant is currently receiving Lifeline service from another ETC, the Company asks if the applicant is receiving Lifeline services from another Lifeline provider and explains that the applicant cannot have multiple Lifeline benefits with the same or different service providers or apply the Lifeline benefit to more than one device, whether a wireless or wireline phone. If the applicant wishes to transfer the Lifeline benefit to Boomerang, the Company obtains consent from the applicant and acknowledgement that doing so will result in loss of Lifeline service with their former Lifeline service provider prior to initiating a benefit transfer. If the queries indicate that the applicant shares an address with one or more existing Lifeline subscribers, Boomerang directs the applicant to the National Verifier where the applicant can complete the Lifeline Program Household Worksheet, which contains the necessary disclosures and certifications.

C. Subscriber Disclosures and Certifications

Except in the NLAD opt-out states, every applicant is required to complete the standardized Lifeline application in the National Verifier environment, which covers the necessary information collection, disclosures, and certifications required by the Lifeline rules.²⁵ Boomerang will not provide a customer with a handset or otherwise activate Lifeline service until the applicant

²⁴ The Company transmits to the NLAD the information required for each new and existing Lifeline subscriber. *See* 2012 Lifeline Reform Order, ¶¶ 189-195; 47 C.F.R. § 54.404(b)(6). Further, the Company updates each subscriber's information in the NLAD within ten business days of any change, except for de-enrollment, which is transmitted within one business day. *See* 47 C.F.R. § 54.404(b)(8),(10).

²⁵ *See* 47 C.F.R. § 54.410(d).

completes the application in the National Verifier and receives eligibility approval.²⁶ Separately, Boomerang, collects any additional consents, state certifications,²⁷ and information necessary for Boomerang to be able to serve the customer through the CGM application.

In addition to the verification and certification processes described above, Boomerang may take additional steps to advise new and potential applicants about eligibility requirements. Specifically, Boomerang personnel may explain and emphasize the one-Lifeline-benefit-per-household limitation and the duplicate Lifeline benefit prohibition, advise about the non-usage rule, describe the annual recertification requirements, and reiterate that Lifeline is a government benefit and that providing false information could subject the applicant to consequences. This information may also be presented to new and potential applicants on Boomerang's printed materials, marketing, and website.

As part of the application process, Boomerang requires each applicant to authorize the Company to access any records required to verify the applicant's statements related to the applicant's request for Lifeline. The applicant also has to authorize the Company to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in a Lifeline program database.²⁸ The Company complies with all applicable state and federal regulations concerning the protection of subscriber customer proprietary network information (CPNI) and eligibility documentation. Boomerang accepts electronic signatures that

²⁶ 47 C.F.R. § 54.410(a).

²⁷ 2012 Lifeline Reform Order, ¶ 61.

²⁸ See Section 54.404(b)(9). The application/certification form also describes the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program, and that failure to provide consent will result in the applicant being denied the Lifeline benefit. See *id.*

meet the requirements of the E-SIGN Act²⁹ and any applicable state laws, including signature verification via IVR systems.

D. Oversight and Training of Employees, Agents, and Representatives

Except in states in which applicants are enrolled through a designated state administrator, the Company has direct contact with all applicants for Boomerang's Lifeline service, either in person through its employees, agents, or representatives, or via the telephone, mail, or online. Boomerang does not enroll customers at retail locations where the Company does not have an agency agreement with the retailer. In addition, in accordance with section 54.406 of the Commission's rules, Boomerang enrollment representatives are required to register in USAC's Representative Accountability Database (RAD), and Boomerang does not offer or provide enrollment representatives or their direct supervisors any commission compensation based on the number of consumers who apply for or are enrolled in the Lifeline program with the Company.³⁰

To track enrollments and ensure that customer enrollment information is safeguarded against potential identity fraud, Boomerang enrollment representatives are currently required to register with the Company and log in to the CGM software with a unique username and password to enroll customers. The registration process requires representatives to provide their address and sign an agreement to follow all Lifeline program rules and requirements, including with respect to assisting an applicant with Lifeline enrollment and maintaining the confidentiality of personal information. The unique login information permits Boomerang to track activity through CGM by agent so that the Company can monitor accounts and agents for irregularities (e.g., excessive activity or improper behavior) and take corrective action if necessary.

