



**Joshua T. Guyan**

Kelley Drye & Warren LLP  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007

Tel: (202) 342-8566  
Fax: (202) 342-8451

December 20, 2021

*Via Electronic Filing*

Hon. Michelle L. Phillips  
Secretary to the Commission  
New York State Public Service Commission  
Agency Building 3  
Albany, NY 12223-1350

Re: Boomerang Wireless, LLC – Case No. 21-C-0550

Dear Ms. Phillips:

Boomerang Wireless, LLC d/b/a enTouch Wireless (Boomerang), by its undersigned counsel, hereby files an amended petition for designation as an Eligible Telecommunications Carrier in the State of New York. The only change from the original petition, which was filed on November 9, 2021, is the deletion of a sentence on page 3 of the petition that incorrectly refers to Boomerang being certified as a long distance telecommunications resale provider. This sentence was inadvertently included and is not relevant to Boomerang because it is a wireless service provider. Please contact me at (202) 342-8566 or [jguyan@kelleydrye.com](mailto:jguyan@kelleydrye.com) if there are any questions regarding this submission.

Respectfully submitted,

A handwritten signature in black ink that reads "Joshua T. Guyan".

Joshua T. Guyan

*Counsel for Boomerang Wireless, LLC*

**BEFORE THE  
NEW YORK STATE PUBLIC SERVICE COMMISSION**

Boomerang Wireless d/b/a enTouch Wireless )  
Petition for Designation as an Eligible ) Case No. 21-C-0550  
Telecommunications Carrier in the State of )  
New York )

**AMENDED PETITION OF BOOMERANG WIRELESS, LLC  
D/B/A ENTOUCH WIRELESS FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE STATE OF NEW YORK**

John J. Heitmann  
Joshua Guyan  
Debra McGuire Mercer  
Chris M. Laughlin  
Kelley Drye & Warren LLP  
3050 K Street, NW, Suite 400  
Washington, DC 20007  
Tel: (202) 342-8544  
jguyan@kelleydrye.com

*Attorneys for Boomerang Wireless d/b/a  
enTouch Wireless*

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TELECOMMUNICATIONS CARRIER IN THE STATE OF NEW YORK**

Boomerang Wireless d/b/a enTouch Wireless (Boomerang or the Company), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the Act),<sup>1</sup> Sections 54.101 through 54.207 of the rules of the Federal Communications Commission (FCC),<sup>2</sup> and the rules and regulations of the New York State Public Service Commission (Commission), including New York Public Service Law Section 5, Subdivision 6, hereby requests designation as an eligible telecommunications carrier (ETC) in the State of New York for the limited purpose of receiving federal universal service support to provide wireless services to low-income New York households, including those households that are located on Tribal lands, as part of the Lifeline program.<sup>3</sup> Boomerang does not request ETC designation for the purpose of receiving support from any other Universal Service Fund (USF) programs, including high-cost support or Tribal Link-Up. As demonstrated by the facts stated herein, and as verified in **Exhibit A**, Boomerang meets all the statutory and regulatory requirements for

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.101-54.207.

<sup>3</sup> Boomerang understands that at this time, the question of wireless carriers' participation in the Targeted Accessibility Fund (TAF) is under review. Should a determination be reached that wireless carriers may participate in the TAF, the Company will take such steps as are required to qualify for this funding.

designation as an ETC in the State of New York, including the requirements for ETCs participating in the Lifeline program as outlined in the various FCC Lifeline Orders.<sup>4</sup>

Granting ETC status to Boomerang will benefit the public interest by making the Company's affordable and reliable telecommunications services available to a broad range of low-income consumers. Boomerang's prepaid wireless services combined with low-cost handsets provide a reasonable alternative to traditional post-paid services. Boomerang provides low-income customers, who might not otherwise be able to afford traditional services, with dependable voice and data services. Boomerang also is an established provider of telecommunications services. It has demonstrated, since it began providing wireless Lifeline service in 2012, its ability to successfully provide high-quality Lifeline services to low-income consumers in its existing ETC-designated service areas in other jurisdictions. Accordingly, the Company respectfully requests that the Commission expeditiously grant this Petition.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Petition should be addressed to:

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<sup>4</sup> 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, 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); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. April 27, 2016); *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, Order on Reconsideration, Memorandum Opinion and Order, FCC 17-155 (rel. Dec. 1, 2017) (2017 Lifeline 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 and Memorandum Opinion and Order and Order on Reconsideration, FCC 19-111 (rel. Nov. 14, 2019).

John J. Heitmann  
Joshua Guyan  
Debra McGuire Mercer  
Chris M. Laughlin  
Kelley Drye & Warren LLP  
3050 K Street, NW, Suite 400  
Washington, DC 20007  
Tel: (202) 342-8544  
jheitmann@kelleydrye.com  
jguyan@kelleydrye.com  
dmercerc@kelleydrye.com  
claughlin@kelleydrye.com

## **I. COMPANY OVERVIEW**

Boomerang is an Iowa limited liability company with its principal offices located at 415 1<sup>st</sup> Street SE, Cedar Rapids, IA 54201. Documentation of Boomerang's authority to transact business in New York as a foreign corporation is included as **Exhibit B**. Currently, Boomerang is majority-owned (51%) and controlled by HH Ventures, LLC (HH Ventures), an Iowa limited liability company, with its business address located at 415 1<sup>st</sup> Street SE, Cedar Rapids, IA 54201. The remaining minority interests (49%) in Boomerang are held by ViaOne Acquisition Company, LLC (ViaOne), a Delaware limited liability company with its business address located at 415 McFarlan Road, Suite 108, Kennett Square, PA 19348. ViaOne is equally owned by three entities: Flagship Equity Partners, LLC; BBY, Ltd.; and SXCS Investments, LLC. Each of

these entities is organized under the laws of the State of Texas and none has a controlling ownership interest in ViaOne.<sup>5</sup>

Boomerang is an established provider of telecommunications services. 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 operates as a reseller and uses the networks of its underlying service providers, T-Mobile/Sprint<sup>6</sup> and Verizon, to provide service to its subscribers. The multi-carrier wireless network platform provides robust wireless service coverage across its 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 an established customer base, serving over 118,430,000 Lifeline customers across the 34 states where it operates. Boomerang is currently designated as a wireless ETC in the following jurisdictions: 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.<sup>7</sup>

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<sup>5</sup> 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 now acquire the remaining 51% of the Membership Interests, thereby gaining control of Boomerang, upon receiving necessary regulatory approvals. Boomerang will inform the Commission of any developments regarding this transaction.

<sup>6</sup> 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.

<sup>7</sup> The Company has ETC applications pending in Massachusetts, New Jersey, and Vermont.

As described herein, Boomerang meets the requirements for ETC designation.

Additionally, designation of Boomerang as an ETC in New York serves the public interest.

Boomerang therefore requests that the Commission designate the Company as an ETC throughout its proposed service area for the purposes of providing Lifeline service.

## **II. THE COMMISSION HAS THE AUTHORITY TO DESIGNATE WIRELESS ETCS FOR THE LIFELINE PROGRAM**

On December 6, 2019, the New York governor signed Senate Bill S5782 into law, which became effective upon enactment. The law amends Section 5 of the Public Service Law to give the Commission specific authority to grant ETC designation to mobile wireless providers like Boomerang. In accordance with Subdivision 6(c) of Section 5, the Commission has the authority to:

designate any commercial mobile radio or cellular telephone service providers as an eligible telecommunications carrier for purposes of providing lifeline service, in addition to any commercial mobile radio or cellular telephone service providers designated as such pursuant to 47 U.S.C. § 214(e) and 47 U.S.C. § 214(e)(2), without requiring any such provider to obtain a certificate of public convenience and necessity pursuant to section ninety-nine of this chapter.<sup>8</sup>

The law also gives the Commission the authority to establish rules and regulations as necessary to perform the process of ETC designation.<sup>9</sup>

Previously, wireless companies have had to petition the FCC to be designated as an ETC in New York. Thirty-five (35) wireless ETC designation petitions are currently pending at the

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<sup>8</sup> Senate Bill S5782, Art. 1, Sec. 5 (2019).

<sup>9</sup> The Commission has acknowledged this authority when granting ETC designations. *See, e.g., Order Approving Designation as Eligible Telecommunications Carrier*, Petition of AmeriMex Communications Corp. d/b/a SafetyNet Wireless for Designation as an Eligible Telecommunications Carrier, Case 20-C-0236 (July 16, 2020).

FCC, most of which were filed in 2012 or 2013.<sup>10</sup> Only four (4) mobile service providers have been approved to provide Lifeline service in New York: TracFone Wireless (using the “SafeLink Wireless” brand), Virgin Mobile (using the “Assurance Wireless” brand), i-wireless (using the “Access Wireless” brand), and Buffalo-Lake Erie Wireless (using the “Blue Wireless” brand). According to the Universal Service Administrative Company (USAC), the estimated 2021 Lifeline participation rate in New York is only 19%.<sup>11</sup> The FCC’s role in the ETC designation process has served as an impediment to the ability of low-income New York residents to have access to a more competitive marketplace for wireless Lifeline service. Thus, Boomerang requests that the Commission utilize its statutory authority to designate Boomerang as an ETC to further the public interest by enabling more Lifeline service options for eligible low-income New Yorkers.

Section 214(e)(2) of the Act provides state public utility commissions with the “primary responsibility” for the designation of ETCs.<sup>12</sup> Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). Section 214(e)(1)(A) of the Act provides that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”<sup>13</sup> However, pursuant to the FCC’s 2012 Lifeline Reform Order,<sup>14</sup> resellers have been granted blanket forbearance from this facilities

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<sup>10</sup> See *Lifeline Compliance Plans & ETC Petitions*, FCC, <https://www.fcc.gov/general/lifeline-compliance-plans-etc-petitions> (last updated Mar. 8, 2017).

<sup>11</sup> See *Program Data*, USAC, <https://www.usac.org/lifeline/resources/program-data/> (last visited Sept. 10, 2021).

<sup>12</sup> 47 U.S.C. § 214(e)(2).

<sup>13</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>14</sup> 2012 Lifeline Reform Order, ¶ 368

requirement in connection with limited ETC designation to participate in the Lifeline program, subject to conditions.

The FCC conditioned blanket forbearance on the reseller's compliance with certain ETC obligations, including providing 911 and E911 service regardless of activation status and minutes available, providing E911-compliant handsets, and replacing E911 non-compliant handsets at no charge to the Lifeline customer.<sup>15</sup> In addition, the reseller must adhere to an FCC-approved compliance plan that includes specific information about the measures that the reseller will take to implement the obligations established in the 2012 Lifeline Reform Order.<sup>16</sup>

Boomerang operates as reseller and commits to compliance with all of conditions for ETC designation and forbearance from the facilities requirement. Therefore, the Commission's ETC designation authority as outlined in the statute along with the FCC's requirements provide a suitable framework that the Commission can use to consider and grant ETC designation to Boomerang to provide service in New York under the federal Lifeline program and any similar state program, to extent one exists or is established at a future time.

### **III. BOOMERANG SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC UNDER 47 C.F.R. § 54.201**

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific federal universal service support.” Section 214(e)(2) of the Act provides that, upon request and consistent with the public interest, convenience, and necessity, the Commission may designate more than one common carrier as an ETC in areas served by a rural telephone company and shall do so with respect to all other areas, provided that the requesting carrier (i) offers services that are supported by Federal

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<sup>15</sup> *Id.* ¶ 373.

<sup>16</sup> *Id.* ¶ 368.

universal service support mechanisms and (ii) advertises the availability of such services.<sup>17</sup>

Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules state that applicants for ETC designation must be common carriers that offer all of the services throughout the designated service area supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services, except where the FCC has forbore from the "own facilities" requirement. Boomerang satisfies all such requirements for ETC designation.

**A. Boomerang Will Provide Service via Resale Consistent with the FCC's Forbearance of the Facilities Requirement**

Section 214(e)(2) of the Act requires that an ETC must provide services "using its own facilities or a combination of its own facilities and resale of another carrier's services."<sup>18</sup> As discussed above in Section II, although Section 214 requires ETCs to provide services using their own facilities, at least in part, the FCC has granted forbearance from enforcement of the facilities requirement to carriers seeking Lifeline-only ETC designation. In the 2012 Lifeline Reform Order, the FCC granted forbearance from the "own-facilities" requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:<sup>19</sup>

- 1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and
- 2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the

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<sup>17</sup> 47 U.S.C. § 214(e)(2); *see also* 47 C.F.R. § 54.201(d)(2).

<sup>18</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>19</sup> *See* 2012 Lifeline Reform Order, ¶¶ 368, 373, and 379.

measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.

The Company intends to provide service in New York via resale of its underlying service providers, T-Mobile/Sprint and Verizon. In accordance with the forbearance requirements, Boomerang submitted a Compliance Plan and the FCC approved it on August 8, 2012.<sup>20</sup> A copy of the FCC-Approved Compliance Plan is attached hereto as **Exhibit C**.<sup>21</sup> Boomerang seeks limited ETC designation to permit it to participate in the Lifeline program.

**B. Boomerang Is a Common Carrier**

The FCC consistently has held that providers of wireless services are to be treated as common carriers for regulatory purposes. In addition, Section 332(c)(1)(A) of the Act states that commercial mobile radio service providers will be regulated as common carriers.<sup>22</sup> Boomerang provides mobile telecommunications services and, accordingly, is a common carrier.

**C. Boomerang Will Provide All Supported Services by Reselling the Services of Its Underlying Providers**

Through its underlying providers, Boomerang is able to provide all of the supported services required by Section 54.101(a) of the FCC's rules.<sup>23</sup>

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<sup>20</sup> See *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and Tag Mobile*, Public Notice, WC Docket Nos. 09-197 and 11-42, DA 12-2086 (2012).

<sup>21</sup> On April 30, 2021, Boomerang submitted an amended Compliance Plan with the FCC, currently pending approval, to (1) reflect a proposed change in ownership of the Company; and (2) update the information provided in the approved Compliance Plan due to FCC rule changes and the passage of time. See *Boomerang Wireless, LLC*, WC Docket Nos. 09-197 and 11-42 (Apr. 30, 2021).

