

**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 BURNS PAIUTE INDIAN
COLONY**

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November 21, 2016

**SUPPLEMENTAL APPLICATION TO EXPAND BOOMERANG WIRELESS, LLC'S
DESIGNATED SERVICE AREA TO INCLUDE THE BURNS PAIUTE INDIAN
COLONY**

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 Burns Paiute Indian Colony, in keeping with permission granted by the Burns Paiute Tribe of Oregon.

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”). The Stipulation excluded Tribal Lands from Boomerang’s initial Designated Service Area as an ETC and ETP in Oregon, but 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.”

The Commission’s Order No. 15-382 in docket UM 1648, which was entered after Boomerang’s initial ETC designation, provides additional 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 federally-recognized tribes in Oregon as sovereign nations.

Pursuant to the Stipulation and Order No. 15-382, Boomerang has already filed two supplemental applications to add Tribal Lands to the Designated Service Area. The Commission approved the addition of the federally-recognized Tribal Lands of the Confederated Tribes of

Siletz Indians in Order No. 16-170, entered May 3, 2016. The Commission approved adding the Umatilla Indian Reservation to the Designated Service Area in Order No. 16-250, entered on July 5, 2016.

Now, pursuant to Order No. 15-382, Order No. 15-280, and paragraph 11(e) of the Stipulation, Boomerang submits this third Supplemental Application to add Tribal Lands to its Designated Service Area, and hereby requests that Boomerang's designated service area be extended to include the territory described in attached **Exhibit A**, namely the federally-recognized Burns Paiute Indian Colony. In support of that request, coverage details of that area are attached in **Confidential Exhibit B**. Boomerang plans to offer residents of the Burns Paiute Indian Colony the Tribal plan described in **Exhibit C**, which is currently approved for the other Tribal Lands in Boomerang's Designated Service Area. 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 described herein, this Supplemental Application alters neither Boomerang's designation as an ETC and ETP, nor Boomerang's commitments and obligations under Order 15-280 and the Stipulation. Boomerang will continue to comply with OAR 860-033-0050 as a condition of designation on Tribal Lands.

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 Kenton Dick, General Manager of the Burns Paiute Tribe of Oregon, 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 Patrick Derbyshire, 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 Burns Paiute Tribe, 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. Besides

experience gained in Oregon, Boomerang has been providing wireless Lifeline service on Tribal lands outside of Oregon since late 2012. Boomerang is actively serving Tribal lands in at least 10 states,¹ consisting of the Tribal lands of at least 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, dated August 23, 2016, signed by Kenton Dick, the General Manager of the Burns Paiute Tribe of Oregon. That letter grants Boomerang permission to extend Lifeline benefits to all qualifying applicants on the Burns Paiute Indian Colony.

II. CONCLUSION

Boomerang respectfully requests that the Commission and its staff promptly consider this Supplemental Application and, for the reasons stated herein, grant the relief sought herein by

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 Burns Paiute Tribe of the Burns Paiute Indian Colony's need for affordable wireless Lifeline service, that has been addressed by the discussions with Tribal authorities noted in **Confidential Exhibit D**.

expanding Boomerang's designated service area in Oregon to include the areas identified in **Exhibit A**, and in **Confidential Exhibit B**, and allowing Boomerang to offer qualifying low-income participants on the Burns Paiute Indian Colony the Tribal plan described in **Exhibit C**.

Please contact the undersigned with any questions about this Supplemental Application.

Dated this 21st day of November, 2016.

Respectfully submitted,

By:  _____

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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 Patrick Derbyshire Concerning Engagement Efforts with the Burns Paiute Tribe of Oregon