²⁹ 47 C.F.R. § 54.419; *see also* Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 15 U.S.C. §§ 7001-7006.

³⁰ 47 C.F.R. § 54.406(b).

Boomerang provides or requires Lifeline-specific training for all personnel, whether employees, direct contractors, or representatives, who interact with new or prospective customers regarding the Commission's Lifeline eligibility and certification rules and the Company's practices and policies designed to implement those rules. All personnel receive an online training, which requires review of the company's policies and procedures, and submit a Standard of Conduct form before being authorized to sign up applicants for Lifeline service with Boomerang. The training provides an explanation of the creation and purpose of the Lifeline program, the source of funds to provide access to qualified low-income consumers, how the National Verifier makes program- and income-based eligibility determinations, and how the CGM application uses the NLAD to prevent duplicate Lifeline benefits from being awarded to the same person or household. Personnel are also trained on how to explain and answer questions about the eligibility criteria, one-per-household limitation, and duplicate benefit prohibition.³¹

Personnel are given instruction in how to assist Lifeline applicants with completing Lifeline applications and how to input applications into CGM. Additionally, personnel learn how to advise applicants when the National Verifier or NLAD returns a response that an applicant is ineligible, including informing applicants of the reason for the rejection, directing applicants to the National Verifier to complete any additional eligibility determination steps, and potentially assisting applicants with transferring Lifeline benefits or understanding the Universal Household Worksheet.

Personnel are instructed that the company has zero tolerance for waste, fraud or abuse, and that they should notify the compliance team if they suspect that anyone might be providing false

³¹ Pursuant to restrictions in California labor and employment law, Boomerang makes such training materials available, but does not directly train independent contractors.

information or attempting to obtain a duplicate Lifeline benefit. In addition, if personnel have any questions or concerns regarding eligibility and enrollment, the Company strongly encourages them to bring such questions and concerns to the Boomerang compliance team so that they can be researched and resolved in accordance with the Commission's Lifeline rules and regulations. Boomerang provides personnel with refresher training, including to inform them of changes to Lifeline program rules and regulations, including eligibility requirements. Personnel will be disciplined, up to and including termination, for failing to comply with Lifeline rules and regulations. Boomerang also provides comprehensive training to its internal compliance personnel.

E. Activation and Usage of Lifeline Service

Once a prospective customer is successfully enrolled in Boomerang's Lifeline service, the Company provides the customer with a welcome packet that has instructions for activating the service and may provide a handset. Customers can activate the service by using any of the means described in section 54.407(c)(2) of the Commission's rules for establishing ongoing usage of the Lifeline service or another means described by Boomerang.³² Aside from customers from whom Boomerang collects a monthly fee, the Company will not seek Lifeline reimbursement for a qualifying low-income consumer until that subscriber activates the service.³³

Except for subscribers from whom Boomerang collects a monthly fee, the Company will only maintain Lifeline-supported service for subscribers who actually use the service, and it will only seek reimbursement from the Lifeline fund for subscribers who remain eligible to be enrolled in the program. Under the Company's non-usage policy, "usage" is established based on the

³² 47 C.F.R. § 54.407(c)(2).

³³ See 2012 Lifeline Reform Order, ¶ 257; 47 C.F.R. § 54.407(c)(1).

activities listed in section 54.407(c)(2) of the Commission's rules.³⁴ If, after a subscriber has activated the Lifeline service, the subscriber has not used the Company's Lifeline service within the last thirty (30) days,³⁵ Boomerang will discontinue seeking Lifeline reimbursements for that subscriber³⁶ and will provide the subscriber with notice using clear, easily understood language, that if the subscriber does not use the service within fifteen (15) days, the service will be terminated and the subscriber will be de-enrolled from the Company's Lifeline service.³⁷ If the subscriber has not used the service within the additional 15-day cure period, Boomerang de-enrolls the subscriber from the Lifeline program effective on the 46th day following 45-days of non-usage. Boomerang will update the NLAD within one (1) business day of de-enrolling a subscriber for non-usage³⁸ and will submit a non-usage de-enrollment report annually to the Commission with the number of subscribers de-enrolled for non-usage by month.³⁹