<sup>22</sup> 47 U.S.C. § 332(c)(1)(A).

<sup>23</sup> 47 C.F.R. § 54.101(a).

## 1. Voice Telephony Service

As set forth in Section 54.101(a)(1) of the FCC's rules, eligible Voice Telephony Services must provide the following:

Voice Grade Access to the Public Switched Telephone Network. The FCC describes "voice grade access" as the ability for a user to make and receive telephone calls within a specified bandwidth.<sup>24</sup> Boomerang provides voice grade access via resale of its facilities-based underlying network operators, T-Mobile/Sprint and Verizon.

Local Usage at No Additional Charge. The FCC's rules require a petitioner for ETC designation to demonstrate that it will provide minutes of use for local service to end users at no additional charge. When the FCC adopted this local usage requirement, it was concerned about "a potential that the consumer would have to pay additional per-minute fees and would not receive the benefits universal service is designed to promote."<sup>25</sup> The FCC also has "noted that many providers do not distinguish between local and long distance usage, and [has] concluded that carriers may satisfy the obligation to provide local usage via service offerings that bundle local and long distance minutes."<sup>26</sup> The FCC further determined in the 2012 Lifeline Reform Order that Lifeline service offerings can meet the local usage requirement in the same manner.<sup>27</sup> Boomerang provides customers with the ability to send and receive local calls wherever it provides service and does not distinguish between local and long distance calling, thereby providing a nationwide calling area. If granted ETC designation, Boomerang will provide Lifeline service packages in

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<sup>24</sup> See *Federal-State Joint Board on Universal Service*, First Report and Order, CC Docket No. 96-45, FCC 97-157, ¶ 63 (rel. May 8, 1997) (1997 Lifeline Order).

<sup>25</sup> See 1997 Lifeline Order, ¶ 67.

<sup>26</sup> See 2012 Lifeline Reform Order, ¶ 49.

<sup>27</sup> See *id.*

New York as outlined in this Petition. As described below, Boomerang’s bundled voice and data services (which include a minimum of 1,000 voice minutes each month that can be used for local service) will allow customers to use their airtime minutes to send and receive local calls at no additional charge, as required by 47 C.F.R. §§ 54.101(a)(1).

Access to Emergency Services. Boomerang provides 911 and E911 access for all of its customers to the extent that the local government in its service area has implemented 911 or E911 systems. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. Boomerang also complies with the FCC’s regulations governing the deployment and availability of E911 compatible handsets.

Toll Limitation. In its 2012 Lifeline Reform Order, the FCC provided that toll limitation would no longer be deemed a supported *service*.<sup>28</sup> “ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.”<sup>29</sup> Nonetheless, Boomerang’s offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered to users for free until they reach their monthly allowance at which point subscribers can choose to purchase additional service at a low cost. Boomerang’s service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same.

## **2. Broadband Internet Access Services**

Broadband Internet access service (BIAS) is a supported service as of December 2, 2016. The FCC has stated that BIAS consists of the ability for a user to receive “the capability to

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<sup>28</sup> *See id.* ¶ 234.

<sup>29</sup> *See id.* ¶ 49.

transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service.”<sup>30</sup> Boomerang provides BIAS to low-income consumers via resale of its underlying providers’ mobile broadband networks.

**D. Boomerang Will Advertise the Availability of Its Service and Charges in a Manner Reasonably Designed to Reach Lifeline-Eligible Consumers<sup>31</sup>**

Boomerang will advertise both the availability and pricing of its USF-qualifying offerings broadly in a manner reasonably designed to reach those who qualify for the service.<sup>32</sup> Its advertisements will be posted in various retail stores included in its distribution network. In addition, Boomerang may advertise the availability and prices of its services through a variety of mediums, including online advertising, direct marketing campaigns, print advertising, event-based distribution, pamphlet distribution, and meetings with government agencies. Boomerang’s event marketing and distribution platform may use demographic segmentation information to identify locations of populations with great need. Boomerang also may organize positive and informative neighborhood events to create a local presence and promote sign-up through online outreach.

Boomerang will ensure that all of its Lifeline advertising materials comply with Section 54.405(c) of the FCC’s rules. Specifically, Boomerang’s advertising materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline

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<sup>30</sup> See 47 C.F.R. § 8.2(a).

<sup>31</sup> 47 C.F.R. § 54.405(b).

<sup>32</sup> See *id.*

program permits only one Lifeline discount per household; (vi) that documentation is necessary for enrollment; and (vii) Boomerang is the provider of the services. Boomerang’s advertising materials will be further updated, as necessary, in the event any of the aforementioned requirements change. In addition, Boomerang’s application/certification form, which is an adaptation of the required FCC form, will state that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

#### **E. Boomerang’s Requested Service Area**

Sections 214(e)(2) and 214(e)(5) of the Act provide that ETC designations shall be made for a “service area,” defined as a geographic area established by the Commission. The Company seeks designation to operate as an ETC throughout the State of New York, wherever its underlying facilities-based carriers provide coverage.<sup>33</sup> A list of the current zip codes associated with this coverage area is appended as **Exhibit D**. Boomerang’s proposed service area overlaps with rural carriers in New York, but the Company maintains that the public interest factors described below justify its designation in these carriers’ service areas, especially because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income consumers.

While federal requirements specify that an ETC’s service area conform to the service area of any rural telephone company serving the same area,<sup>34</sup> the FCC has authorized forbearance from the service area conformance requirements with respect to carriers seeking to

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<sup>33</sup> Consistent with FCC holdings, there is no need for a “creamskimming” analysis in connection with Boomerang’s Petition because the Company is seeking ETC designation only for purposes of receiving Lifeline support. *See, e.g., Virgin Mobile USA, L.P.*, Order, FCC 09-18, ¶ 39, n.101 (rel. Mar. 5, 2009).

<sup>34</sup> *See* 47 U.S.C. §§ 160, 214(e)(5); 47 C.F.R. § 54.207(b).

provide Lifeline-only service.<sup>35</sup> In light of this forbearance, the Commission has the authority to designate ETCs such as Boomerang in rural areas without concern for the service area conformance requirement.

#### **IV. BOOMERANG SATISFIES THE ADDITIONAL REQUIREMENTS FOR ETC DESIGNATION UNDER 47 CFR § 54.202(A)**

The FCC imposes additional requirements on a carrier requesting ETC designation in Section 54.202 of its rules. As demonstrated below, Boomerang satisfies these additional obligations.

##### **A. Service Commitment throughout the Proposed Designated Service Area**

Boomerang will provide service in New York by reselling service that it obtains from its underlying carriers. These providers have extensive networks that are functional and ready to support service immediately. Thus, Boomerang will be able to commence offering its Lifeline service to all locations served by its underlying carriers very soon after receiving approval from the Commission. Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its petition for designation as an ETC.

##### **B. Boomerang Has the Ability to Remain Functional in Emergency Situations**

Boomerang has the ability to remain functional in emergencies.<sup>36</sup> As noted above, Boomerang currently utilizes the networks of two underlying providers, T-Mobile/Sprint and Verizon, to provide Boomerang's mobile services. The Company has access to these extensive and well-established networks and facilities and believes that they are capable of managing

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<sup>35</sup> See *Telecommunications Carriers Eligible for Support*, WC Docket Nos. 09-197 and 11-42, Memorandum Opinion and Order, FCC 13-44 (rel. Apr. 15, 2013).

<sup>36</sup> See 47 C.F.R. § 54.202(a)(2).

traffic spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. Boomerang and its underlying carriers also have back-up systems 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 data center features redundant generators and redundant fiber optic connectivity. It 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.

**C. Boomerang Will Satisfy Applicable Consumer Protection and Service Quality Standards**

Section 54.202(a)(3) of the FCC's rules states that a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service (CTIA Consumer Code) will satisfy this consumer protection and service quality requirement. Boomerang fully complies with applicable consumer protection requirements and commits to fully complying with the CTIA Consumer Code. Boomerang complies with the CTIA Consumer Code to ensure it offers its subscribers the highest level of protection and quality service. Boomerang's pledge to provide quality service and voluntarily to comply with this code evidences its commitment to satisfying all of the applicable consumer protection and service quality standards. For example, customers can call customer service by dialing 611 from their Boomerang handset and no minutes will be used or decremented for the call, or they can call 1-866-488-8719 from any phone.

#### **D. Boomerang Is Financially and Technically Capable**

As part of the 2012 Lifeline Reform Order, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.<sup>37</sup> Boomerang fully satisfies these criteria.

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. Additionally, the Company is also in process of being fully acquired by ViaOne, which derives significant revenues from its diverse subsidiary operations, including non-Lifeline services. The Company's financial resources position the Company to expand its operations to serve currently unserved/underserved eligible low-income New York consumers and increase competition.

The Company has provided Lifeline-supported services successfully for more nearly a decade. In that time, Boomerang has garnered 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. By reselling the services of T-Mobile/Sprint and Verizon, Boomerang's multi-carrier wireless network platform provides robust wireless service coverage across its entire ETC footprint. Boomerang, and both its current and future parent and affiliate

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<sup>37</sup> See 2012 Lifeline Reform Order, ¶ 387; see also 47 C.F.R. § 202(a)(4).

companies, have direct, in-depth experience providing voice and data products to subscribers using its carrier relationships. Attached as **Exhibit E** is a current list of the Company's officers and key management, along with biographical information for each, showing that the Company's management, as well as ViaOne's management, has the expertise necessary to provide the services detailed herein. As noted in **Exhibit E**, after ViaOne's acquisition of Boomerang, two of Boomerang's key employees, the Regulatory and Compliance Officer and Director of Technology will continue to perform their same their functions.

Boomerang has not been subject to enforcement actions or ETC revocation proceedings in any state.

#### **E. Boomerang's Proposed Lifeline Offering**

Boomerang has the ability to provide all services supported by the universal service program throughout the State of New York. Under its ETC designation, Boomerang will meet or exceed the FCC's minimum service standards, as currently established, as well as any future updates. Boomerang proposes initially to offer the following Lifeline offerings in New York: Each of the following plans includes Caller ID, Call Waiting, Call Forwarding, 3-Way Calling and Voicemail. Furthermore, each of the following plans meets the FCC's the mobile voice minimum service standard (MSS) of 1,000 minutes.<sup>38</sup>

**Free Non-Tribal Lifeline Plan:** 1,000 voice minutes, 500 texts and 100 MB of data per month at no cost to the subscriber.

#### **Non-Tribal Lifeline Plans with a Co-Pay**

- 1) For \$1.00, the customer receives 1,000 voice minutes, unlimited texts and 100 MB of data per month.

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<sup>38</sup> See 47 C.F.R. § 54.408(b)(3).

- 2) For \$5.00, the customer receives 1,200 voice minutes, unlimited texts and 250 MB of data per month.
- 3) For \$10.00, the customer receives 1,200 voice minutes, unlimited texts and 1 GB of data per month.
- 4) For \$25.00, the customer receives unlimited voice minutes, unlimited texts and 4.5 GB of data per month.<sup>39</sup>
- 5) For \$26.00, the customer receives unlimited voice minutes, unlimited texts and 5 GB of data per month.
- 6) For \$30.00, the customer receives unlimited voice minutes, unlimited texts and 6 GB of data per month.

**Free Tribal Enhanced Lifeline Plan:** Unlimited voice minutes, unlimited texts and 4.5 GB of data per month at no cost to the subscriber.

**Tribal Enhanced Lifeline Plans with a Co-Pay**

- 1) For \$1.00, the customer received unlimited voice minutes, unlimited texts and 5 GB of data per month.
- 2) For \$5.00, the customer received unlimited voice minutes, unlimited texts and 6 GB of data per month.

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<sup>39</sup> This plan, as well as the \$26.00 and \$30.00 plans listed below, meets the mobile broadband MSS of 4.5 GB, pursuant to the FCC's most recent waiver of the MSS established in Section 54.408 of the FCC's rules. See 47 C.F.R. § 54.408; *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Order, FCC 20-1358 (WCB Nov. 16, 2020).

**F. Boomerang's Processes Comply with Lifeline Verification and Enrollment Processes, and the Company Is Committed to Preventing Waste, Fraud, and Abuse of the Lifeline Program**

Section 54.410 of the FCC's rules requires ETCs to certify and verify a Lifeline customer's initial and continued eligibility. Boomerang has processes in place to facilitate compliance with federal customer enrollment requirements. Specifically, the Company relies on the National Verifier and the National Lifeline Accountability Database (NLAD), each of which is administered by USAC, to determine an applicant's eligibility for Lifeline service (except in California, Oregon, and Texas, where the Company follows specific state requirements). Every applicant will be required to complete the standardized Lifeline application in the National Verifier environment, which covers the necessary information collection, disclosures, and certifications required by Section 54.410(d) of the Lifeline rules.<sup>40</sup> For applicants verified as being eligible by USAC's National Verifier and NLAD, Boomerang completes enrollment by transmitting the required information into NLAD as required by Section 54.404(b)(6) of the FCC's rules. Boomerang also: (1) informs the customer of his or her need to use the service at least once every thirty (30) days as required by Section 54.407(c)(2); (2) provides notice to subscribers after 30 days of non-usage that they must use the service within 15 days or their service will be terminated as required by Section 54.405(e)(3); and (3) requires the customers to activate their Lifeline service as required by Section 54.407(c)(1). Boomerang will not provide a customer with a handset (if the customer qualifies for a free handset) or otherwise activate Lifeline service until the applicant completes the application in the National Verifier and receives eligibility approval.<sup>41</sup>

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<sup>40</sup> 47 C.F.R. § 54.410(d).

<sup>41</sup> 47 C.F.R. § 54.410(a).