Exhibit E Authorization Letter from the Burns Paiute Tribe of Oregon

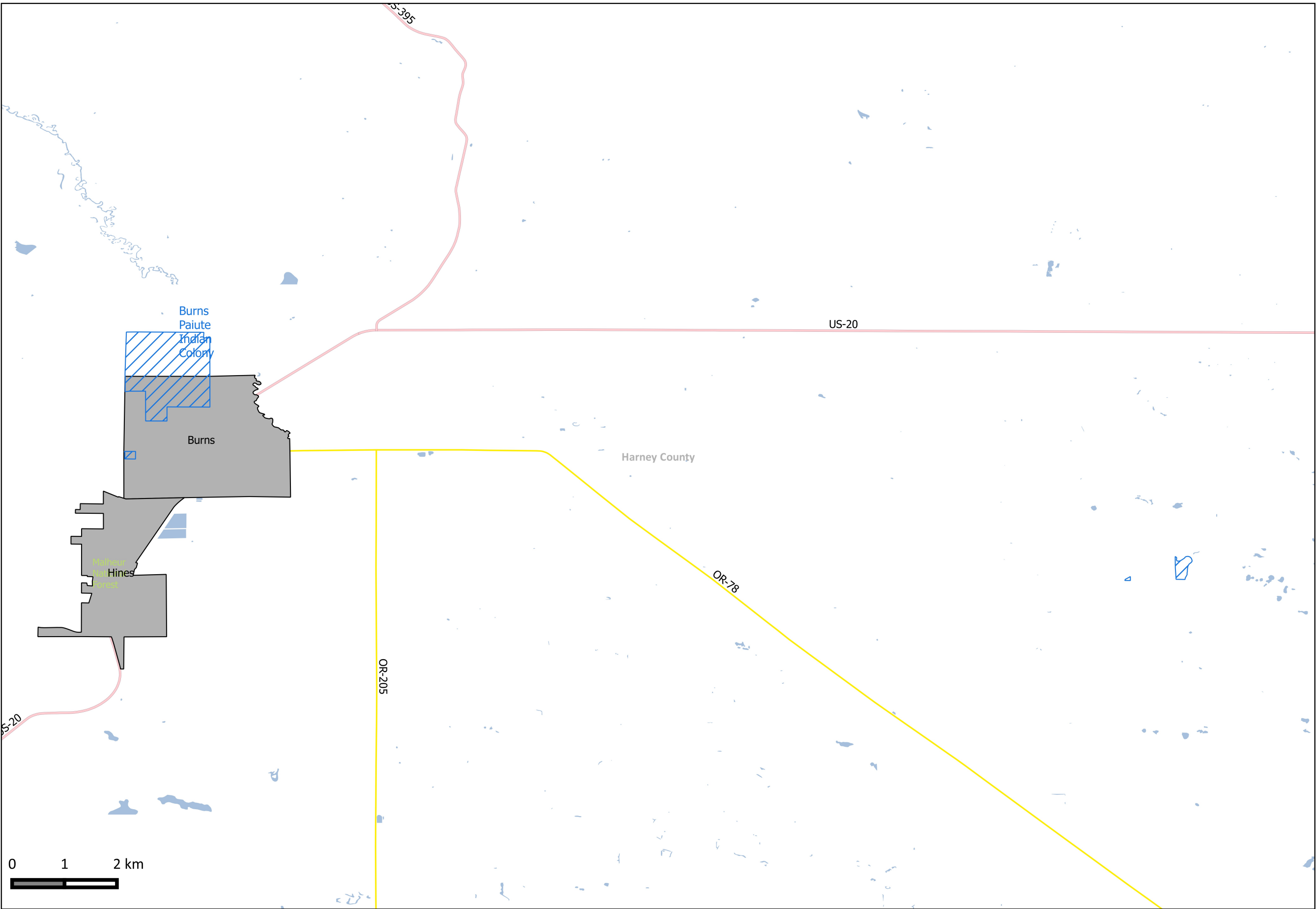
EXHIBIT A - TRIBAL LANDS TO ADD TO DESIGNATED SERVICE AREA

Boomerang Wireless
Docket UM 1668

Burns Paiute
Indian
Colony

Legend

-  Burns Paiute Indian Colony
-  Cities and Populated Places
-  County Boundaries
-  Interstate Highways
-  U.S. Highways
-  Oregon State Routes
-  Water
-  State & National Parks & Forests



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Exhibit B

[REDACTED]

Exhibit C –Tribal Rate Plan Offering for Oregon (current)

(Plans and top-ups are current as of 11/21/2016. If plans and/or top-ups are revised, revised top-ups will be offered.)

**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

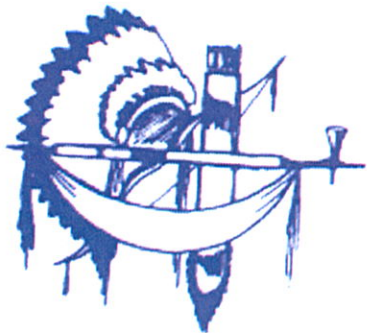
Price	Talk/Text Units	Data	Days
\$7.00	200	5mb	7
\$20.00	1000	20mb	30
\$30.00	1200	30mb	30

*** 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

Exhibit D

[REDACTED]



Burns Paiute Tribe

100 PASIGO STREET BURNS, OREGON 97720
PHONE (541) 573-8013
FAX (541) 573-5565

August 23, 2016

Tribal Outreach Permission Letter

I, Kenton Dick, General Manager have authority to represent the Burns Paiute Tribe of Oregon give Boomerang Wireless dba enTouch Wireless permission to extend the Lifeline benefit offer to all qualifying applicants and members on our reservation. enTouch Wireless is also authorized to extend the Lifeline benefit to all of our 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 our tribal lands.

_Name Kenton Dick

_Title Acting General Manager

_Date 8/23/2016