F. Annual Re-certification

The annual re-certification process is administered by the National Verifier. Boomerang advises customers that they may need to re-certify their eligibility annually if the National Verifier or state Lifeline administrator does not automatically do so in accordance with section 54.410(f) of the Commission's rules. If the National Verifier cannot re-certify a subscriber's program- or

³⁴ Subscribers can "use" the service by: (1) completing an outbound call or usage of data; (2) purchasing minutes from Boomerang to add to the subscriber's plan; (3) answering an incoming call from a party other than Boomerang or its agent or representative; (4) responding to a direct contact from Boomerang and confirming that the subscriber wants to continue receiving the service; or (5) sending a text message. 47 C.F.R. § 54.407(c)(2).

³⁵ 47 C.F.R. § 54.407(c)(2).

³⁶ Boomerang will seek reimbursement if the subscriber "cures" the non-usage.

³⁷ 47 C.F.R. § 54.405(e)(3).

³⁸ 47 C.F.R. § 54.404(b)(10).

³⁹ 47 C.F.R. § 54.405(e)(3).

income-based eligibility for Lifeline during the annual re-certification, the National Verifier will request a signed certification from the subscriber on a form that meets the certification requirements in section 54.410(d) of the Commission's rules.⁴⁰ The Company may notify the subscriber in writing, using clear, easily understood language, that failure to respond to the re-certification request will trigger de-enrollment.⁴¹ USAC de-enrolls any Lifeline subscribers who do not re-certify through the National Verifier.⁴²

G. De-Enrollment for Ineligibility or by Request

Boomerang will de-enroll a subscriber within five (5) business days if it receives notification from USAC that the subscriber should be de-enrolled because the subscriber is receiving Lifeline service from more than one ETC or that more than one member of the subscriber's household is receiving Lifeline service.⁴³ Additionally, if the Company has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, Boomerang notifies the subscriber of impending termination in writing, complies with any state dispute resolution procedures applicable to Lifeline termination, and gives the subscriber thirty (30) days to demonstrate continued eligibility.⁴⁴ A demonstration of eligibility must comply with the annual re-certification procedures found in section 54.410(f) of the Commission's rules,

⁴⁰ The FCC has adopted a standardized recertification form that is used by USAC. *See Annual Recertification Form*, FCC Form 5630, https://www.usac.org/wp-content/uploads/lifeline/documents/forms/LI_Recertification_UniversalForms.pdf.

⁴¹ *See* 2012 Lifeline Reform Order, ¶ 145 ("ETCs and states may also choose to notify subscribers about the re-certification requirements in their Lifeline outreach materials. By taking these actions, ETCs and states will ensure that consumers are aware of the importance of responding to re-certification efforts, and that they are not inadvertently disconnected due to a lack of understanding of program rules.")

⁴² 47 C.F.R. § 54.405(e)(4).

⁴³ 47 C.F.R. § 54.405(e)(2).

⁴⁴ *See* 2012 Lifeline Reform Order, ¶ 143; 47 C.F.R. § 54.405(e)(1).

including the submission of a completed and signed re-certification form. If a Boomerang Lifeline customer who contacted the Company expresses that the customer is not eligible for Lifeline or requests to de-enroll for any reason, the Company will de-enroll the customer within two (2) business days. Customers can make this request by calling the Company's customer service number and are not be required to submit any documents.

H. Marketing of Lifeline Service Offering⁴⁵

Boomerang's marketing efforts are focused on finding and serving eligible consumers using distribution models designed to reach the target population on a broad geographic basis. Creating a trusted brand and service through community outreach is a primary methodology for educating and soliciting customers. Boomerang advertises the availability and prices of its Lifeline services through a variety of mediums, including online advertising, direct marketing campaigns, print advertising, event-based distribution, partnering with local community groups, pamphlet distribution, and meetings with government agencies. Boomerang's current business model and plans for providing Lifeline service are based on reaching about 85% of its subscribers in person, through event marketing targeting currently underserved populations. While most of Boomerang's outreach succeeds via direct contact with consumers, potential subscribers will also be able to avail themselves of a toll-free number or website to obtain enrollment information. Boomerang's online outreach uses search engine optimization and targeted ad placement to reach eligible low-income consumers. Boomerang also has a long history with retail distribution—the Company currently offers its services through retail stores and agents who understand the underserved consumers in communities Boomerang serves as an ETC.