Boomerang has additional processes in place to guard against waste, fraud and abuse, and to ensure compliance with FCC rules designed to achieve that objective, including customer usage, cure period, and de-enrollment requirements set forth in Sections 54.407(c)(2) and 54.405(e)(3), general notice and de-enrollment requirements set forth in Section 54.405(e)(1), transmission of information to NLAD and recordkeeping requirements set forth in Sections 54.404(b)(6) and 54.417, annual certification and reporting requirements set forth in Sections 54.416 and 54.420, and reimbursement claims processes established by USAC consistent with Sections 54.403 and 54.407(a). Boomerang also complies with Sections 54.410(f) of the FCC's rules governing annual subscriber re-certification of eligibility and coordinates with USAC's National Verifier and NLAD systems to manage additional de-enrollments related to USAC-administered benefit transfers and failure to re-certify.<sup>42</sup> If Boomerang receives a request for de-enrollment from a subscriber, it will process the request within two business days in accordance with Section 54.405(e)(5).

Boomerang will have 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 will 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 FCC'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.<sup>43</sup>

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<sup>42</sup> 47 C.F.R. §§ 54.405(e), 54.410(f).

<sup>43</sup> 47 C.F.R. § 54.406(b).

Finally, 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 FCC's Lifeline eligibility and certification rules and the Company's practices and policies designed to implement those rules. Boomerang has a zero tolerance policy for waste, fraud, and abuse, and personnel are instructed to notify the Company's compliance team if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit.

**V. BOOMERANG WILL COMPLY WITH ALL REGULATIONS ADOPTED BY THE COMMISSION**

Boomerang also hereby asserts its willingness and ability to comply with all rules and regulations that the Commission chooses to impose lawfully upon the Company's provision of service contemplated by this Petition. Boomerang certifies that all federal funding received will be used for Lifeline support and will be used for the direct benefit of eligible low-income consumers. Boomerang is in good standing with the Commission and is in full compliance with all applicable Commission orders, rules, and regulations.

**VI. THE PUBLIC INTEREST WILL BENEFIT FROM GRANTING ETC STATUS TO BOOMERANG**

The overarching purpose of the Lifeline program is to ensure that low-income consumers have access to and can afford essential voice and broadband communications services. The Lifeline program began with a focus upon the availability of voice services; however, as technology has expanded and broadband has become increasingly essential to everyday living, the Lifeline program has developed as well. Today, robust levels of broadband service must be offered to eligible subscribers, as a means of effectively bridging the "Digital Divide" that separates New York residents on the basis of income. As regulators and policymakers have recognized since the establishment of the Lifeline program, meeting an evolving set of essential

communications needs is overwhelmingly in the public interest and, indeed, is critical to the long-term health and prosperity of each state and to the nation as a whole. Designation of experienced ETCs such as Boomerang will directly advance the goals of the Lifeline program in New York State.

**A. Advantages of Boomerang's Lifeline Services**

Boomerang's experience and longevity as a provider of Lifeline services in many states demonstrates the Company's commitment and ability to provide quality Lifeline services to eligible, low-income consumers in compliance with program requirements. Authorizing Boomerang as a Lifeline ETC in the State of New York will enable the Company to provide eligible low-income consumers with access to high quality mobile voice, text, and data services. This will increase those consumers' choices in service providers and service options and make essential communications services more affordable and accessible to these consumers. Boomerang's combined use of online and in-person, real-time distribution methods rely upon Internet-enabled compliance checks that, while meeting (and often exceeding) Lifeline program requirements, have enabled the Company to bring Lifeline service to those eligible consumers that are not easily reached by carriers relying exclusively on one distribution method or another.

As the Commission, other regulators, and industry participants know well, mobile services are overwhelmingly preferred by Lifeline-eligible consumers who can often afford only a single connection, may frequently change residences or places of employment, may need the ability to communicate promptly and effectively with prospective employers, and also must manage households and family responsibilities as they do so. Some of these individuals may be homeless, with their Lifeline service being the only reliable contact point they have. For all these consumers, whatever their circumstances, Lifeline services also ensure that they always have the ability to contact 911 emergency services should the need arise. The availability of a

no-charge Lifeline service that includes voice minutes, texts, and data is an invaluable resource for cash-strapped consumers in these circumstances.

Boomerang's New York Lifeline service plans provide attractive options for low-income consumers because they offer low-cost, reliable alternatives to traditional rate plans. Among its Lifeline offerings is a plan with 1,000 voice minutes, 500 texts and 100 MB of data available to all qualifying low-income New York consumers for no cost and a plan with unlimited voice minutes, unlimited texts and 4.5 GB of data available to residents of Tribal lands for no cost. In addition, the Company provides additional consumer-friendly options that enable customers to flexibly tailor their wireless services to their variable needs and budgets. This empowers consumers to choose to purchase more of what they need, when they want (and can afford it).

Moreover, Boomerang's Lifeline plans alleviate customer concerns regarding deposits, hidden costs, varying monthly charges (including the infamous "bill shock"), and long-term contract issues. Boomerang's prepaid plans allow customers, who might not otherwise have access to expensive post-paid plans, to subscribe to voice and data services without the hurdle of a credit check or the commitment of a contract. Through the Company's customer service, customers can purchase more minutes as needed. This flexibility and accessibility provides a viable option for "unbanked" and "underbanked" consumers.

Low-income consumers in New York and throughout the nation have long been faced with making difficult choices about how to allocate and spend their limited resources. Today, these consumers are more challenged than ever before as the COVID-19 pandemic has depleted these resources. Food, shelter, and healthcare are easily recognized as essential, but so too is access to voice and broadband communications. Consequently, the ability for these consumers to meet their communications needs, while at the same time controlling the associated costs, is

critical. Boomerang’s Lifeline offering is designed with low-income consumers in mind, and thus, the Company’s designation as an ETC in the State will help struggling New Yorkers to manage the employment, educational, and health challenges that are all too frequent. As the economic uncertainty of the COVID-19 pandemic continues, the communications access provided to low-income consumers by ETCs such as Boomerang may literally determine whether some of these consumers survive.

In addition, Boomerang’s service meets the goals of the Act to provide “higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies” to all American consumers.<sup>44</sup> Boomerang’s services allow customers to rely upon the extensive networks of its underlying carriers, while taking advantage of Boomerang’s additional features and services provided by its secure facilities. Conferring ETC status upon Boomerang will provide consumers with these higher quality services in its designated service areas.

### **B. Benefits of Competitive Choice**

Designation of Boomerang as an ETC also meets the FCC’s stated goals for promoting competition and increasing customer choice. The FCC recognized the interrelationship of ETC designations and competition over a decade ago, concluding that in non-rural areas, designation of multiple ETCs, following demonstration of compliance with eligibility requirements, was so fundamentally beneficial as to warrant characterization as “consistent *per se* with the public interest.”<sup>45</sup> In rural and high-cost areas, the FCC determined that “designation of competitive

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<sup>44</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

<sup>45</sup> *Federal-State Joint Board on Universal Service, Cellco Partnership d/b/a Bell Atlantic Mobile (Petition for Designation as an Eligible Telecommunications Carrier)*, Memorandum, Opinion and Order, CC Docket No. 96-45, DA 00-2895, ¶ 14 (rel. Dec. 26, 2000).

ETCs promotes competition and benefits consumers . . . by increasing customer choice, innovative services, and new technologies.”<sup>46</sup> The correlation between increased market choice and lowering of costs, when dealing with competitive services, has been adopted as a “given” by telecommunications industry regulators across the country. In the Lifeline context, this equation takes on new importance, because the entry of additional providers increases competitive choice for lower-income customers who often are less desirable to providers focused on upscale consumer offerings. Boomerang’s addition, in particular, will add its affordable, innovative services to the marketplace. Further, its presence as a competitor will lead to additional competition within the Lifeline market that should help improve the rate of program participation by eligible subscribers and spur other ETCs to improve their own Lifeline service offerings.

### **C. Impact on the Universal Service Fund**

In the past, the FCC also recognized that, in contrast to the historic designation of carriers to receive high cost funds, the designation of Lifeline ETCs should not have an adverse effect upon the health of the USF. The Lifeline benefit is provided to each eligible customer that enrolls, albeit channeled through the ETCs via reimbursements, and as a result, the USF is unaffected by whether Boomerang or another ETC serves that customer. Moreover, with strict compliance to the FCC’s rules concerning prevention of waste, fraud, and abuse of the USF, there is greater certainty that no customers served by Boomerang or other ETCs are ineligible or are receiving duplicative benefits. It would be ingenuous, however, to claim that designation of a Lifeline ETC at this time will not have any effect upon the USF. As the Commission knows and ETCs fully recognize, there are still many—indeed the majority of—eligible consumers not

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<sup>46</sup> See *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, Memorandum Opinion and Order, CC Docket No. 96-45, DA 00-2896, ¶ 17 (rel. Dec. 26, 2000).

receiving Lifeline benefits, and this number has only increased due to the financial instability for millions of Americans brought on by the COVID-19 pandemic. That is why ETC applicants highlight their ability to reach those consumers. The presence of more Lifeline ETCs, with increasingly sophisticated ways to reach previously unserved eligible consumers, will help to increase the overall numbers of consumers receiving Lifeline benefits. And that inevitably will increase the demands upon the USF. But this result does not reflect a failure of the process or recommend against designating new ETCs. Quite the contrary. Ensuring the availability of critical communications to Americans in desperate need is precisely why the USF was established. And it has never been more necessary. Any increase in funding demands upon the USF will be directly proportionate to the escalated imperative for the USF to fulfill its function.

## **VII. CONCLUSION**

For the reasons outlined above, designation of Boomerang as an ETC in the State of New York fully satisfies the requirements of Section 214(e)(2) of the Act and is in the public interest.

WHEREFORE, Boomerang respectfully requests that the Commission promptly designate Boomerang as an ETC in the State of New York, throughout the requested service area, solely for purposes of participating in the Lifeline program to receive federal support and reimbursement for the provision of communications services on a wireless basis to qualified low-income New York consumers.

Respectfully submitted,

/s/ John J. Heitmann  
John J. Heitmann  
Joshua Guyan  
Debra McGuire Mercer  
Chris M. Laughlin  
Kelley Drye & Warren LLP  
3050 K Street, NW, Suite 400  
Washington, DC 20007  
Tel: (202) 342-8544  
jguyan@kelleydrye.com

*Attorneys for Boomerang Wireless, LLC  
d/b/a enTouch Wireless*

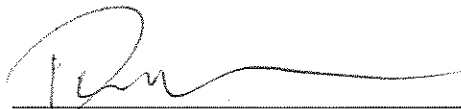
December 20, 2021

# **EXHIBIT A**

**VERIFICATION**

**STATE OF IOWA**           §  
  §  
**COUNTY OF LINN**       §


I, Dennis Henderson, state that I am the Chief Executive Officer of Boomerang Wireless, LLC (Boomerang); that I am authorized to make this Verification on behalf of Boomerang; that I have read the foregoing document; and that the statements in the foregoing document with respect to Boomerang are true, accurate and correct to the best of my knowledge, information and belief. I declare under penalty of perjury that the foregoing is true and correct.



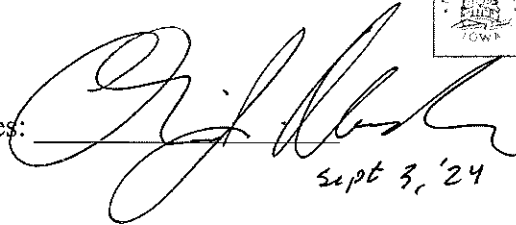
Dennis Henderson  
Chief Executive Officer  
Boomerang Wireless, LLC

Subscribed and sworn to before me this 8<sup>th</sup> day of November, 2021.

Notary Public:

 Oliver James Moeller  
Commission Number 791907  
My Commission Expires  
September 3, 2024

My Commission expires: \_\_\_\_\_



Sept 3, '24

# **EXHIBIT B**

October 27, 2021 | 5:22 pm

**COVID-19 Vaccines**

There are now booster recommendations for all three COVID-19 vaccines.

[DETAILS >](#)

# Department of State

## Division of Corporations

### Entity Information

[Return to Results](#)
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#### Entity Details ^

**ENTITY NAME:** BOOMERANG WIRELESS, LLC**DOS ID:** 4236544**FOREIGN LEGAL NAME:****FICTITIOUS NAME:** BOOMERANG WIRELESS, LLC**ENTITY TYPE:** FOREIGN LIMITED LIABILITY COMPANY**DURATION DATE/LATEST DATE OF DISSOLUTION:****SECTION OF LAW:** 802 LLC - LIMITED LIABILITY COMPANY LAW**ENTITY STATUS:** Active**DATE OF INITIAL DOS FILING:** 04/26/2012**REASON FOR STATUS:****EFFECTIVE DATE INITIAL FILING:** 04/26/2012**INACTIVE DATE:****FOREIGN FORMATION DATE:** 01/18/2008**STATEMENT STATUS:** CURRENT**COUNTY:** Albany**NEXT STATEMENT DUE DATE:** 04/30/2022**JURISDICTION:** Iowa, United States**NFP CATEGORY:**
[ENTITY DISPLAY](#)
[NAME HISTORY](#)
[FILING HISTORY](#)
[MERGER HISTORY](#)
[ASSUMED NAME HISTORY](#)

#### Service of Process Name and Address

**Name:** C/O CORPORATION SERVICE COMPANY**Address:** 80 STATE STREET, ALBANY, NY, United States, 12207 - 2543

#### Chief Executive Officer's Name and Address

**Name:****Address:**

#### Principal Executive Office Name and Address

**Name:****Address:**

#### Registered Agent Name and Address

**Name:** CORPORATION SERVICE COMPANY**Address:** 80 STATE STREET, ALBANY, NY, 12207 - 2543

#### Entity Primary Location Name and Address

**Name:****Address:**

#### Farmcorpflag

**Is The Entity A Farm Corporation: No**

Stock Information

Share Value	Number Of Shares	Value Per Share

# EXHIBIT C

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

DIRECT LINE: (202) 342-8544

EMAIL: jheitmann@kelleydrye.com

July 26, 2012

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Boomerang Wireless, LLC Revised Compliance Plan; WC Docket Nos. 09-197, 11-42

Dear Ms. Dortch:

On March 1, 2012, Boomerang Wireless, LLC (“Boomerang”) submitted its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.<sup>1</sup> On April 12, 2012, May 22, 2012, June 13, 2012 and June 29, 2012 Boomerang submitted revised Compliance Plans to provide additional details.

