



Suite 2400
1300 SW Fifth Avenue
Portland, OR 97201-5610

Alan Galloway
503-778-5219 tel
503-778-5299 fax

alangalloway@dwt.com

May 20, 2016

Via Email to puc.filingcenter@state.or.us

Attn: Filing Center
Oregon Public Utilities Commission
201 High Street SE, Ste. 100
Salem, OR 97301

Re: Docket No. UM 1668 – Supplemental Application to Expand Boomerang Wireless, LLC's Designated Service Area to Include the Umatilla Indian Reservation

Dear Sir or Madam:

On behalf of Boomerang Wireless, LLC dba enTouch Wireless, attached for filing please find a Supplemental Application to Expand Boomerang Wireless, LLC's Designated Service Area as an Eligible Telecommunications Carrier to Include the Umatilla Indian Reservation. Exhibits B and D to the Supplemental Application are Confidential and are being mailed under separate cover.

Please feel free to call me should you have any questions regarding this filing.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in blue ink that reads "Alan J. Galloway".

Alan J. Galloway
Attorney for Boomerang Wireless, LLC

AJG/cap

Enclosure

DWT 29609944v1 0096578-000001

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1668

In the Matter of)
)
Boomerang Wireless, LLC d/b/a enTouch Wireless)
)
Application for Limited Designation as an Eligible)
Telecommunications Carrier and Eligible)
Telecommunications Provider for the Purpose)
of Offering Lifeline Service, and Request for)
Waiver Pursuant to 860-033-0001(2))
_____)

**SUPPLEMENTAL APPLICATION TO EXPAND BOOMERANG WIRELESS, LLC'S
DESIGNATED SERVICE AREA TO INCLUDE THE UMATILLA INDIAN
RESERVATION**

Alan J. Galloway, OSB #083290
Mark P. Trincherro, OSB #883221
DAVIS WRIGHT TREMAINE LLP
1300 S.W. Fifth Avenue, Suite 2400
Portland, Oregon 97201
Tel: (503) 241-2300
Fax: (503) 778-5299
alangalloway@dwt.com
marktrincherro@dwt.com

Counsel for Boomerang Wireless, LLC

May 20, 2016

**SUPPLEMENTAL APPLICATION TO EXPAND BOOMERANG WIRELESS, LLC'S
DESIGNATED SERVICE AREA TO INCLUDE THE UMATILLA INDIAN
RESERVATION**

Pursuant to Order No. 15-280 of the Oregon Public Utility Commission (“Commission”), issued on September 16, 2015 in this docket, Boomerang Wireless, LLC d/b/a enTouch Wireless (“Boomerang” or the “Company”) respectfully submits this supplemental application (“Supplemental Application”) to expand Boomerang Wireless LLC’s designated service area to include specific Tribal Lands, namely the federally-recognized Umatilla Indian Reservation, in keeping with permission granted by the Confederated Tribes of the Umatilla Indian Reservation.

In Order No. 15-280, the Commission granted Boomerang designation as an Eligible Telecommunications Carrier (“ETC”) and Eligible Telecommunications Provider (“ETP”), based on a Stipulation reached between the parties to this docket filed on July 31, 2015 (the “Stipulation”). Under the terms of the Stipulation, Tribal Lands were excluded from Boomerang’s Designated Service Area as an ETC and ETP in Oregon. However, paragraph 11(e) of the Stipulation expressly allows Boomerang to “at any time following designation, file a subsequent application to expand its designated service area to include specific Tribal Lands.”

After Boomerang’s designation as an ETC and ETP, the Commission issued Order No. 15-382 in docket UM 1648. Although this order primarily amended the requirements for initial designation of ETCs, it also provides requirements for existing ETCs seeking to expand their ETC designation to include Tribal Lands. The requirements of Order No. 15-382, set forth in section 11 of Appendix A to that order, are consistent with the Stipulation and recognize the status of the federally-recognized tribes in Oregon as sovereign nations.

Accordingly, pursuant to Order No. 15-382, Order No. 15-280, and paragraph 11(e) of the Stipulation, Boomerang submits this Supplemental Application and hereby requests that

Boomerang's designated service area be extended to include the territory described in attached **Exhibit A**, namely the federally-recognized Umatilla Indian Reservation. In support of that request, coverage details of that area are attached in **Confidential Exhibit B**. Boomerang plans to offer residents of the Umatilla Indian Reservation the Tribal plan described in **Exhibit C**. As explained below, Boomerang meets the requirements of sections 11.1, 11.2, and 11.3 of Appendix A, as evidenced by the documentation attached as **Confidential Exhibit D** and **Exhibit E**.