⁴⁵ See Compliance Plan Public Notice at 3.

Boomerang offers its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying carriers, T-Mobile/Sprint and Verizon. The company uses these network relationships to ensure a good experience for its Lifeline customers.

Boomerang's Lifeline offerings include a range of service plan options for Lifeline subscribers. Among its Lifeline offerings is a 1,000 minute, 500 text and 100 MB plan at no cost to the end user and an unlimited voice, unlimited text, and 4.5 GB of data plan for a co-pay of \$25, which meets the mobile broadband minimum service standard (MSS) of 4.5 GB, pursuant to the Commission's most recent waiver of the MSS established in Section 54.408 of the Commission's rules.⁴⁶ The Company's Enhanced Lifeline plan of unlimited voice and text and 4.5 GB of data is available to Tribal customers that reside on Federally Recognized Tribal lands at no cost. The Company commits to modify its service offerings to meet or exceed the MSS as they change, in accordance with the Commission's rules or other Commission action.⁴⁷ Boomerang's Lifeline offerings are detailed in Exhibit C. Additional information regarding the Company's plans, rates, and services can be found on its website: www.entouchwireless.com.

In addition to its voice and data services, the following features are provided at no charge: Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Voicemail. Boomerang's Lifeline plans may include a free handset, or a customer may choose to purchase a device or use a device owned by the customer. All plans will include domestic long-distance at no extra per minute charge. Calls to 911 emergency services and customer service by dialing 611 on customer handsets are always free, regardless of Lifeline service activation or availability of minutes.

⁴⁶ See *Lifeline and Link Up Reform and Modernization et. al.*, WC Docket No. 11-42 et. al., Order, DA 20-1358 (WCB Nov. 16, 2020).

⁴⁷ See 47 C.F.R. § 54.408; *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, WC Docket No. 11-42, Public Notice, DA 20-820 (WCB rel. July 31, 2020).

Boomerang includes the following information regarding its Lifeline service on all marketing materials describing the service: (1) the offering is a Lifeline service; (2) Lifeline is a government assistance program; (3) the service is non-transferable; (4) only eligible consumers may enroll in the program; (5) the program is limited to one discount per household, consisting of either wireline or wireless service; (6) documentation is necessary for enrollment; and (7) the name under which Boomerang does business.⁴⁸ A sample of the Company's marketing materials can be found on its website: www.entouchwireless.com.⁴⁹

II. Reimbursements From the Fund

Boomerang seeks Lifeline reimbursement for providing Lifeline service based on the number of actual qualifying low-income customers listed in the NLAD that the Company serves as of the first of the month snapshot.⁵⁰ As part of each reimbursement request, Boomerang certifies its compliance with all of the Commission's Lifeline rules and, to the extent required, that it has obtained valid certifications from each of the subscribers for whom it is seeking reimbursement.⁵¹ Additionally, Boomerang has implemented measures for ongoing identification and removal of duplicate subscribers prior to certifying its Lifeline Claims System lists for reimbursement, including scans of its database to flag any duplicate subscriber information and a comparison of all subsidy requests to Boomerang's underlying carrier invoice to ensure that subsidies are

⁴⁸ See 2012 Lifeline Reform Order, ¶ 275; 47 C.F.R. § 54.405(c).

⁴⁹ Boomerang's marketing materials are subject to change and the Company will update the marketing materials whenever necessary to reflect changes in the Commission's Lifeline rules or state-specific conditions.

⁵⁰ 47 C.F.R. § 54.407(a).

⁵¹ See 2012 Lifeline Reform Order, ¶ 128; 47 C.F.R. § 54.407(d). Collecting certification and re-certification forms is now done by the National Verifier.

requested only for active lines. Further, the Company keeps accurate records as directed by USAC, in accordance with sections 54.407(e) and 54.417 of the Commission's rules.⁵²

As a provider of Lifeline services to residents of Tribal lands, Boomerang passes through the full Tribal support amount to qualifying residents of Tribal lands, and under no circumstances does it collect from the Lifeline Program more than the rate charged to Tribal subscribers.