Boomerang has further revised its Compliance Plan (p. 18) at the request of FCC Staff to explain that Boomerang’s customers may de-enroll from Lifeline supported service at any time by simply calling Boomerang’s toll-free customer service line. Boomerang does not require submission of a written request by facsimile or otherwise. In addition, Boomerang is no longer offering a 68 minute Lifeline plan and its Compliance Plan and Lifeline application form have been revised accordingly.

Boomerang hereby re-submits its complete Compliance Plan with the above revisions. Based on the minor nature of these changes, Boomerang reiterates its request for expeditious approval of its Compliance Plan.

<sup>1</sup> 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 No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012).

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary  
July 26, 2012  
Page Two

This letter and revised Compliance Plan is being filed electronically for inclusion in the public record of the above-referenced proceedings. Please contact the undersigned with any questions.

Respectfully submitted,



John J. Heitmann  
Joshua T. Guyan

*Counsel to Boomerang Wireless, LLC*

cc: Kim Scardino  
Divya Shenoy  
Garnet Hanly

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

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

**BOOMERANG WIRELESS, LLC REVISED COMPLIANCE PLAN**

Boomerang Wireless, LLC d/b/a Ready Mobile (“Boomerang” or the “Company”) is a prepaid wireless telecommunications carrier seeking designation as an eligible telecommunications carrier (“ETC”) for the limited purpose of offering service supported by the Lifeline program.<sup>1</sup> Boomerang seeks to avail itself of the Federal Communications Commission’s (“Commission”) grant of forbearance from the “own-facilities” requirement contained in Section 214(e)(1)(A),<sup>2</sup> subject to certain conditions set forth in the Commission’s Order released February 6, 2012.<sup>3</sup> Specifically, the Commission provided that a carrier seeking to become a Lifeline-only ETC must comply with certain 911 requirements and file a compliance plan “providing specific information regarding the carrier’s

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<sup>1</sup> Boomerang currently has pending a petition for designation as a Lifeline-only ETC in certain states. See Amended Petition of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed June 6, 2012) (“Petition”). Boomerang seeks authorization to provide Lifeline-only service to residents of Tribal lands as well. Boomerang respectfully requests to incorporate the commitments made herein into the pending Petition.

<sup>2</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>3</sup> *In the Matter of 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 No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“Lifeline Reform Order”).

service offerings and outlining the measures the carrier will take to implement the obligations contained in [the] Order.”<sup>4</sup>

Boomerang submits this Revised Compliance Plan (“Compliance Plan”) to detail the policies, procedures and training programs it has developed to guard against waste, fraud and abuse in the Lifeline program. This Revised Compliance Plan is intended to replace Boomerang’s previously filed compliance plan. Boomerang has continued to refine its planned policies and procedures for enrolling eligible Lifeline customers and providing Lifeline services in accordance with the Commission’s Lifeline rules, has formed partnerships and has formulated and adopted internal policies, procedures and training materials in line with the Commission’s Lifeline reform. This Compliance Plan discusses in more detail Boomerang’s plans for qualifying and enrolling eligible customers, includes more specifics about how Boomerang will review eligibility documentation and guard against households receiving duplicate subsidies, and the process for service activation in compliance with the Commission’s new rules.

In this Compliance Plan, Boomerang will describe in more detail the mechanisms and partnerships it already has in place to prevent duplicate benefits to the same household. Above and beyond meeting the Commission’s requirements for guarding against duplicates, Boomerang will go a step further in its outreach by targeting currently unserved/underserved populations. A substantial market segment has not yet been reached by current ETCs. As a result, millions of eligible citizens need Lifeline-supported services but are not currently served by the program. Boomerang has partnerships and established marketing outreach experience and future plans to target this underserved population. This effort, together with Boomerang’s procedures to prevent duplicate subsidies, will serve the important public policy goals of the program to extend critical services to Americans with the greatest needs.

Boomerang’s business model, ethos and objectives support the Lifeline program and its goals. Boomerang’s commitments to comply with the Commission’s Lifeline rules serve the program

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<sup>4</sup> Lifeline Reform Order ¶ 368.

and allow the Company to invest its capital in consumers who meet program eligibility requirements now, but who require reliable, innovative, high quality services for the long haul. Boomerang is continuously refining and improving its practices and procedures for satisfying all of the Commission's Lifeline requirements in order to build a successful Lifeline business that serves customers with the greatest needs.

### **Background**

Boomerang is one of three wholly owned subsidiaries of HH Ventures LLC, an Iowa company.<sup>5</sup> The other two subsidiaries are enMarket, LLC ("enMarket") and Ready Wireless, LLC ("Ready Wireless"). HH Ventures LLC ("HH Ventures") is a profitable, cash flow positive wireless telecommunications holding company, which employs forty full-time employees. The company's core management team includes six senior executives with more than 100 years of combined telecom experience.

Boomerang seeks ETC designation in order to provide handsets and domestic and international voice services to low-income customers. Boomerang also intends to provide Lifeline-only service to residents of Tribal lands. Boomerang has direct, network carrier contracts with Sprint and Verizon, and is also negotiating a contract with a national GSM provider. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. Boomerang has direct, in-depth experience with building voice, data and broadband products directly with carriers.

HH Ventures formed enMarket in January 2012 to focus on event marketing and distribution for ETCs. Full time employees create neighborhood events to build awareness of the Lifeline program and to distribute phone services to eligible consumers. Event staff is trained on the program compliance requirements, as detailed more fully below, and creates a positive community experience. The company also diligently implements measures to prevent waste, fraud and abuse.

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<sup>5</sup> See Exhibit A for HH Holdings structure, ownership and brands.

In addition, the company has a national partnership to participate in Medicaid managed care organization community events in order to reach a population with significant needs for access to services. This unique partnership with organizations who serve Medicaid recipients is designed to reach in person transient consumers and those who otherwise do not have access to the online, telephone, or paper application process unless supported by another person at an in-person event. Again, as detailed below, employees who engage with potential subscribers at these events receive detailed and extensive training in the Commission's Lifeline eligibility, documentation and other requirements, and how to communicate these requirements clearly to potential subscribers.

Ready Wireless offers an MVNE wholesale platform for ETCs and other non-ETC white label partners as well as for the companies' own retail brands Ready Mobile, Ready Broadband and Trumpet. The platform integrates technical, infrastructure and business operations in a scalable, reliable environment. MVNO customers can select the features and capabilities that meet their business needs. Key features include:

- multiple underlying facilities-based wireless carrier networks (Sprint, Verizon, GSM);
- an integrated operating system, which includes provisioning, inventory management, interactive voice response ("IVR") systems, billing, reporting;
- device certifications, procurement, warehousing, logistics;
- program management and marketing;
- additional features to enhance user experience, such as free 411 and competitively priced international long distance; and
- access to thousands of reload locations, ensuring that ETC end user customers will be able to purchase additional services to complement their subsidized services.

Boomerang has direct control over the databases, systems and processes controlling the customer records, usage records, and reporting. This provides us direct ability to implement current Lifeline guidelines as well as evolve to meet future program policy requirements.

Ready Mobile is a national brand distributed in over 30,000 retail locations.<sup>6</sup> The expertise developed to meet the rigorous operational demands of publicly traded, chain accounts (*i.e.* Walgreens, CVS, Meijers) is foundational to delivering superior services to ETC and other white label partners. Boomerang offers two wireless services under the Ready Mobile brand: ReadyMobilePCS and ReadyBroadband. ReadyMobilePCS offers data access to consumers across the country via smart phone technology using recycled, web-enabled phones with broadband data plans. Under the brand ReadyBroadband, the company also provides data access through devices such as laptops, notebooks, tower computers, and a wide array of other equipment. Both smart phones and access devices are provided with national broadband coverage and distributed through national retail chains as well as sold on the e-commerce site ([www.readymobile.com](http://www.readymobile.com)).

Boomerang has direct, network carrier contracts with Sprint and Verizon and is negotiating a contract with a national GSM provider as well. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. HH Ventures and its subsidiaries have direct, in-depth experience with building voice, data and broadband products directly with carriers.

Boomerang is experienced in providing broadband data access to consumers across the country. Boomerang is poised to play a part in achieving the Commission's goal of expanding broadband access to low-income consumers. Boomerang understands that low income consumers are not early technology adopters. Accessibility and ease of use of Boomerang's products, services and systems allows low-income consumers to take advantage of the power of wireless technology so that we can close the digital divide. Adding data to phone plans is a growing trend in the low-income base of customers, but as the Commission recognizes, lags behind the national norm.

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<sup>6</sup> The history of the Ready Mobile brand goes back to Ready Mobile LLC. Ready Mobile LLC was formed in 2005 and was focused on retail distribution of prepaid wireless products under the Ready Mobile brand name. In May 2007, Titan Global Holdings purchased certain assets from Ready Mobile LLC that included the Ready Mobile branding. Titan operated several other telecommunications ventures. HH Ventures participated in a transaction by which it purchased certain Titan assets, including the Ready Mobile brand on January 17, 2008. None of the Titan owners are part of the HH Ventures ownership.

Boomerang will have data availability turned on in each handset distributed to Lifeline customers that could become the subscriber's daily access to the Internet if they should choose to add data services to their phone.

Because the Company already has in place nationwide distribution channels and activation processes, it is ready to offer broadband access services to low-income consumers. The Company has competitive billing plans for smart phones and other devices, including the ability to bundle data services on smart phones along with voice and text services. Because of the Company's established multi-channel, multi-partner approach, it has the ability to reach eligible consumers throughout the country. In addition, Boomerang will advertise the availability and prices of its services through a variety of mediums, including online advertising, direct marketing campaigns, print advertising, event-based distribution, seminars, lectures, pamphlet distribution, and meetings with government agencies.

### **Compliance Plan**

This Compliance Plan describes the specific measures that Boomerang intends to implement to achieve the objectives of the Commission's Lifeline rules and policies.

#### **I. Policy**

Boomerang will comply with all certification and verification requirements for Lifeline eligibility set forth in the Lifeline Reform Order; the Commission's Lifeline rules and policies; the requirements, rules and policies governing the provision of Lifeline service to eligible subscribers residing on reservations or Tribal lands; the provisions of this Compliance Plan; and all laws and regulations governing Boomerang's provision of Lifeline-supported prepaid wireless services to customers throughout the United States.

## **II. Unrestricted Access to Basic and E911 Services and Certification of Such Access**

In the Lifeline Reform Order, the Commission stated that forbearance from the “own-facilities” requirement is conditioned on a carrier seeking limited ETC designation “providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes [and] providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services” starting on the effective date of the order.<sup>7</sup> Moreover, wireless resellers have an independent obligation to provide access to basic and E911 service, to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver E911 information to the appropriate Public Safety Answering Point.<sup>8</sup> Resellers also have an independent obligation to ensure that all handsets or other devices offered to their customers for voice communication are location capable.<sup>9</sup>

The Commission and consumers are hereby assured that all Boomerang Lifeline customers will have available access to emergency calling services at the time that Lifeline service is initiated and that such 911 and E911 access will be available from Boomerang handsets regardless of the activation status and availability of minutes. Further, Boomerang will ensure that all handsets used in connection with the Company’s Lifeline service offering are E911-compliant. In the event that an existing Boomerang customer does not have an E911-compliant handset, the Company will replace it with a new 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.

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<sup>7</sup> Lifeline Reform Order ¶ 373.

<sup>8</sup> See 47 C.F.R. § 20.18(m).

<sup>9</sup> See *id.*

### **III. Certification and Verification of Lifeline Customers' Eligibility**

Boomerang proposes the following Compliance Plan to implement the certification and verification conditions outlined in the Lifeline Reform Order. Boomerang intends to keep these measures in effect until the Commission implements its planned national eligibility database.

#### **A. Policy**

Boomerang will comply with all certification and verification requirements for Lifeline eligibility established by states where it is designated as an ETC. In states where there are no state-imposed requirements, no established rules or procedures in place, or in states that do not mandate Lifeline support, Boomerang will obtain certification of eligibility at the outset and will verify consumers' Lifeline eligibility in accordance with the Commission's requirements. Boomerang shares the Commission's concerns about the potential abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent Boomerang's customers from engaging in such abuse of the program, inadvertently or intentionally.

#### **B. Certification Procedures**

Boomerang will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Boomerang employees or agents by contacting the Company in person or via telephone, facsimile or the Internet. Although the specific process for each means of contact differs slightly, as detailed below, regardless of the means of contact, at the point of sale, consumers will be provided with printed information describing Boomerang's Lifeline program, including eligibility requirements, and with instructions for enrolling. Consumers will be enrolled in person or directed, via company literature, collateral or advertising, to a toll-free number and to the Company's website, which will contain a link to information regarding the Company's Lifeline service plans, including a detailed description of the program and state-specific eligibility criteria. Boomerang's application form will identify that it is a "Lifeline" application. Except in states in which applicants are enrolled through a designated state agency, Boomerang will have direct contact with

all customers applying for Lifeline service, either in person through its employees, agents or representatives, or via the telephone (including facsimile) or mail.