Except as noted herein, this Supplemental Application does not alter Boomerang's designation as an ETC and ETP, or Boomerang's commitments and obligations under Order 15-280 and the Stipulation. Boomerang will comply with Oregon Administrative Rule 860-033-0050 as a condition of designation on Tribal Lands. Accordingly, Boomerang respectfully requests expedited treatment of this Supplemental Application.

I. COMPLIANCE WITH SECTION 11 OF APPENDIX A TO ORDER NO. 15-382

Order No. 15-382 requires that applicants requesting designation on Tribal Lands notify and engage appropriate Tribal authorities and provide evidence of the notification and engagement showing that the Tribal government in question either supports or does not oppose the applicant's designation as an ETC on the relevant Tribal Lands. Sections 11.1, 11.2, and 11.3 in Appendix A of that order set forth the requirements for a supplemental application to expand an existing ETC's designated service area to encompass Tribal Lands. Each of the requirements of sections 11.1, 11.2, and 11.3 of Appendix A, set forth below, are met as follows:

11.1. Copy of notice to appropriate Tribal government or regulatory entity of filing of ETC application, and identification of specific method and date of delivery. This should include the name of person to whom notice was sent.

The notice requirement in 11.1 is met here, because a copy of this Supplemental Application (along with copies of Order No. 15-382 and the Stipulation), has been sent to Debra Crosswell, the Deputy Executive Director for the Confederated Tribes of the Umatilla Indian Reservation, via both E-Mail and U.S. Mail as of the filing date listed below of this Supplemental Application. Notice of Boomerang's earlier designation as an ETC by the Commission has also been sent to the Confederated Tribes by Jeremy Dooley, Tribal Outreach Manager for Boomerang, as evidenced by **Confidential Exhibit D**.

11.2. Summary of Tribal engagement efforts, e.g., dates and topics of meetings, participants, information shared, etc. and an explanation as to how the applicant addressed the following areas (as applicable):

- 1. Needs assessment and deployment planning with a focus on Tribal community anchor institutions;**
- 2. Feasibility and sustainability planning;**
- 3. Marketing services in a culturally sensitive manner;**
- 4. Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and**
- 5. Compliance with Tribal business and licensing requirements. Tribal business and licensing requirements are as described in 47 CFR 54.313(a)(9)(v).**

Here, the only applicable areas of section 11.2 that must be addressed are area 3 (concerning marketing Lifeline service in a culturally-sensitive manner), and 5 (compliance with Tribal business and licensing requirements). Boomerang has addressed these areas through numerous discussions with appropriate authorities of the Confederated Tribes of the Umatilla Indian Reservation, as evidenced by **Confidential Exhibit D**. In addition, Boomerang has substantial experience in both culturally-sensitive marketing and compliance with Tribal business and licensing requirements because it has been providing wireless Lifeline service on Tribal lands outside of Oregon since late 2012. Boomerang is actively serving Tribal lands in 10

states,¹ consisting of the Tribal lands of 34 federally-recognized Tribes, in addition to Tribal lands in Oklahoma that serve approximately 38 more federally-recognized Tribes. Boomerang has designation for Tribal lands pending in four additional states.²

Because Boomerang is a non-facilities based reseller that will not deploy, own or operate any facilities in providing Lifeline service, areas 1 (concerning deployment of facilities), 2 (concerning the feasibility of installing facilities and impact on sustainability), and 4 (concerning the permitting and siting of facilities and impact on environmentally or culturally-sensitive land) are each inapplicable.³

11.3. Results of Tribal engagement efforts with evidence that the appropriate Tribal government or regulatory entity either supports or does not oppose applicant's designation as an ETC on the relevant Tribal Lands.

In satisfaction of requirement 11.3, attached hereto as **Exhibit E** is a letter signed by David Tovey, Jr., the Executive Director of the Confederated Tribes of the Umatilla Indian Reservation, dated April 18, 2016, granting Boomerang permission to extend Lifeline benefits to all qualifying applicants on the Umatilla Indian Reservation.

II. CONCLUSION

Boomerang respectfully requests that the Commission and its staff expedite consideration of this Supplemental Application and, for the reasons stated herein, grant the relief sought herein by expanding Boomerang's designated service area in Oregon to include the areas identified in

¹ Boomerang actively serves Tribal lands in AZ, IA, KS, MI, MN, MS, ND, OK, WA and WI.

