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THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PETITION OF
AT&T OHIO SEEKING TO RELINQUISH
ITS ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION IN A PORTION
OF ITS SERVICE TERRITORY.

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)
) Case No. 17-1948-TP-UNC
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COMMENTS OF BOOMERANG WIRELESS, LLC
IN RESPONSE TO JUNE 28, 2018 ORDER

COMES NOW Boomerang Wireless, LLC d/b/a enTouch Wireless ("Boomerang" or the "Company") and files these Comments in response to the Commission's June 28, 2018 Order requiring that Boomerang submit comments regarding its willingness and ability to continue to serve eligible Lifeline subscribers, providing the federal discount, within its service territory if AT&T Ohio (AT&T) is permitted to relinquish its eligible telecommunications carrier ("ETC") designation in the majority of its service area in Ohio.

Boomerang was originally granted ETC status by the Commission on January 30, 2013 throughout the service areas approved in Case No. 12-2428-TP-UNC. Boomerang's ETC application included a copy of Boomerang's compliance plan, filed with the Federal Communications Commission's (FCC) on February 24, 2012 with the FCC seeking forbearance from the "own facilities" requirement based on the terms of the FCC's Report and Order and Further Notice of Proposed Rulemaking in WC Docket No. 11-42 released on February 6, 2012 (*Lifeline Reform Order*).¹ The compliance plan was later amended by Boomerang, and was

¹ *In the Matter of Lifeline and Link Up Reform and Modernization* (WC Docket No. 11-42), *Lifeline and Link Up* (WC Docket No. 03-109), *Federal-State Joint Board on Universal Service* (CC Docket No. 96-45), *Advancing Broadband Availability through Digital Literacy Training* (WC Docket No. 12-23), Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 12-11, *rel'd* February 6, 2012 (*Lifeline Reform Order*). In this order, directory assistance and operator services, among other things, were removed from the list of supported services under voice telephony. As a result, many Lifeline-only ETC's

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approved by the FCC on August 8, 2012. On July 9, 2015, Boomerang filed notice of its expanded service area with the Public Utilities Commission of Ohio expanding its service areas in the state of Ohio. On March 10, 2016, Boomerang filed a notice of its expanded service area to include some of the Ameritech, Ohio exchanges.

It is Boomerang's intent to continue to make available its wireless Lifeline service with the federal discount to its current subscribers and all qualifying applicants that it is able to serve. As has been disclosed in its original application and notices for expansions, Boomerang offers Lifeline service through the resale of facilities-based wireless carriers' services and networks. This Commission is aware that the FCC is considering whether to disallow the participation of wireless resellers in the Lifeline program altogether.² Boomerang appreciates that this Commission filed comments with the FCC on February 21, 2018 in the pending NPRM opposing the elimination of support for non-facilities-based Lifeline providers.³ Boomerang, through its participation in the National Lifeline Association, has actively opposed this and other proposals in the NPRM that would greatly harm Boomerang's ability to continue to provide Lifeline service.⁴

did not meet the facilities based requirement. Thus, the FCC found that a blanket forbearance was necessary for carriers seeking to provide Lifeline-only service.

² See 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, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155 (rel. Dec. 1, 2017), §§ 67 - 73.

³ See Comments of the Public Utilities Commission of Ohio, WC Docket No. 17-287 et al. (filed Feb. 21, 2018).

⁴ See Comments of the National Lifeline Association, WC Docket No. 17-287 et al. (filed Feb. 21, 2018); Reply Comments of the National Lifeline Association, WC Docket No. 17-287 et al. (filed Mar. 23, 2018); *Ex Parte* Letter from John J. Heitmann, Counsel to the National Lifeline Association, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-287 et al. (filed May 4, 2018).

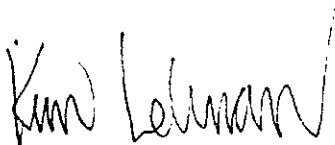
With that in mind, Boomerang intends to continue to offer Lifeline service to qualifying subscribers throughout its service territory in Ohio unless prohibited directly from doing so by the FCC when it issues its order, or unless the FCC rulemaking results in less-direct but equally harmful requirements such as its consideration of a requirement that wireless resellers pass 100% of federal support through to its underlying facilities-based provider. Once the FCC issues its decision in this matter, should anything necessitate a change in Boomerang's approach to the Ohio Lifeline marketplace, Boomerang will inform the Commission.

In summary, Boomerang is willing and able to serve all eligible customers with the federal lifeline discount. Boomerang stands ready to offer its wireless Lifeline service options as a Reseller to eligible Lifeline subscribers in Ohio provided that the FCC does not take action to ban or limit the participation of wireless resellers in the Lifeline program.

Please feel free to contact me if you wish to discuss this matter further or have any questions.

Respectfully submitted,

Boomerang Wireless, LLC d/b/a enTouch Wireless

By: 
Kim Lehrman, President