Specifically, at events, Boomerang or enMarket personnel will explain the eligibility requirements for the program, including participation in a qualifying program or earning income below 135% of the Federal Poverty Guidelines and will verify the individual's eligibility. The Boomerang or enMarket employees will also explain the program limitation of one Lifeline service per household. In order to ensure potential customers are fully informed about the Lifeline program and the eligibility process, Boomerang will provide a sufficient number of employees at each event so that, while some individuals are handling the application and eligibility process with applicants, other individuals are available to discuss the requirements with potential customers, answer questions, identify appropriate documents and otherwise assist a customer in preparing for the application/eligibility step. enMarket employees will begin educating potential subscribers as they wait in line at events and explain the application process to prepare them. Employees are instructed that the company has zero tolerance for waste, fraud or abuse, and that they should notify a team lead immediately if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit for themselves or within the same household. At events, when a potential subscriber reaches the front of the line, representatives will again confirm that no member of the individual's household currently receives a Lifeline benefit from another carrier. The representative will mention the name of major ETCs to assist applicants in determining whether they already receive a Lifeline benefit. The representative will reiterate that Lifeline is a government benefit, and that providing false information could subject the applicant to consequences including penalty under perjury. After an applicant has completed the enrollment form, a representative will check the CGM database to determine whether anyone at the same residential address currently receives a Lifeline benefit. If so, the applicant will be asked whether the applicant is a member of a separate household residing at the same address and to complete the form created by USAC to certify that he or she resides in a separate household.

At events, upon completion of the application, representatives will photograph the documentation provided by the customer to prove identity and/or address and program- or income-based eligibility. After this information is reviewed and possibly subject to a compliance audit, described in more detail herein, Boomerang will maintain a record of the type of documentation reviewed to determine eligibility, but will not keep the documentation itself. Finally, representatives will review with the customer instructions in the welcome packet for activating the service or, if the customer explicitly requests, will activate the handset at that time. Boomerang will not seek Lifeline reimbursement until the customer has activated the handset.

Boomerang will also be promoting sign up through online outreach. Boomerang will use search engine optimization and targeted ad placement to reach eligible low-income consumers. To apply for a Boomerang Lifeline service online, a customer will fill out an application, provide the necessary information that all prospective Lifeline customers must provide, and be taken through forms and screens that clearly explain all relevant legal eligibility requirements. If the customer is seeking to qualify for Lifeline service based on their participation in a particular program (or income level), the prospective customer may be able to either upload the forms from scanned documents or print off a Document Submission worksheet and submit the documents to Boomerang where a sales representative will input the prospective customer's information into an eligibility database (if available for the relevant state). However, in most cases, the prospective consumer will fill out the relevant eligibility forms on the computer, and then send copies of the records needed by Boomerang to verify the customer's eligibility to participate in Lifeline.

With the CGM database, all applications will be processed against the only national database compiled with over 2 million current ETC Lifeline subscribers. This real time review will identify two types of duplicate applications: individual duplicate (*i.e.* same SSN, Name, DOB, etc) or duplicate residential addresses. If the entire record is a duplicate, the applicant will receive a message that the application has been rejected. If the residential address is a duplicate, the applicant will receive instructions regarding the definition of household and the opportunity to complete a verification that

the applicant is a member of a unique household at that address that does not currently receive a Lifeline benefit.

For all application processes, Boomerang has an in-house Compliance Officer and compliance metrics to further protect against waste fraud and abuse. This includes real time review of application submissions during events and random sampling of online and paper submissions. Boomerang's internal team will provide another layer of review (*i.e.*, handwriting, submission locations, timing) to identify abuse and carry out disciplinary action.

Once the prospective customer is successfully verified by Boomerang, Boomerang will enroll the customer in the service plan selected by the customer, and then mail the selected handset to the customer. Along with the handset comes a welcome packet with instructions for activating the service. Boomerang will not seek Lifeline reimbursement until the customer has activated the handset by following the instructions detailed herein or by making an outgoing call.

For potential subscribers who avail themselves of the toll-free number to apply for service, the IVR script will emphasize the "one Lifeline benefit per household" restriction through its interaction with the activating customer as well as review the 60 day non-usage rule and Annual Recertification requirements. If a customer wants more information, they will be passed to a live call center operator. Boomerang's sales training materials for call centers will include a discussion of the one benefit per household restriction and the need to ensure that the customer is informed of this restriction.

Boomerang will provide Lifeline-specific training to all personnel, whether employees, agents or representatives, who interact with actual or prospective consumers with respect to obtaining, changing or terminating Lifeline services. 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, program- and income-based eligibility determinations, and a detailed explanation of the one-benefit-per-household limitation. The training emphasizes the importance of clearly explaining the eligibility criteria and limitations to applicants as well as the potential consequences for providing

false information on the application. Trainees learn what documentation is acceptable to verify program- or income-based eligibility and that they must be able to communicate this information clearly to applicants. Trainees are instructed to report to a supervisor if for any reason at all they feel that an individual is trying to abuse the program or falsify eligibility. Trainees must ask an applicant directly if they already have a Lifeline service, and more specifically, mention the names of major Lifeline service providers in the geographic area, such as Safelink, Assurance, or Stand Up Wireless. Trainees are given instruction in checking the available duplicates database to confirm whether anyone else at that residential address is receiving a Lifeline benefit, and if so, to ask the applicant if multiple households reside at the same address. Trainees are also given instruction about when to provide the additional household verification form on which the applicant will certify that his or her household is a separate economic unit and does not already receive a Lifeline benefit. Trainees are instructed on activation procedures and restrictions, including that an account may only be activated by the subscriber or upon the subscriber's express authorization to do so.

Boomerang personnel will take steps to ensure that applicants are eligible to participate in the Lifeline program. All personnel who interact with current or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on state-specific income-based or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies state-specific eligibility requirements using state-specific checklists. Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program.

Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workmen's Compensation statement of benefits; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information for at least three months' time. Boomerang will establish policies and procedures to review such documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility, including collecting information on the enrollment form about what documentation the applicant presented to demonstrate program-based or income-based eligibility. Where Boomerang personnel conclude that proffered documentation is insufficient to establish such eligibility, Boomerang will deny the associated application and inform the applicant of the reason for such rejection. In the event that Boomerang personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel at Boomerang's corporate headquarters.

Consumers who do not complete the application process in person must return the signed application and supporting documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7006, and any applicable state laws, and may verify consumers' signatures via IVR systems. Processing of consumers' applications, including review of all application forms and relevant documentation, will be performed under the Company's supervision by managers experienced in the administration of the Lifeline program.

The enrollment form will include a place where the applicant must certify by his or her signature under penalty of perjury that the applicant meets the relevant criteria and that the

applicant's representations are true and correct.<sup>10</sup> Applicants will also be required to initial a number of disclosure statements intended to ensure that the applicant understands applicable eligibility requirements—including a statement to the effect that to the best of his or her knowledge, the applicant is not receiving Lifeline-supported service from any other Lifeline provider. Penalties for perjury will be clearly stated on the certification form. The certification will also contain language stating that a violation of the one-per-household requirement constitutes a violation of the Commission's rules and will result in the consumer's de-enrollment from the program, and could result in criminal prosecution by the United States government. Although the exact wording of the disclosure statements described above may vary on a state-by-state basis, depending on state-specific requirements or consultations with relevant state agencies, Boomerang plans for the disclosures to be consistent with the following statements:

\_\_\_\_The information contained within this application is true and correct. I acknowledge that providing false or fraudulent documentation in order to receive assistance is punishable by law.

\_\_\_\_I understand that Lifeline is only available for one benefit per household, whether landline or wireless. To the best of my knowledge, no one in my household is receiving Lifeline service. I will only receive Lifeline from Boomerang and no other landline or wireless telephone company.

\_\_\_\_I am not currently receiving a Lifeline telephone service from any other landline or wireless telephone company.

\_\_\_\_I will not transfer my service to any other individual, including another eligible low-income consumer.

\_\_\_\_I understand that I may be required to verify my continued eligibility for Boomerang's Lifeline service at any time and that failure to do so will result in termination of Lifeline benefits.

\_\_\_\_I will notify Boomerang immediately if I no longer qualify for Lifeline or if I have a question as to whether I would still qualify.

In accordance with the Lifeline Reform Order, Boomerang will not retain copies of eligibility documentation, but rather will maintain accurate records detailing how the customer demonstrated his or her eligibility. Boomerang will check the eligibility of consumers seeking to enroll in Lifeline

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<sup>10</sup> A copy of Boomerang's proposed enrollment and certification form is attached at Exhibit B.

either by accessing electronic eligibility databases, where available, or by reviewing documentation from the consumer demonstrating his or her eligibility for Lifeline service. Where the Company is able to access a state or federal database to make determinations about customer eligibility, the Company or its representative will note in its records what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline. In instances where a state agency or third-party administrator is responsible for the initial determination of consumer eligibility, Boomerang will rely on the state identification or database.

Boomerang personnel will assist applicants in determining whether they are ineligible to participate in the Lifeline program because a member of the applicant's household already is benefiting from a Lifeline discount. Boomerang will establish safeguards to prevent individual subscribers and households from receiving more than one benefit. Boomerang personnel will explain in prominent, plain, easily comprehensible language to all new and potential subscribers that no consumer is permitted to receive more than one Lifeline subsidy. Boomerang will emphasize the one-per-household restriction in its contacts with potential customers. Boomerang personnel also will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and facilitate the applicant's understanding of what constitutes "Lifeline-supported service," and ability to determine whether he or she is already benefiting from Lifeline support by identifying the leading wireline and wireless Lifeline offerings in the relevant market by brand name.

Boomerang's Lifeline application forms will require each applicant to provide his or her name and primary residential address and a billing address for the service if the consumer's billing address differs from his or her residential address. The application form will clearly state that Lifeline participants must provide their new address to the Company within 30 days of moving. Boomerang will incorporate this information into its customer information database.

Prior to initiating service for a customer, the Company will check the address of each Lifeline applicant against the CGM compiled database to determine whether or not it is associated with a customer that already receives Boomerang Lifeline service, and will then review the application to

ascertain whether the applicant is attempting to receive Lifeline-supported service for more than one service associated with the address. Boomerang Wireless has aligned with CGM, LLC of Roswell, Georgia, a Lifeline service bureau, to participate in the only national effort to match ETC applications against current ETC participants. This recognized compliance software provider is working across the industry to help minimize duplicate service to eligible households. CGM's growing database currently includes more than two million of the 15 million current ETC subscribers. As of this writing, it is, to Boomerang's knowledge, the largest pooled national database.

Boomerang has contracted with CGM to check each name/address combination against its aggregate duplicate database to confirm that the applicant is not already receiving a Lifeline subsidy from Boomerang or any other CGM client. The database dip is done simultaneously with customer sign-up through an API connection between Boomerang's provisioning platform and CGM. This check ensures that each applicant is not receiving a duplicate subsidy, as well as identifying those customers who share an address with current Boomerang customers and, therefore, may warrant further review. If Boomerang determines that an individual at the applicant's residential address is currently receiving Lifeline-supported service, the Company will take an additional step to ensure that the applicant and the current subscriber are part of different households. In order to make this demonstration, Boomerang will require applicants to complete and submit to the Company a written document developed by USAC consistent with the Commission's directions in the Lifeline Reform Order.<sup>11</sup> Boomerang will deny the Lifeline application of any such individual residing at the same address as a current Lifeline subscriber who is part of the same household and will advise the applicant of the basis for the denial.

Prior to requesting a subsidy, Boomerang, in conjunction with CGM, will process and validate its subsidy data to prevent duplicate same-month Lifeline subsidies. Any household that is already receiving a Lifeline subsidy will automatically be prevented from receiving a second Lifeline subsidy in that same month. Boomerang will immediately de-enroll any subscriber whom Boomerang knows

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<sup>11</sup> See Lifeline Reform Order ¶ 84.

is receiving Lifeline-supported service from another ETC or knows is no longer eligible. Additionally, each month, CGM will process and validate the Company's subsidy data to prevent: (1) duplicate same-month Lifeline subsidies (Double Dip): any name/address that is already receiving a Lifeline subsidy from the Company will be automatically prevented from receiving a second Lifeline subsidy in that same month; and (2) inactive lines receiving subsidy. CGM's audits also compare all subsidy requests to Boomerang's underlying carrier invoice to ensure that subsidies are requested only for active lines. This process ensures that Boomerang does not request multiple subsidies from the Universal Service Fund.

In addition, prior to requesting a subsidy, Boomerang will ensure that the customer has activated the service in accordance with the Commission's requirements. Boomerang will provide phone activation instructions in a welcome package provided with the handset and, at events, will review these instructions with the customer. The activation process will allow the end user to proactively establish service and have an opportunity to receive additional training on the device and services available.

### **C. Procedures for Verification of Ongoing Consumer Eligibility**

As required by the Commission's Lifeline Reform Order, Boomerang will require every customer enrolled in the Lifeline program to verify on an annual basis that he or she receives Lifeline-supported service only from Boomerang and, to the best of his or her knowledge, no one else in the subscriber's household is receiving a Lifeline-supported service. Boomerang will submit all required information to the relevant Tribal governments, as applicable, including its aggregated re-certification data and annual re-certification results for subscribers residing on reservations or Tribal lands. This re-certification may be done on a rolling basis throughout the year. Where ongoing eligibility cannot be determined through access to a qualifying database either by the Company or the state, and there is no state administrator verifying the continued eligibility of Lifeline subscribers, the Company will recertify the continued eligibility of all of its subscribers by contacting them— either in person, in writing, by phone, by text message, by email, or otherwise

through the Internet—to confirm their continued eligibility. Such certifications may be obtained through a written format, an IVR system, or a text message, in accordance with the Lifeline Reform Order.<sup>12</sup> In states where a state agency or a third party has implemented a database that carriers may query to recertify the consumer’s continued eligibility, the Company (or state agency or third party, where applicable) will instead query the database and maintain a record of what specific data was used to re-certify eligibility and the date of recertification.

Boomerang will notify each of its Lifeline consumers by mail that he or she must confirm his or her continued eligibility in accordance with the applicable requirements. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact Boomerang. Boomerang will provide written notice of impending service termination to subscribers who do not respond to the annual re-certification within 30 days. Any subscriber who does not respond to the impending termination letter within 30 days to demonstrate that his or her Lifeline service should not be terminated will be de-enrolled from the Company’s Lifeline program.