² CA, CO, NM and SD.

³ To the extent that area 1 concerns an assessment of the Confederated Tribes of the Umatilla Indian Reservation's need for affordable wireless Lifeline service, that has been addressed by the discussions with Tribal authorities noted in **Confidential Exhibit D**.

Exhibit A. and in Confidential Exhibit B, and allowing Boomerang to offer qualifying low-income participants on the Umatilla Indian Reservation the Tribal plan described in Exhibit C.

If you have any questions concerning this Supplemental Application, please contact the undersigned.

Respectfully submitted,

By: 

Alan J. Galloway, OSB #083290
Mark P. Trincherro, OSB #883221
DAVIS WRIGHT TREMAINE LLP
1300 S.W. Fifth Avenue, Suite 2400
Portland, Oregon 97201
Tel: (503) 241-2300
Fax: (503) 778-5299
alangalloway@dwt.com
marktrincherro@dwt.com

Counsel for Boomerang Wireless, LLC

LIST OF EXHIBITS

Exhibit A	Tribal Lands to Add to Designated Service Area
Confidential Exhibit B	Confidential Coverage Map of Additions to Designated Service Area
Exhibit C	Tribal Lifeline Plan for Oregon
Confidential Exhibit D	Declaration of Jeremy Dooley Concerning Engagement Efforts with the Confederated Tribes of the Umatilla Indian Reservation
Exhibit E	Authorization Letter from the Confederated Tribes of the Umatilla Indian Reservation