III. Certifications, Reporting, and Cooperation with Regulators

Boomerang hereby certifies that it complies with the service requirements applicable to the support the Company receives.⁵³ Specifically, (i) the Company's Lifeline-supported services include broadband Internet access service (BIAS) and voice telephony service that provides voice grade access to the public switched network or its functional equivalent; (ii) the Company's Lifeline-supported services meet the MSS for BIAS and voice set forth in section 54.408 of the Commission's rules, as such standards are updated on an annual basis or otherwise modified by the Commission;⁵⁴ (iii) the Company's wireless service offerings provide its Lifeline customers with a set number of voice minutes that can be used for local and nationwide calling at no additional charge beyond the monthly plan rate; (iv) the Company will provide toll control for qualifying low-income consumers through its provision of a non-toll, any-distance domestic voice service;⁵⁵ (v) the handsets that Boomerang provides or makes available to Lifeline subscribers are

⁵² See 47 C.F.R. §§ 54.407(e), 54.417.

⁵³ 47 C.F.R. § 54.202(a)(1)(i).

⁵⁴ See 47 C.F.R. § 54.408(a)-(c).

⁵⁵ 47 C.F.R. § 54.101(a). Toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control. As the Commission found in its grant of ETC designation to Virgin Mobile, "the prepaid nature of [a prepaid wireless carrier's] service offering works as an effective toll control." *Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, Order, FCC 09-18 (rel. Mar. 5, 2009). Boomerang' calling plans do not distinguish between local or toll services, and instead offer nationwide calling with available usage is allocated

Wi-Fi enabled and E911-compliant, and customers are offered a choice of devices that are equipped with hotspot functionality;⁵⁶ (vi) the Company does not impose an additional or separate tethering charge for mobile data usage below the MSS;⁵⁷ and (vii) the Company provides subscribers with access to the emergency services provided by local government or other public safety organizations, including 911 and E911, where implemented by the local government in Boomerang's service areas. Boomerang satisfies applicable consumer protection and service quality standards. It is a member of, and continues its commitment to comply with, the CTIA Consumer Code for Wireless Service.

In accordance with section 54.202(a)(2) of the Commission's rules, Boomerang commits to remain functional in emergency situations. Back-up systems are in place to ensure full functionality in the event of a loss of power or network functionality. Boomerang's 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. 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 any one electrical generation plant. All systems within the facility are implemented on redundant servers, each with redundant data network and power. Direct carrier

in advance. Moreover, Boomerang will provide this form of toll control to qualifying low-income consumers at no additional charge. Pursuant to the 2012 Lifeline Reform Order, subscribers to such services are not considered to have voluntarily elected to receive toll limitation service (TLS). *See* 2012 Lifeline Reform Order, ¶ 230. Boomerang does not provide toll blocking service for its wireless service offerings.

⁵⁶ *See* 47 C.F.R. § 54.408(f); 2012 Lifeline Reform Order, ¶ 373.

⁵⁷ 47 C.F.R. § 54.408(f).

access with the T-Mobile/Sprint and Verizon networks provides additional tools to escalate network or hardware issues encountered on a local or regional basis. Contractual arrangements include direct escalation processes for tiered support depending on outage severity and number of customers affected.

Boomerang files FCC Form 555 with USAC annually, which is signed by a Company officer and includes a certification, under penalty of perjury, that the Company: (1) has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services;⁵⁸ (2) is in compliance with all federal Lifeline certification procedures;⁵⁹ and (3) is in compliance with the MSS set forth in section 54.408 of the Commission's rules.⁶⁰ To the extent necessary now that USAC conducts annual re-certification efforts, the Company provides to the Commission, USAC, applicable state commissions, and relevant Tribal governments (for subscribers residing on Tribal lands) the results of its re-certification efforts, performed pursuant to section 54.410(f) of the Commission's rules, annually by January 31st for its re-certification efforts of the previous year.⁶¹ Further, the Company reports annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁶²

Boomerang files FCC Form 481 with the Commission, USAC, applicable state commissions, and the relevant authority in a U.S. territory or Tribal government, as appropriate, by July 1st of each year,⁶³ providing information regarding: (a) the company name, names of the

⁵⁸ See 2012 Lifeline Reform Order, ¶ 126; 47 C.F.R. § 54.416(a)(1).