De-Enrollment for Ineligibility. If Boomerang has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, Boomerang will notify the subscriber of impending termination in writing and in compliance with any state dispute resolution procedures applicable to Lifeline termination, and give the subscriber 30 days to demonstrate continued eligibility.<sup>13</sup> A demonstration of eligibility must comply with the annual verification procedures found in new rule section 54.410(f), including the submission of a completed and signed certification form. If a customer contacts the Company and states that he or she is not eligible for Lifeline or wishes to de-enroll for any reason, the Company will de-enroll the customer within five business days. Customers can make this request by calling the Company's customer service number and will not be required to submit any documents.

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<sup>12</sup> See Lifeline Reform Order ¶¶ 130, 132.

<sup>13</sup> See Lifeline Reform Order, ¶ 143; 47 C.F.R. § 54.405(e)(1).

#### **IV. Additional Measures to Prevent Waste, Fraud and Abuse**

##### **A. Usage Requirement**

Boomerang will implement policies and procedures to ensure that it does not obtain Lifeline support for an inactive subscriber who has failed to use his or her service in the first instance or has discontinued using the service.

Boomerang will not seek universal service support for a qualifying low-income consumer until that individual subscriber uses the supported service to either activate the service or complete an outgoing call. Boomerang will provide phone activation instructions in its event and online or paper product packages. The activation process will allow the end user to proactively activate service and have an opportunity to receive additional training on the device and services available. Specifically, to activate service, customers will be instructed to call the Boomerang IVR, press "2" to activate the phone, and enter a PIN included in the Welcome Instructions the subscriber receives with the phone after the eligibility and enrollment process has been completed as described above. At that point, the IVR will notify the consumer that the Lifeline account is active. The IVR will inform the customer that the customer must use the service in order to keep the account active and provide options through a menu for obtaining additional information about the phone or the service and direct the customer to the Company's website for additional information. At in-person events, Boomerang will assist an individual with account activation upon being expressly authorized by the subscriber to activate the service.

To comply with the Commission's continued usage requirements, Boomerang will implement a non-usage policy whereby it will de-enroll Lifeline customers that have not used the Company's Lifeline service for 60 days. The customer will be given a 30 day cure period before they would be de-enrolled from the Lifeline service. Boomerang will notify its subscribers at service initiation about the non-transferability of the phone service, its usage requirements, and the de-enrollment and deactivation that will result following non-usage in any 60-day period of time. If no usage appears on a Boomerang Lifeline customer's account during any continuous 60-day period, Boomerang will

deactivate Lifeline services for that customer after the 30 day notification & cure period. An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from Boomerang to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than Boomerang, its representative, or agent; or affirmatively responds to a direct contact from Boomerang confirming that he or she wants to continue receiving the Lifeline-supported service.

Boomerang will take measures to continue to communicate with the customer to ensure the customer understands the rules and requirements of the benefits. Boomerang has direct control over customer databases and communication tools including: SMS messaging, outbound calling, IVR messaging and direct mail communications. For example, if a customer has 45 days of non-usage, Boomerang can text them to remind them about the non-usage rules.

#### **B. Consumer Education with Respect to Duplicates**

As required by the Lifeline Reform Order, Boomerang will establish safeguards to prohibit more than one supported service for each household. In addition to its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, Boomerang will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household, including use and development of an appropriate database.

Specifically, Boomerang personnel will emphasize the one-per-household restriction in their direct sales contacts with potential customers. At the point of sale, potential customers will be provided with printed information describing Boomerang's Lifeline program, including eligibility requirements, and instructions for enrolling. As part of these printed materials, Boomerang will also reinforce the one-Lifeline-benefit-per-household limitation. Materials from USAC, that have been or will be developed pursuant to the Lifeline Reform Order, may also be provided at the point of sale as dictated by a customer's responses. Boomerang will likewise reinforce and explain the one-per-household restriction in its marketing materials. The Company will emphasize in plain, easily

comprehensible language that: (1) Lifeline is a federal benefit; (2) Lifeline service is available for only one benefit or subscription per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; and (4) a household is not permitted to receive Lifeline benefits from multiple providers. Boomerang will also include in its marketing materials (see Exhibit C) substantially the following language in clear, easily understood language: the offering is a Lifeline-supported service; that Lifeline is a government assistance program; that only eligible consumers may enroll in the program; that documentation is necessary for enrollment; and the program is limited to one benefit per household, consisting of either wireline or wireless service. Finally, Boomerang will disclose the company name under which it does business and the details of its Lifeline service offerings.

### **C. Internal Audit and Compliance Training for Boomerang Customer Service**

In addition to detailed and thorough employee training, Boomerang will impose disciplinary actions on employees who fail to abide by the requirements for determining eligibility for the Lifeline benefit. Beyond the instructions for field and event training, Boomerang will provide its customer service personnel with internal audit and compliance training. For incoming paper applications, Boomerang will have a 100% compliance checklist to check applications for fraud and duplication. The employee must check whether all fields on the certification and enrollment form are complete, whether all necessary eligibility documents are attached, whether the eligibility documents align with the information on the form, whether the handwriting is unique, whether all attestations are initialed, and whether the form is signed.

For in-person and event outreach, in addition to the onsite eligibility determinations, a Boomerang compliance officer will randomly check a representative sample of 3% to 10% of applications as an additional check for errors or omissions or any sign of fraud. If the compliance officer detects potential fraud or abuse in the application process, the affected applications will be denied.

## **V. Lifeline Offering**

Boomerang's marketing efforts will be 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 will enroll Lifeline customers through several different marketing channels. 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. Boomerang anticipates that, while most of its outreach will succeed via direct contact with consumers, potential subscribers will also be able to avail themselves of a toll-free number (inbound telemarketing) or website to obtain enrollment information. Boomerang also has plans to offer its services through retail stores and agents who understand the underserved consumers in communities Boomerang would service as an ETC. National retail chains have expressed interest in partnering with Boomerang to support the Lifeline service and outreach to underserved eligible populations. Boomerang has partnered with retailers to use parking lots as locations for event-based outreach.

enMarket, Boomerang's sister event marketing and distribution company, will use demographic segmentation information to identify locations of populations with great need. The neighborhood marketing program will reach Tier 3 and Tier 4 and smaller communities where the population has not seen an influx of Lifeline service providers. enMarket will organize positive and informative neighborhood events to create a local presence.

The Company has a long history with retail distribution. If Boomerang is granted ETC designation, it is prepared to work with several national companies to explore unique, focused Lifeline program marketing.

Boomerang will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying carriers. Boomerang has direct underlying agreements with Sprint and Verizon today. Negotiations are underway for the addition of a national

GSM provider. The company will use these network relationships to ensure a good product experience for ETC consumers.

The Company's Lifeline offering will provide eligible customers with the following two Lifeline plans: (1) 125 units that rollover where 1 minute equals 1 unit and 1 text equals 1 unit, and (2) 250 units without rollover where 1 minute equals 1 unit and 1 text equals 1 unit. Customers will have the capability of purchasing additional bundles of minutes in the following denominations:

Denomination	\$5.00	\$10.00	\$10.00	\$15.00	\$15.00	\$30.00	\$30.00	\$50.00	\$7.00	\$20.00	\$30.00
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 Miniutes		Unlmt	Unlmt	Unlmt	Unlmt	Unlmt	Unlmt	Unlmt			
Texts		Unlmt	.10/text	Unlmt	.10/text	Unlmt	.10/text	Unlmt	200	1,000	1,200
Units (Min+Text)	50										

In addition to free voice services, Boomerang's Lifeline plans will include a free handset and the following features: caller ID, call waiting and voicemail. Boomerang will turn on the data capability for all of our handsets. This will allow customers to add a data plan to their phone service.

As a provider of Lifeline services to residents of Tribal lands, Boomerang will pass through the full Tribal support amount to qualifying residents of Tribal lands, and under no circumstances will it collect from the Universal Service Fund more than the rate charged to Tribal subscribers.

**VI. Demonstration of Financial and Technical Ability to Provide Lifeline Services**

Revised Commission Rule 54.202 requires carriers seeking designation as a Lifeline-only ETC to demonstrate their technical and financial capacity to provide the supported service. Among the factors that the Commission will consider are whether the applicant previously offered services to non-Lifeline consumers, how long the applicant 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.

Boomerang's parent company, HH Ventures, is a privately held cash-flow-positive wireless telecommunications holding company. HH Ventures has been providing prepaid wireless telecommunications services to non-Lifeline subscribers since 2008. Its core management team includes six senior executives with significant telecommunications experience, and the company employs 40 full time employees.

Boomerang currently provides prepaid wireless services to more than 350,000 subscribers, including more than 50,000 retail customers. The company currently provides a complete wholesale, MVNE platform to several ETCs and other white label partners.

Boomerang does not intend to rely exclusively on USF disbursements to operate, as it receives revenue from providing other services. For the 2011 calendar year, Boomerang and its sister company received no direct USF reimbursement for Lifeline support; 17% of revenue was generated from wireless resale services provided to ETCs,<sup>14</sup> 52% of revenue was generated from wireless retail services, and 31% of revenue was generated from other non-regulated telecom services. Boomerang has not been subject to enforcement actions or ETC revocation proceedings in any state.

Boomerang certifies that it will comply with all of the requirements of newly amended Commission Rule 54.202. Pursuant to Commission Rule 54.202(a)(1)(i) Boomerang certifies that it will comply with the service requirements applicable to the support it receives. Further, Section 54.202 requires that an ETC demonstrate its "ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations."

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<sup>14</sup> In 2011, Boomerang only entered into wholesale MVNE arrangements with designated ETCs. This year, Boomerang has entered into arrangements with other, non-ETC, white label partners.

Boomerang will remain functional in emergencies. Back-up systems are in place to ensure full functionality in the event of a loss of power or network functionality. And, Boomerang's 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. 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.

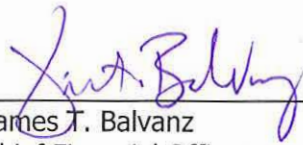
Direct carrier access with Sprint and Verizon networks provides additional tools to escalate network or hardware issues encountered on a local or regional basis. Contractual arrangements include direct escalation processes for tiered support depending on outage severity and number of customers affected.

Section 54.202 also requires ETC applicants to demonstrate that they will satisfy applicable consumer protection and service quality standards. Boomerang hereby commits to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.

## Conclusion

Boomerang's Compliance Plan meets the conditions set forth in the Lifeline Reform Order and promotes public safety by ensuring that Lifeline customers have access to 911 and E911 service. Boomerang requests that the Commission expeditiously approve the Company's Compliance Plan and grant its pending ETC Petition so that Boomerang may begin providing the benefits of Lifeline service to qualifying low-income consumers.

Respectfully submitted,

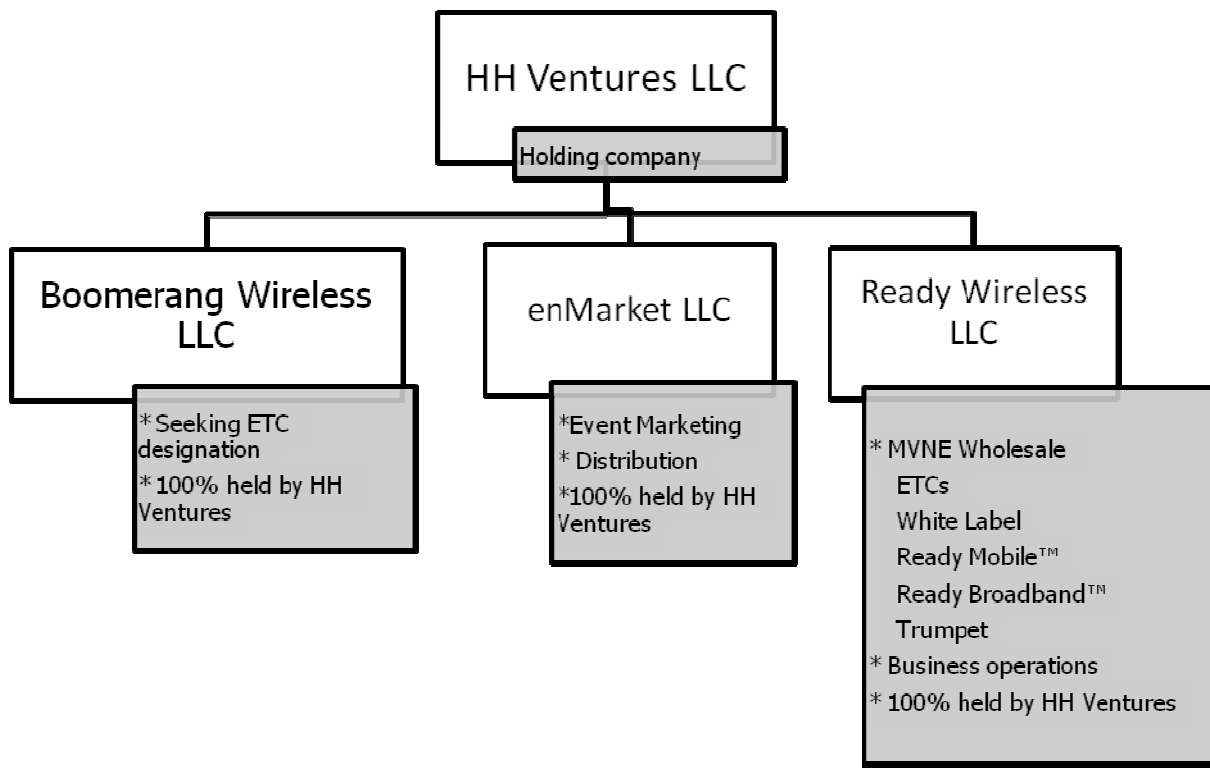


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James T. Balvanz  
Chief Financial Officer  
Boomerang Wireless, LLC  
(319) 743-4606  
[jbavanz@readywireless.com](mailto:jbavanz@readywireless.com)

July 26, 2012

**Exhibit A**



## **Exhibit B**



955 Kacena Road. Suite A  
 Hiawatha, IA 52233  
[www.boomerang-wireless.com](http://www.boomerang-wireless.com)

## Lifeline Program

Office Use Only  
 PLACE PHONE ID  
 STICKER HERE

### Lifeline Self-Certification Form

- To enroll in the Lifeline America program you need to complete this form.
- The information is only used to certify with the Federal Communications Commission (FCC) that you are participating in the program with us.