Exhibit A – Tribal Lands to Add to Designated Service Area

Additions to Boomerang Wireless, LLC’s Designated Service Area

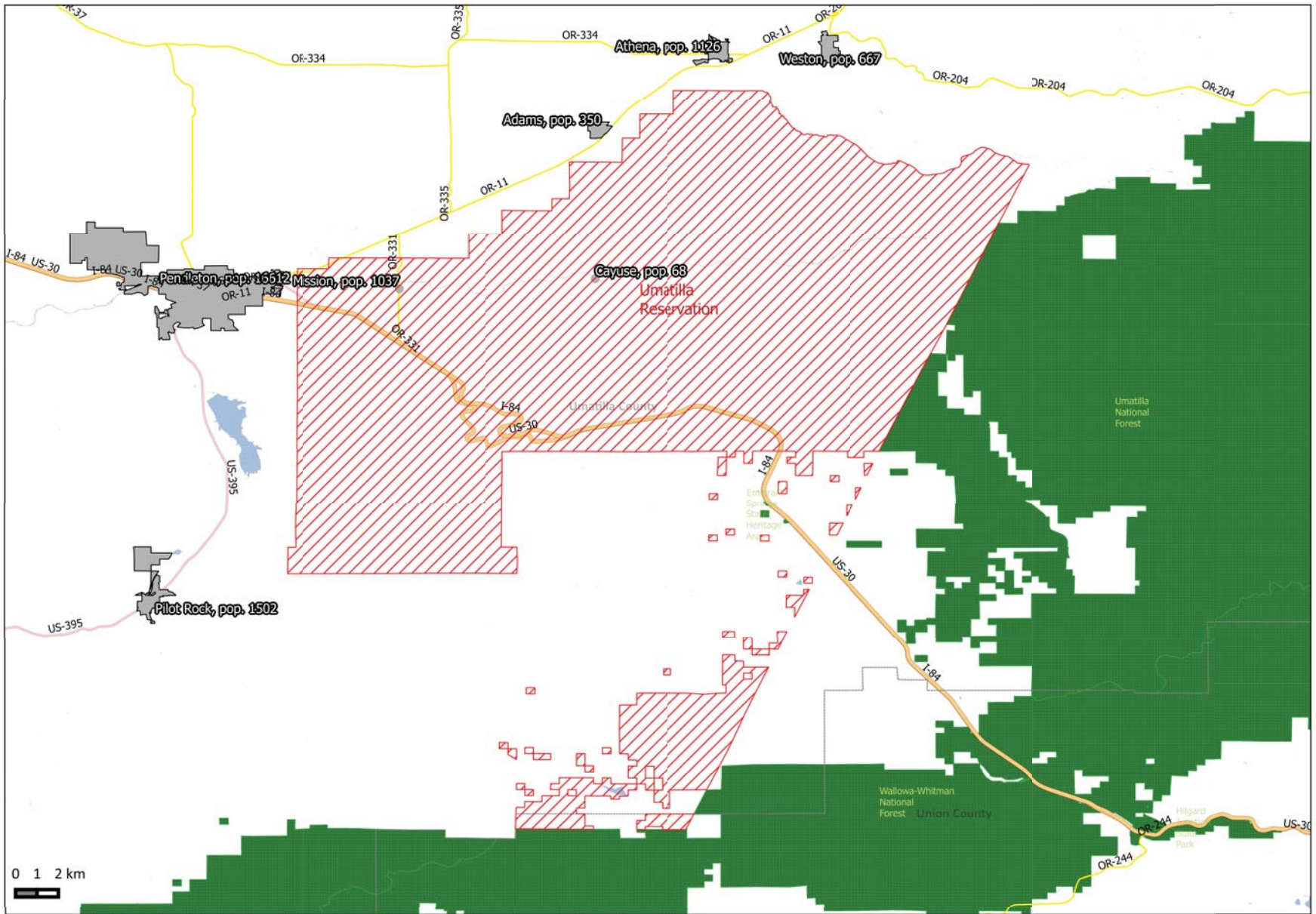
Tribal Lands

Name of Federally-Recognized Tribal Lands
Umatilla Indian Reservation

Umatilla Reservation

Legend

-  Umatilla Indian Reservation
-  Cities and Populated Places
-  County Boundary
-  Interstate Highways
-  U.S. Highways
-  Oregon State Routes
-  State & National Parks & Forests
-  Water



**CONFIDENTIAL – SUBJECT TO
PROTECTIVE ORDER 13-325
[REDACTED]**

Exhibit C – Tribal Rate Plan Offering for Oregon

**Boomerang Wireless, LLC d/b/a enTouch Wireless
Tribal Lifeline Plan Offerings for Oregon**

FEATURE/ DESCRIPTION	TRIBAL: 1100 UNITS* PLUS BUNDLE PLAN
• Local Calls	Y
• National Long Distance	Y
• Nationwide Text	Y (1 text = 1 min.)
• Free 411	Y
• Data Enabled(website and email), 100 MB data	Y
• Carry Over Minutes Month to Month	N
• Voicemail	Y
• Caller ID	Y
• Call Waiting	Y
• Call Forwarding	Y
• 3-way Calling	Y
• Minimum Term of Service	N
• Required Credit Check and/or Deposit	N
• Monthly Recurring Charges	N
• Activation Fees	N

* 1 minute equals 1 unit and 1 text equals 1 unit

Note: If a subscriber no longer qualifies for Lifeline benefit and wants to keep their phone, phone number, and service with enTouch, they can change from a Lifeline profile to a non-Lifeline profile and purchase airtime with AirFair and Ready Wireless top up card options.

AirFair Top Up Options

Price	Talk/Text Units	Data	Days
\$5.00	100	50mb	30
\$10.00	0	500mb	30
\$20.00	1500	0	30
\$30.00	Unlimited**	0	30
\$50.00	Unlimited**	4GB	30

getReady! Top Up Options

Price	Talk/Text Units	Data	Days
\$7.00	200	5mb	7
\$20.00	1000	20mb	30
\$30.00	1200	30mb	30

*** Unlimited options are for private use and subject to limitations on acceptable use in the company's Terms of Service, which prohibits certain uses which result in abnormally high numbers of calls or generate excessive levels of Internet traffic.*

**CONFIDENTIAL – SUBJECT TO
PROTECTIVE ORDER 13-325
[REDACTED]**

**Confederated Tribes *of the*
Umatilla Indian Reservation**

Office of the Executive Director



46411 Timine Way
Pendleton, OR 97801

www.ctuir.org email: info@ctuir.org
Phone 541-276-3165 Fax: 541-276-3095

RE: Lifeline authorization letter.

I, J. David Tovey Jr., have authority to represent the Confederated Tribes of the Umatilla Indian Reservation located in eastern Oregon and hereby give Boomerang Wireless dba enTouch Wireless permission to extend the Lifeline benefit offer to all qualifying applicants and citizens residing on the Umatilla Indian Reservation. enTouch Wireless is also authorized to extend the Lifeline benefit to our enrolled members not residing on our reservation, but we understand that the offer and filings for these members may be different than the offer to residents living on the Umatilla Indian Reservation.

A handwritten signature in blue ink, appearing to read "J. David Tovey Jr.", is written over a horizontal line.

J. David Tovey Jr.,
Executive Director
April 18, 2016