⁵⁹ See 2012 Lifeline Reform Order, ¶ 127; 47 C.F.R. § 54.416(a)(2).

⁶⁰ See 47 C.F.R. § 54.416(a)(3).

⁶¹ See 2012 Lifeline Reform Order, ¶¶ 132, 148; 47 C.F.R. § 54.416(b).

⁶² See 2012 Lifeline Reform Order, ¶ 257; 47 C.F.R. § 54.405(e)(3).

⁶³ See 47 C.F.R. § 54.422(c).

company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation), as well as relevant universal service identifiers for each entity by Study Area Code;⁶⁴ (b) the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low-income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, such as minutes of use or toll calls;⁶⁵ and (c) if the Company is designated as an ETC by the Commission, pursuant to section 214(e)(6) of the Communications Act, service outages in the previous year, the number of complaints received, and certifications regarding service quality standards, consumer protection rules, and the Company's ability to function in emergency situations.⁶⁶

Boomerang cooperates with state and federal regulators to prevent waste, fraud and abuse. More specifically, the Company will: (a) assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims; (b) promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and (c) de-enroll any subscriber whom the Company has a reasonable basis to believe is receiving Lifeline-supported service from another ETC or is no longer eligible.

⁶⁴ See 2012 Lifeline Reform Order, ¶¶ 296, 390; 47 C.F.R. § 54.422(a).

⁶⁵ See 2012 Lifeline Reform Order, ¶ 390; 47 C.F.R. § 54.422(a)(2).

⁶⁶ See 2012 Lifeline Reform Order, ¶ 389; 47 C.F.R. § 54.422(b)(1)-(4).

CONCLUSION

Boomerang submits that the Bureau should approve its revised Compliance Plan reflecting a proposed change in ownership of the Company and that this Compliance Plan continues to fully satisfy the conditions set forth in the Commission's 2012 Lifeline Reform Order, the Compliance Plan Public Notice, and the Commission's Lifeline orders and rules.