### Lifeline Service Disclosure

Lifeline is a government assistance program and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program. Only one lifeline benefit is available per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. Violation of the one per household limitation constitutes a violation of the Federal Communications Commission's rules and will result in your de-enrollment from the program, and lifeline is a non-transferable benefit and you may not transfer this benefit to any other person, regardless if they qualify for Lifeline.

### **STEP 1: Applicant Information**

**USE BLACK OR BLUE INK ONLY**

Full Name:	Phone:
Residential Address: Circle one: Permanent Address Temporary Address (No PO Box. Residence of Tribal lands must provide descriptive address.)	Email:
City:	New/ Conv?
State:	New Phone:
Zipcode:	ESN:
Billing Address: (if different) (if different)	Last 4 SSN or Tribal ID number:
City/ State/ Zipcode:	Your birthdate:

\_\_\_\_ (init) I acknowledge and consent to Boomerang Wireless divulging my name, telephone number and address to the Universal Service Administrative Company (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit. In the event that USAC identifies me as receiving more than one Lifeline subsidy per household, I acknowledge and understand that all carriers may be notified so that I may select one service and be de-enrolled from the other.

\*Applicants living on Tribal lands who lack a social security number may instead provide an official Tribal government identification card number.

### **STEP 2: Certifications. I participate in the following public assistance programs (check one):**

Supplemental Nutrition Assistance Program (SNAP)	National School Lunch Program (NSL)
Supplemental Security Income (SSI)	Medicaid
Low-Income Home Energy Assistance program (LIHEAP)	Food Distribution Program on Indian Reservations
Section 8 Federal Public Housing Assistance	Tribally administered TANF
Temporary Assistance for Needy Families (TANF)	Bureau of Indian Affairs General Assistance
	Tribally administered Head Start (meeting the income qualifications of Head Start.)

My household income is at or below 135% of federal guidelines. I provided documentation confirming my household income level. Number of people in your household: _____ (add \$5,346 per additional person above 6 to determine income guidelines)			
# Persons in Household	Income	# Persons in Household	Income
1	\$15,080	4	\$31,118
2	\$20,426	5	\$36,464
3	\$25,772	6	\$41,810

\_\_\_\_ (init) I am seeking Tribal lands Lifeline support and certify that I reside on Federally-recognized Tribal lands.

If you do not participate in one of these programs, and someone in your household does:

Relationship to Participant: \_\_\_\_\_  
 Documents Reviewed for Certification: \_\_\_\_\_  
 Name of Person Participating \_\_\_\_\_

- I certify that person demonstrating program participation is a member of my household.
- I certify that the person name on the participation documentation is not already receiving a Lifeline discount.



**STEP 3: Choose Your Plan:** Choose one of the following plans. This plan will be reloaded to your phone monthly as long as you are eligible & certified.

FEATURE/ DESCRIPTION	☑ 125 FREE MONTHLY MINUTES	☑ 250 FREE MONTHLY MINUTES
• Local Calls	Y	Y
• National Long Distance	Y	
• Voicemail	Y	Y
• Nationwide Text	Y- 1 text=1 minute	Y- 1 text=1 minute
• Free 411	Y	Y
• Carry Over Minutes Month to Month	Y	N

**Step 4: Signature (read, initial & sign):**

\_\_\_\_\_ (init) I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required to do so.

\_\_\_\_\_ (init) I understand that Lifeline is a federal government benefit program and that willfully making false statements in order to obtain this benefit can be punished by fine or imprisonment or I may be barred from the program.

\_\_\_\_\_ (init) My household will receive no more than one Lifeline-supported service. Lifeline service is available for only one subscription per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household is not permitted to receive Lifeline benefits from multiple providers. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the program, and could result in criminal prosecution by the United States government.

\_\_\_\_\_ (init) I understand that I must notify Boomerang Wireless and provide my new address within 30 days of moving.

\_\_\_\_\_ (init) If I do not have a permanent address and have supplied instead a temporary address above, I understand that Boomerang Wireless will attempt to verify every 90 days that I continue to rely on that address, and that I must notify Boomerang Wireless within 30 days of my new address after moving. If I do not respond to Boomerang Wireless' address verification attempts within 30 days, I understand that I may be de-enrolled from Boomerang Wireless' Lifeline service.

\_\_\_\_\_ (init) I understand that I must notify Boomerang Wireless within 30 days if (1) I cease to participate in a federal or state qualifying program or my annual household income exceeds 135 percent of the federal poverty guidelines; (2) I receive more than one Lifeline-supported service; or (3) Another member of my household is receiving a Lifeline benefit or (4) I for any other reason no longer satisfy the criteria for receiving Lifeline support. I understand that I will be subject to penalties if I fail to follow this notification requirement, including being de-enrolled from the Lifeline program.

\_\_\_\_\_ (init) I understand and acknowledge that Lifeline service is a non-transferable benefit and that I may not transfer my service to any other individual, including another low-income consumer.

\_\_\_\_\_ (init) I acknowledge that I will be required to re-certify my eligibility for Lifeline benefits annually, and I may be required to re-certify my continued eligibility for Lifeline at any time, and that failure to do so will result in the termination of my Lifeline benefits.

\_\_\_\_\_ (init) I attest under penalty of perjury that the information herein is true and correct to the best of my knowledge.

Applicants Signature. \_\_\_\_\_

Date \_\_\_\_\_

## Exhibit C

# Eligibility Requirements

Lifeline is a federal benefit. You can receive a discount on your phone service. Documentation of your eligibility for this government assistance program is required.

**1) You, or one of your dependents, participates in one of these programs:**

Supplemental Nutrition Assistance Program (SNAP)	Temporary Assistance for Needy Families (TANF)
Supplemental Security Income (SSI)	National School Lunch Program (NSL)
Low-Income Heat & Energy Assistance (LIHEAP)	Medicaid
Homestead Act (Public Housing)	Food Distribution Program on Indian Reservations. Bureau of Indian Affairs general assistance. Tribally administered TANF or Head Start (meeting the income-qualifying standards of Head Start)

**2) Limit 1 Lifeline benefit per household.**

*One Lifeline program (wireline or wireless) per household. Household is defined as an individual or group of individuals living together at the same address and share income and expenses. A household is not permitted to receive Lifeline benefits from multiple providers.*

**3) If I am not in qualifying program, I may participate if income qualified.**

# Persons in Household	Income
1	\$15,080
2	\$20,426
3	\$25,772
4	\$31,118

**4) Must have valid physical address.**

*Notify Boomerang Wireless of any change of address by calling 800-516-0414.*

**5) Cannot choose phone model or phone number**

*You are not able to choose the free handset, trade free handsets, or choose the phone number on the free handset.*

**6) Recertify annually that you remain eligible for the Lifeline benefits.**

*Lifeline is a government assistance program. Once you receive the Lifeline benefit, you must complete the annual recertification process. Learn more in your welcome package.*

**7) Must be truthful in application process.**

*WARNING: If you make false statements to gain benefits, you can be punished by fine or imprisonment or you can be barred from the Lifeline program.*

**8) Complete the application.**

*Be prepared to complete the application truthfully & accurately. You can print the application, submit online or attend one of our neighborhood events. You will need documentation for application process to include: Proof of identity ( i.e. Drivers License); Program eligibility documentation: Current statement of benefits from qualifying program, notice letter of participation, program document (i.e. SSI card), Income eligibility documents (i.e. tax return, paycheck stub, VA benefit statements)*

# **EXHIBIT D**

**Boomerang Wireless d/b/a enTouch Wireless  
New York Coverage Area Zip Codes**

06390	10112	10456	10530	10701	10960	11102
10001	10115	10457	10532	10703	10962	11103
10002	10119	10458	10533	10704	10963	11104
10003	10128	10459	10535	10705	10964	11105
10004	10152	10460	10536	10706	10965	11106
10005	10153	10461	10537	10707	10968	11109
10006	10154	10462	10538	10708	10969	11201
10007	10162	10463	10541	10709	10970	11203
10009	10165	10464	10543	10710	10973	11204
10010	10167	10465	10546	10801	10974	11205
10011	10168	10466	10547	10803	10975	11206
10012	10169	10467	10548	10804	10976	11207
10013	10170	10468	10549	10805	10977	11208
10014	10171	10469	10550	10901	10979	11209
10016	10172	10470	10552	10910	10980	11210
10017	10173	10471	10553	10911	10983	11211
10018	10174	10472	10560	10913	10984	11212
10019	10177	10473	10562	10914	10985	11213
10020	10199	10474	10566	10915	10986	11214
10021	10271	10475	10567	10916	10987	11215
10022	10278	10501	10570	10917	10988	11216
10023	10279	10502	10573	10918	10989	11217
10024	10280	10503	10576	10919	10990	11218
10025	10281	10504	10577	10920	10992	11219
10026	10282	10505	10578	10921	10993	11220
10027	10301	10506	10579	10922	10994	11221
10028	10302	10507	10580	10923	10996	11222
10029	10303	10509	10583	10924	10998	11223
10030	10304	10510	10588	10925	11001	11224
10031	10305	10511	10589	10926	11003	11225
10032	10306	10512	10590	10927	11004	11226
10033	10307	10514	10591	10928	11005	11228
10034	10308	10516	10594	10930	11010	11229
10035	10309	10517	10595	10931	11020	11230
10036	10310	10518	10596	10933	11021	11231
10037	10311	10519	10597	10940	11023	11232
10038	10312	10520	10598	10941	11024	11233
10039	10314	10522	10601	10950	11030	11234
10040	10451	10523	10603	10952	11040	11235
10044	10452	10524	10604	10953	11042	11236
10103	10453	10526	10605	10954	11050	11237
10110	10454	10527	10606	10956	11096	11238
10111	10455	10528	10607	10958	11101	11239

**Boomerang Wireless d/b/a enTouch Wireless  
New York Coverage Area Zip Codes**

11249	11424	11570	11735	11792	11968	12056
11251	11425	11572	11738	11793	11970	12057
11252	11426	11575	11739	11794	11971	12058
11351	11427	11576	11740	11795	11972	12059
11354	11428	11577	11741	11796	11973	12060
11355	11429	11579	11742	11797	11975	12061
11356	11430	11580	11743	11798	11976	12062
11357	11432	11581	11746	11801	11977	12063
11358	11433	11590	11747	11803	11978	12064
11359	11434	11596	11749	11804	11980	12065
11360	11435	11598	11751	11901	12007	12066
11361	11436	11691	11752	11930	12008	12067
11362	11439	11692	11753	11931	12009	12068
11363	11451	11693	11754	11932	12010	12069
11364	11501	11694	11755	11933	12015	12070
11365	11507	11697	11756	11934	12017	12071
11366	11509	11701	11757	11935	12018	12072
11367	11510	11702	11758	11937	12019	12074
11368	11514	11703	11762	11939	12020	12075
11369	11516	11704	11763	11940	12022	12076
11370	11518	11705	11764	11941	12023	12077
11371	11520	11706	11765	11942	12024	12078
11372	11530	11709	11766	11944	12025	12083
11373	11542	11710	11767	11946	12027	12084
11374	11545	11713	11768	11947	12028	12085
11375	11547	11714	11769	11948	12029	12086
11377	11548	11715	11770	11949	12031	12087
11378	11549	11716	11771	11950	12032	12090
11379	11550	11717	11772	11951	12033	12092
11385	11552	11718	11776	11952	12035	12093
11411	11553	11719	11777	11953	12036	12094
11412	11554	11720	11778	11954	12037	12095
11413	11556	11721	11779	11955	12040	12106
11414	11557	11722	11780	11956	12041	12108
11415	11558	11724	11782	11957	12042	12110
11416	11559	11725	11783	11958	12043	12115
11417	11560	11726	11784	11959	12045	12116
11418	11561	11727	11786	11960	12046	12117
11419	11563	11729	11787	11961	12047	12118
11420	11565	11730	11788	11962	12051	12120
11421	11566	11731	11789	11963	12052	12121
11422	11568	11732	11790	11964	12053	12122
11423	11569	11733	11791	11967	12054	12123

**Boomerang Wireless d/b/a enTouch Wireless  
New York Coverage Area Zip Codes**

12124	12184	12414	12464	12522	12589	12767
12125	12185	12416	12465	12523	12590	12768
12130	12186	12417	12466	12524	12592	12769
12131	12187	12418	12468	12525	12594	12770
12132	12188	12419	12469	12526	12601	12771
12134	12189	12420	12470	12527	12603	12775
12136	12190	12421	12471	12528	12604	12776
12137	12192	12422	12472	12529	12701	12777
12138	12193	12423	12473	12530	12719	12778
12139	12194	12424	12474	12531	12720	12779
12140	12195	12427	12475	12533	12721	12780
12143	12196	12428	12477	12534	12722	12781
12144	12197	12429	12480	12538	12723	12783
12147	12198	12430	12481	12540	12725	12784
12148	12202	12431	12482	12542	12726	12785
12149	12203	12432	12483	12543	12729	12786
12150	12204	12433	12484	12545	12732	12787
12151	12205	12434	12485	12546	12733	12788
12153	12206	12435	12486	12547	12734	12789
12154	12207	12436	12487	12548	12736	12790
12155	12208	12438	12489	12549	12737	12791
12156	12209	12439	12490	12550	12738	12792
12157	12210	12440	12491	12553	12740	12801
12158	12211	12441	12492	12561	12741	12803
12159	12222	12442	12493	12563	12742	12804
12160	12302	12443	12494	12564	12743	12808
12161	12303	12444	12495	12565	12745	12809
12164	12304	12446	12496	12566	12746	12810
12165	12305	12448	12498	12567	12747	12811
12166	12306	12449	12501	12569	12748	12812
12167	12307	12450	12502	12570	12749	12814
12168	12308	12451	12503	12571	12750	12815
12169	12309	12452	12504	12572	12751	12816
12170	12401	12453	12507	12574	12752	12817
12172	12404	12454	12508	12575	12754	12819
12173	12405	12455	12512	12577	12758	12821
12174	12406	12456	12513	12578	12759	12822
12175	12407	12457	12514	12580	12760	12823
12176	12409	12458	12515	12581	12762	12824
12177	12410	12459	12516	12582	12763	12827
12180	12411	12460	12517	12583	12764	12828
12182	12412	12461	12518	12585	12765	12831
12183	12413	12463	12521	12586	12766	12832

