

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 21st day of May, 2013.

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

File No. RA-2013-0115

**ORDER GRANTING APPLICATION FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: May 21, 2013

Effective Date: May 31, 2013

Background

On September 21, 2012, Boomerang Wireless, LLC, requested designation by the Missouri Public Service Commission (“Commission”) as an eligible telecommunications carrier (“ETC”) for the purpose of providing prepaid wireless services in Missouri in the service areas of Southwestern Bell, CenturyLink, Spectra and Windstream, supported by the federal Universal Service Fund’s Lifeline program. In February, the Company amended its application to include the d/b/a “enTouch Wireless.”

On September 25, the Commission issued notice of the application and set a date for intervention. There were no requests to intervene. And, on April 26, the Staff of the Commission recommended that the Commission approve the application subject to the conditions set out below.

Staff’s Recommendation

The Staff of the Commission recommends that the Commission approve Boomerang’s application subject to the following conditions:

1. That the company shall notify the Staff within 30 days of any the details of any matter brought in the last ten years by any state or federal regulatory or law enforcement agency against the ETC, any person or entity that holds more than a 10% ownership interest in the ETC, any affiliated company (any company under common management ownership or control or that, by contract or other agreement performs any of the functions necessary to the ETC's Lifeline Service) that involves any aspect of the provision of Lifeline Service or any aspect of state or federal Universal Service funds, or any matter involving fraud, deceit, perjury, stealing or the omission or misstatement of material fact in connection with a commercial transaction. Such matters include formal or informal notices of investigation, indictment, the filing of a complaint, a civil lawsuit, revocation or suspension proceeding, action for penalties or damages, or criminal charges. Such details include, but are not limited to, copies of complaints or other such pleadings and the filed responses thereto, as well as any orders, decisions or other determinations of culpability, including those that exonerate the subject of any wrongdoing.
2. The company may only use the MoUSF Board-approved form when enrolling Lifeline subscribers in Missouri.
3. The Company will use either its full name or the "d/b/a" (enTouch Wireless), which is registered with the Missouri Secretary of State, when enrolling Lifeline subscribers in Missouri.
4. The company is reminded that it has an obligation to update its application with new information when any statement therein becomes untrue or could mislead the reader to an inference which is untrue.
5. The Company shall adhere to other conditions in the Commission's rules concerning the provision of wireless Lifeline Services to low-income customers

Discussion

This matter is within the Commission's jurisdiction.¹ Because no party objects to the company's application, no evidentiary hearing is required.² Rights to a hearing are therefore waived.³ Based on the verified pleadings, the Commission finds and concludes as follows.

¹ 47 U.S.C. §(e)(2).

² State ex rel. Deffenderfer., Inc. v. Public Service Com'n, 776 S.W.2d 494 (Mo. App. 1989).

³ Section 536.060, RSMo 2000.

Boomerang is an Iowa LLC authorized to do business in Missouri. Boomerang is a wireless carrier whose operations are not regulated by the Commission. The federal Universal Service Fund was established in the Telecommunications Act of 1996. The purpose of the fund is to ensure that people in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable rates.⁴ To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to telecommunications providers who serve rural and high-cost parts of the country. Before a telecommunications service provider is eligible to receive funding from the Universal Service Fund, it must be designated as an Eligible Telecommunications Company.

The Commission finds the averments in the company's application and Staff's Memorandum and Recommendation to be true. The Commission must grant ETC status to Boomerang if the company offers the services set out in Section 254 of the Act and if it advertises the availability of those services using media of general distribution.⁵ The Commission finds that Boomerang has met those requirements and will therefore designate Boomerang as an eligible telecommunications carrier.

THE COMMISSION ORDERS THAT:

1. Boomerang Wireless, LLC d/b/a enTouch Wireless is designated as an eligible telecommunications carrier, throughout the service area described in its application and set out in the body of this order, to receive low-income federal Universal Service Fund support.

⁴ 47 U.S.C. §254(b).

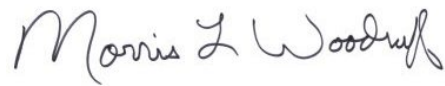
⁵ 47 U.S.C. §214(e)(1), (2).

2. The authority granted to Boomerang Wireless, LLC d/b/a enTouch Wireless in ordered paragraph 1, above, is subject to the conditions set out in the body of this order and in the Staff of the Commission's recommendation.

3. This order shall become effective on May 31, 2013.

4. This file shall be closed on June 1, 2013.

BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Jarrett, Stoll,
and W. Kenney, CC., concur.

Jones, Senior Regulatory Law Judge