Respectfully submitted,



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Exhibit A

Pre-Merger Organizational Chart

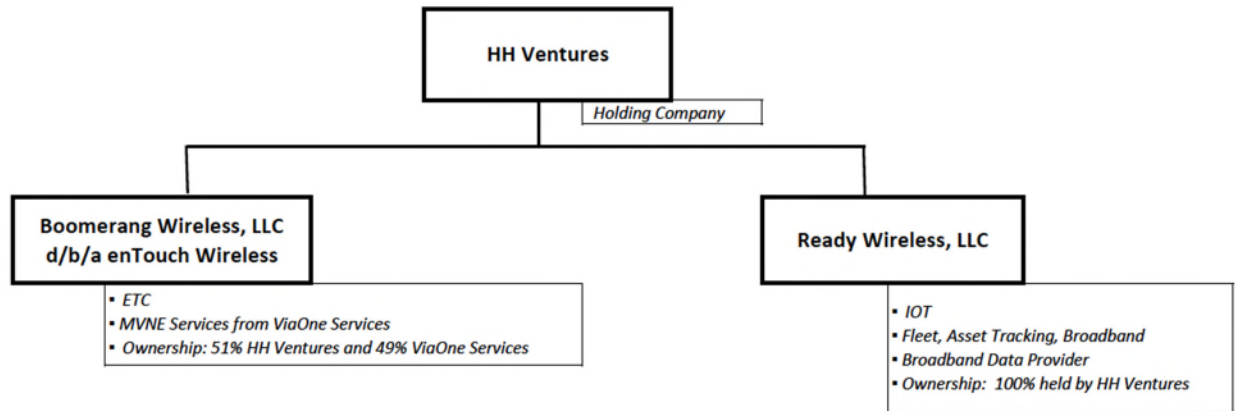


Exhibit B

Post-Merger Organizational Chart

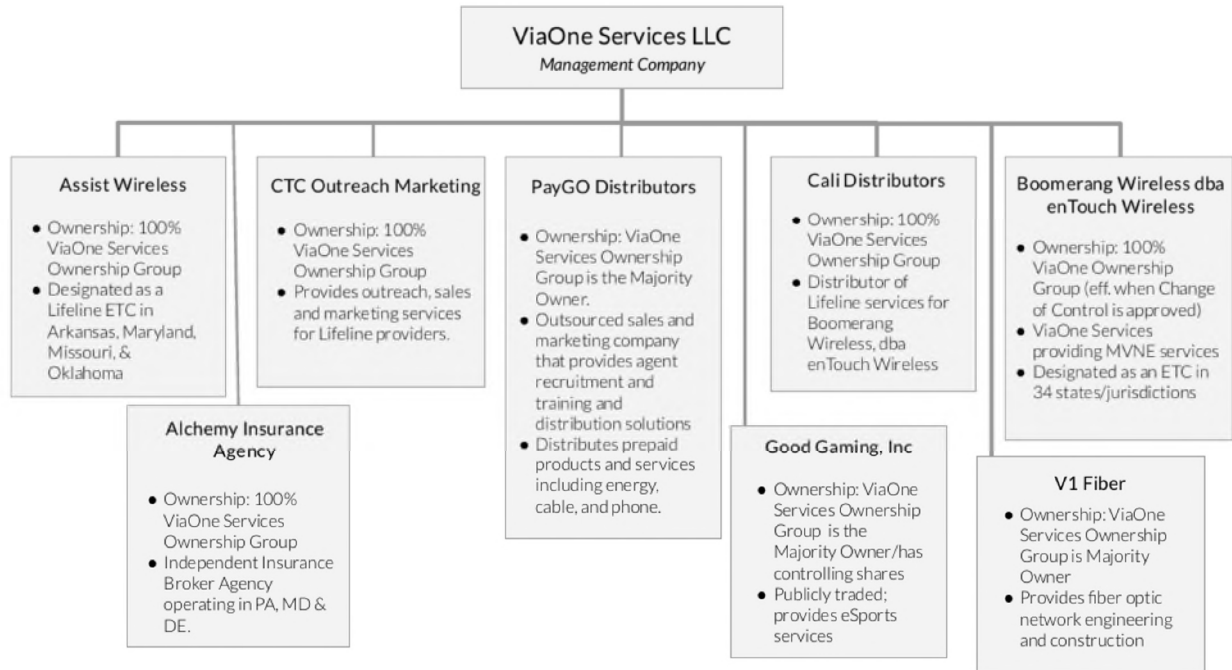


Exhibit C

Lifeline Service Plans

Boomerang (Non-Tribal) Lifeline Plans:

<i>Lifeline Plans</i>	1000 Bundled Voice plus 100 MB	1000 Voice & Unltd Text	1200 Voice, Unltd Text, 250 MB	1200 Voice, Unltd Text, 1 GB
<i>Customer Copay</i>	FREE	\$1.00	\$5.00	\$10.00
<i>Voice</i>	1000	1000	1200	1200
<i>Text</i>	500	unlimited	unlimited	unlimited
<i>Data</i>	100 MB	100 MB	250 MB	1GB
<i>MSS/Svc Type</i>	Bundled Voice <i>(Voice Default)</i>	Bundled Voice	Bundled Voice	Bundled Voice

<i>Lifeline Plans</i>	Unlimited Talk & Text plus 4.5 GB	Unlimited Talk & Text plus 5 GB	Unlimited Talk & Text plus 6 GB
<i>Customer Copay</i>	\$25.00	\$26.00	\$30.00
<i>Voice</i>	unlimited	unlimited	unlimited
<i>Text</i>	unlimited	unlimited	unlimited
<i>Data</i>	4.5 GB	5 GB	6 GB
<i>MSS/Svc Type</i>	Bundled Voice & Broadband	Bundled Voice & Broadband	Bundled Voice & Broadband

Boomerang Enhanced (Tribal) Lifeline Plans:

<i>Lifeline Plans</i>	Tribal Unlimited Unit & 4.5GB	Tribal Unlimited Unit & 5GB	Tribal Unlimited Unit & 6GB
<i>Customer Copay</i>	FREE	\$1.00	\$5.00
<i>Voice</i>	unlimited	unlimited	unlimited
<i>Text</i>	unlimited	unlimited	unlimited
<i>Data</i>	4.5 GB	5 GB	6 GB
<i>MSS/Svc Type</i>	Bundled Voice & Broadband <i>(Broadband Default)</i>	Bundled Voice & Broadband	Bundled Voice & Broadband