**Boomerang Wireless d/b/a enTouch Wireless  
New York Coverage Area Zip Codes**

12833	12901	12962	13040	13113	13207	13338
12834	12903	12964	13041	13114	13208	13339
12835	12910	12965	13042	13115	13209	13340
12836	12911	12966	13044	13116	13210	13341
12837	12912	12967	13045	13117	13211	13342
12838	12913	12969	13051	13118	13212	13343
12839	12914	12970	13052	13120	13214	13345
12841	12916	12972	13053	13122	13215	13346
12842	12917	12973	13054	13123	13219	13348
12843	12918	12974	13057	13124	13224	13350
12844	12919	12975	13060	13126	13244	13352
12845	12920	12976	13061	13131	13290	13353
12846	12921	12977	13062	13132	13301	13354
12847	12922	12978	13063	13134	13302	13355
12849	12923	12979	13064	13135	13303	13357
12850	12924	12980	13065	13136	13304	13360
12851	12926	12981	13066	13138	13305	13361
12852	12927	12983	13068	13140	13308	13362
12853	12928	12985	13069	13141	13309	13363
12854	12929	12986	13071	13142	13310	13364
12855	12930	12987	13072	13143	13312	13365
12856	12932	12989	13073	13144	13313	13367
12857	12934	12992	13074	13145	13314	13368
12858	12935	12993	13076	13146	13315	13402
12859	12936	12996	13077	13147	13316	13403
12860	12937	12997	13078	13148	13317	13404
12861	12939	12998	13080	13152	13318	13406
12862	12941	13020	13081	13155	13319	13407
12863	12942	13021	13082	13156	13320	13408
12864	12943	13024	13083	13157	13322	13409
12865	12944	13026	13084	13158	13323	13410
12866	12945	13027	13087	13159	13324	13411
12870	12946	13028	13088	13160	13325	13413
12871	12950	13029	13090	13163	13326	13415
12872	12952	13030	13092	13164	13327	13416
12873	12953	13031	13101	13165	13328	13417
12874	12955	13032	13102	13166	13329	13418
12878	12956	13033	13103	13167	13331	13420
12883	12957	13034	13104	13202	13332	13421
12884	12958	13035	13108	13203	13333	13424
12885	12959	13036	13110	13204	13334	13425
12886	12960	13037	13111	13205	13335	13426
12887	12961	13039	13112	13206	13337	13428

**Boomerang Wireless d/b/a enTouch Wireless  
New York Coverage Area Zip Codes**

13431	13601	13654	13739	13813	14013	14083
13433	13602	13655	13740	13815	14020	14085
13435	13603	13656	13743	13820	14024	14086
13436	13605	13658	13744	13825	14025	14091
13437	13606	13659	13746	13826	14026	14092
13438	13607	13660	13748	13827	14028	14094
13439	13608	13661	13750	13830	14030	14098
13440	13611	13662	13751	13832	14031	14101
13441	13612	13664	13752	13833	14032	14102
13450	13613	13665	13753	13834	14033	14103
13452	13614	13666	13754	13835	14034	14105
13454	13615	13667	13755	13838	14036	14108
13456	13616	13668	13756	13839	14037	14111
13459	13617	13669	13757	13841	14039	14112
13460	13618	13670	13760	13842	14040	14113
13461	13619	13672	13774	13843	14041	14120
13464	13620	13673	13775	13844	14042	14125
13468	13621	13674	13776	13845	14043	14126
13469	13622	13675	13777	13846	14047	14127
13470	13623	13676	13778	13847	14048	14129
13471	13624	13677	13780	13849	14051	14130
13472	13625	13678	13782	13850	14052	14131
13473	13626	13679	13783	13856	14054	14132
13475	13628	13680	13784	13859	14055	14134
13476	13630	13681	13786	13860	14056	14135
13477	13633	13682	13787	13861	14057	14136
13478	13634	13684	13788	13862	14058	14138
13480	13635	13685	13790	13863	14059	14139
13482	13636	13687	13794	13864	14060	14141
13483	13637	13690	13795	13865	14061	14143
13484	13638	13691	13796	13901	14062	14145
13485	13639	13693	13797	13902	14063	14150
13486	13640	13694	13801	13903	14065	14166
13488	13641	13695	13802	13904	14066	14167
13489	13642	13696	13803	13905	14067	14168
13490	13643	13697	13804	14001	14068	14170
13491	13646	13699	13806	14004	14069	14171
13492	13647	13730	13807	14005	14070	14172
13493	13648	13731	13808	14006	14072	14173
13494	13649	13732	13809	14008	14075	14174
13495	13650	13733	13810	14009	14080	14201
13501	13651	13734	13811	14011	14081	14202
13502	13652	13736	13812	14012	14082	14203

**Boomerang Wireless d/b/a enTouch Wireless  
New York Coverage Area Zip Codes**

14204	14432	14519	14605	14726	14803	14860
14206	14433	14521	14606	14727	14804	14861
14207	14435	14522	14607	14728	14805	14864
14208	14437	14525	14608	14729	14806	14865
14209	14441	14526	14609	14731	14807	14867
14210	14445	14527	14610	14732	14808	14869
14211	14450	14529	14611	14733	14809	14870
14212	14454	14530	14612	14735	14810	14871
14213	14456	14532	14613	14736	14812	14872
14214	14462	14533	14614	14737	14813	14873
14215	14463	14534	14615	14738	14814	14874
14216	14464	14536	14616	14739	14815	14877
14217	14466	14537	14617	14740	14816	14878
14218	14467	14539	14618	14741	14817	14879
14219	14468	14541	14619	14742	14818	14880
14220	14469	14542	14620	14743	14819	14881
14221	14470	14543	14621	14744	14820	14882
14222	14471	14544	14622	14747	14821	14883
14223	14472	14545	14623	14748	14822	14884
14224	14475	14546	14624	14750	14823	14885
14225	14476	14548	14625	14753	14824	14886
14226	14477	14549	14626	14754	14825	14889
14227	14478	14550	14627	14755	14826	14891
14228	14479	14551	14642	14756	14827	14892
14260	14480	14555	14701	14757	14830	14893
14261	14481	14557	14706	14760	14836	14894
14301	14482	14559	14707	14767	14837	14895
14302	14485	14560	14708	14769	14838	14897
14303	14486	14561	14709	14770	14839	14898
14304	14487	14564	14710	14772	14840	14901
14305	14489	14568	14711	14774	14841	14903
14411	14502	14569	14712	14775	14842	14904
14414	14504	14571	14714	14777	14843	14905
14415	14505	14572	14715	14778	14845	
14416	14506	14580	14716	14779	14846	
14418	14507	14585	14717	14781	14847	
14420	14510	14586	14718	14782	14850	
14422	14511	14588	14719	14783	14853	
14423	14512	14589	14720	14784	14854	
14424	14513	14590	14721	14787	14855	
14425	14514	14591	14722	14788	14856	
14427	14516	14592	14723	14801	14858	
14428	14517	14604	14724	14802	14859	

# **EXHIBIT E**

**ViaOne Services:**

**David Dorwart, CEO and Chairman**

Dave is an accomplished Chief Executive with a unique blend of Leadership, Sales, and Operational experience spanning over 30 years. With a demonstrated ability to influence organizational growth, increase market share, and identify/develop new revenue opportunities, he exercises motivational leadership skills to drive the success of multiple businesses. He has pioneered in various business environments, and possesses proficient expertise within the Telecommunications and Energy Industries.

**JD Hilzendager, Executive Vice President and General Manager**

JD has spent close to 2 decades in the wireless space across multiple roles ranging from Market Development, Sales Operations and Executive Leadership. His time in the major Telecoms like Verizon, Sprint and AT&T gave him invaluable experience at operating in companies at scale. He spent time in those companies' emerging enterprise sectors helping develop new brands and sales channels to bring to market. He has been an award winning leader at all 3 of those companies and brings that experience and passion for growth to ViaOne Services.

**Domenic Fontana, Senior Vice President Finance**

Domenic joined ViaOne Services in January of 2013 as Vice President of Finance. He has spent a decade working in the telecom field honing his skills in accounting, finance, and treasury duties. Domenic works in concert with the compliance department to make sure all practices and accounting procedures are in alignment with the law. His personal time is spent with his family and giving back to his community.

**Scott Jeffrey, Vice President Sales and Operations**

Scott has 12+ years of wireless experience including retail sales, operations, and merchandising. He launched Verizon Wireless at RadioShack and owned Postpaid and Prepaid P&Ls for 4,000+ locations. Scott is highly skilled in project management and certified with PMP and Scrum Master in SAFe Agile. He is an expert in Workforce Management and led the development team responsible for bi-weekly payroll services at Walmart amassing over \$1.2B on a weekly basis. Scott is the President of S&A Solutions, a workforce management consulting company.

Scott received his Bachelor's from University of North Texas.

**Lesli Rowe, Director of Regulatory Affairs**

Lesli joined ViaOne Services in early 2017 with almost a decade of experience overseeing the day-to-day operations and staff assigned to a variety of projects. She has demonstrated ability coordinating between multiple departments at all levels of the organization and in different locations across large regions with a proven track record motivating teams to achieve beyond organizational goals while remaining within budgets and on schedule.

Lesli is a graduate of West Texas A&M University with a Bachelors in Mass Communications and Advertising/Public Relations.

### **Jordan Axt, Vice President of Marketing**

Jordan Axt is a results-producing marketing executive with more than 18 years of experience developing marketing and branding strategies that effectively position companies' values, products, and services in the marketplace for both B2C and B2B organizations. Jordan is currently Vice President of Marketing at ViaOne Services where he develops all marketing and acquisition strategies for many consumers facing ViaOne brands. Jordan and his team work closely with the compliance team to ensure state and federal regulations are followed regarding marketing practices and required customer communications. Additionally, Jordan holds a board position with the publicly traded company, Good Gaming, Inc. (OTCQB Ticker Symbol: GMER) He was acknowledged in the book "Earning Success" by Bill Lisowski and John Mengelson and has been quoted by GD USA Magazine, eMarketer, and Multichannel Merchant Publications. Jordan joined ViaOne services in 2014.

### **Boomerang Wireless, LLC**

#### **Dennis Henderson, CEO & Owner**

Dennis Henderson is the CEO and co-founder of HH Ventures, Ready Wireless LLC and Boomerang Wireless, LLC. In this, Dennis is responsible for the strategic vision, executive team development, and senior relationships with key suppliers, investors and partners. During his tenure, the company has experienced significant growth, and has delivered profitable results to shareholders.

In his 30 year career in the telecommunications industry, Dennis has held senior level positions in high growth, entrepreneurial companies including McLeod USA. This background afforded him insight into both carrier and distribution business models, including work with the leading national US wireless carriers, top tier retailers, and C-level executives in enterprise accounts. His industry relationships and creative approach to partnering has led Ready Wireless to become a significant aggregator of MVNO's in the United States. His successes include building Ready Mobile PCS, a prepaid wireless brand powered by Ready Wireless, which boasts distribution through 80K retail rooftops, a strong ecommerce business and emerging mobile commerce revenues.

Dennis was awarded the Corridor Business Journal Entrepreneur of the Year in 2009. He holds a BA and MBA from the University of Iowa.

#### **Dana Pinter Karasek, Vice President Administration**

Dana Pinter Karasek has 25 years in the Telecommunications industry, most of it as an experienced telecommunications and IoT executive with an extensive record of directing and building high-priority and highly visible initiatives, programs, and projects by leading strategic cross-functional teams that deliver results. Dana is responsible for program and vendor management with our systems partners, vendor partners, and clients ensuring our programs are implemented and profitable.

Dana is a graduate of the University of Iowa and holds a BBA.

**Bryce Moore, Director of Technology \***

Bryce Moore has more than 20 years of experience in Telecommunications. He is responsible for day-to-day operations of current IT staff, long-term planning and strategy of physical and virtual infrastructure, and managing external vendors and consultants. With his ability to speak to both business and technology concerns, Bryce has spent over two decades building and maintaining strong disparate data integrations and data manipulation processes that make small technical teams more efficient while providing the power of large-scale data management to business and financial teams.

Bryce has a BA from Wichita State University in Kansas.

**Julia Redman-Carter, Regulatory and Compliance Officer \***

Julia Redman-Carter has had a successful 35 year career in the telecommunications industry, with over 28 years focused on regulatory and compliance roles. For major carriers, including US West, McLeod USA and PAETEC, she has worked directly with Public Utility Commissions and national organizations. Her expertise includes translating federal and state legislation into methods and procedures that ensure the company is aligned with regulatory requirements. She is skilled at creating audit management processes and systems which monitor and report on the company compliance history. The systems and processes she creates allow for broad communication across the organization ensuring all individuals are trained in their roles related to meeting federal and state guidelines. Julia's responsibilities over the last 9-year tenure with Boomerang have been to build the enTouch Wireless regulatory and compliance programs which are aligned with the evolving dynamic industry.

Other skill sets Julia has developed include telecommunications interconnection negotiations, and merger and acquisition due diligence. Her attention to detail and understanding of the legal and business ramifications of decisions makes her a trusted partner and advisor.

Julia holds a BA from Metropolitan State College in Denver, Colorado and a JD from the University of Colorado in Boulder.

*\* Bryce and Julia will remain with Boomerang Wireless, LLC, performing their same functions through the transition from HH Ventures to ViaOne Acquisition Company, LLC and beyond.*