

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1668

In the Matter of)
)
BOOMERANG WIRELESS, LLC)
dba ENTOUCH WIRELESS)
)
Application for Limited Designation as)
an Eligible Telecommunications Carrier)
and Eligible Telecommunications Provider)
_____)

BOOMERANG WIRELESS LLC'S NOTICE OF RELINQUISHMENT
OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER AND ELIGIBLE
TELECOMMUNICATIONS PROVIDER DESIGNATIONS
PURSUANT TO 47 U.S.C. §214(e)(4)
AND
REQUEST FOR EXPEDITED CONSIDERATION

Dated: April 13, 2022

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**BOOMERANG WIRELESS, LLC'S NOTICE OF RELINQUISHMENT
OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER AND ELIGIBLE
TELECOMMUNICATIONS PROVIDER DESIGNATIONS
PURSUANT TO 47 U.S.C. §214(e)(4)**

Pursuant to 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205(a), Boomerang Wireless, LLC d/b/a enTouch Wireless (hereinafter, "Boomerang" or the "Company") hereby submits this Notice of Relinquishment of its Eligible Telecommunications Carrier ("ETC") and its Eligible Telecommunications Provider ("ETP") designations in the State of Oregon, effective as of July 15, 2022. As explained herein, this relinquishment of Boomerang's ETC and ETP designations meets all applicable requirements and should be expeditiously granted.

I. COMMUNICATIONS REGARDING THIS NOTICE

All pleading, correspondence and communications regarding this Notice should be addressed as follows:

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II. BACKGROUND

In Order No. 15-280, the Oregon Public Utility Commission ("Commission") granted Boomerang designation as an Eligible Telecommunications Carrier ("ETC") and Eligible Telecommunications Provider ("ETP") in certain ZIP codes in Oregon. Subsequent Commission Orders Nos. 16-170, 16-171 and 16-250 expanded Boomerang's ETC and ETP designated

service area to additional ZIP codes, inclusive of certain Tribal Lands.¹ Subsequently, Commission Order No. 17-495, entered on Dec. 11, 2017, granted Boomerang’s request to reduce its ETC and ETP designated service area due to changes in the underlying networks that Boomerang used to provide service, which resulted in the current designated service area (the “ETC Service Area”), which is set forth in Exhibit A hereto.

III. BOOMERANG’S NOTICE OF RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER AND ELIGIBLE TELECOMMUNICATIONS PROVIDER DESIGNATIONS

Effective February 28, 2022, a transaction closed whereby Boomerang Wireless, LLC d/b/a enTouch Wireless became part of the ViaOne Services family. Following that transition, Boomerang decided that it will not continue as an ETC and ETP in Oregon, because continuing to do so is not economically viable. Boomerang, therefore, provides this Notice of its intent to relinquish its ETC and ETP designations in Oregon, effective July 15, 2022. Boomerang Wireless will stop seeking federal Lifeline support as of its relinquishment date.²

A. Boomerang’s Relinquishment of ETC Designation Complies with Federal Law

Federal law provides that the Commission “shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.”³ 47 U.S.C. section 214(e)(4) states in relevant part:

(4) Relinquishment of universal service

A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications

¹ As amended, Boomerang’s designated service area included Tribal Lands of the Burns Paiute, Umatilla and Siletz Tribes. See Commission Order No. 16-492 (entered December 20, 2016), Commission Order No. 16-250 (entered July 5, 2016), and Commission Order No. 16-170 (entered May 3, 2016), respectively.

² Boomerang Wireless does not receive any state OTAP support.

³ 47 U.S.C. § 214(e)(4).

carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission ... of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission ... shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission ... shall establish a time, not to exceed one year after the State commission ... approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

In summary, the statutory requirements for relinquishing ETC designation are: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice shall be provided to ensure that the construction or purchase can be timely completed. The relevant FCC rule essentially reiterates the same requirements.⁴

Boomerang's application for relinquishment of its ETC designation in Oregon complies with federal law⁵ and must be granted because: (1) each area in Boomerang's ETC Service Area is currently served by at least one other ETC; (2) Boomerang is providing advance notice to the Commission of such relinquishment; (3) the remaining ETC(s) in the current designated service

⁴ 47 C.F.R. § 54.205(a).

⁵ There are no Commission rules regarding relinquishment of ETP status. However, to be an ETP in Oregon, a carrier must be designated an ETC under federal law. Thus, Boomerang's relinquishment of its ETC designation under federal law effectively terminates its ETP status in Oregon as well.

area are able to serve the Lifeline needs of consumers within their respective designated ETC service areas that cover the ETC Service Area; and (4) no additional facilities will need to be purchased or constructed by the remaining ETC(s).

1. There Is More Than One ETC Currently Serving Each ZIP Code in the ETC Service Area

Each of the ZIP Codes and/or Tribal Lands comprising Boomerang's ETC Service Area is an area served by more than one eligible telecommunications carrier (at least one other than Boomerang).⁶ Because at least one other ETC serves each such area, applicable federal law requires the Commission to permit Boomerang to relinquish its ETC designation.

2. Boomerang Is Providing Advance Notice to the Commission

Consistent with 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205(a), Boomerang is filing this Notice over three months in advance of the requested effective date of relinquishment of its ETC designation. This advance notice satisfies the requirement to provide advance notice to the Commission of the Company's intent to relinquish its ETC designation.

3. The Remaining ETCs Will Serve Consumers

To the best of Boomerang's knowledge, the remaining ETCs in Boomerang's ETC Service Area will be able to serve Boomerang's customers in the ETC Service Area. Thus, all customers within the Company's ETC Service Area will continue to be served by an ETC, consistent with 47 U.S.C. § 214(e).

As of March 31, 2022, Boomerang had 210 active Lifeline customers in Oregon, none of which are on Tribal Lands. Boomerang will stop accepting new applications for Lifeline service

⁶ See Exhibit A, describing Boomerang's ETC Service Area. Boomerang's ETC Service Area consists of ZIP Codes and Tribal Lands that are overlapped by the study areas of incumbent local exchange carriers ("ILECs") (all of which are ETCs) and/or a wireless competitive ETC ("CETC"), namely i-wireless. See <https://www.oregon.gov/puc/Pages/Oregon-Lifeline.aspx>, which lists service providers, including CETCs, participating in Oregon Lifeline.

on July 15, 2022, unless otherwise ordered by the Commission. Boomerang will provide notice to its Lifeline customers that it will no longer participate in the Lifeline program. Customer notification will take place in three stages. First, at least sixty (60) days prior to relinquishment, Boomerang will send a text message to customers. Second, Boomerang will send a letter via U.S. mail to subscribers at least forty-five (45) days before relinquishment. Third, Boomerang will send follow-up text messages thirty (30) days and fifteen (15) days prior to relinquishment to remaining customers. The notice will inform these customers that they may choose to seek discounted Lifeline service from another ETC.

4. No Additional Facilities Will Need to Be Purchased or Constructed by the Remaining Eligible Telecommunications Carriers

To the best of Boomerang's knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to continue to serve Boomerang customers within the ETC Service Area. Because each of the ZIP Codes and/or Tribal Lands that comprise the ETC Service Area is an area served by more than one eligible telecommunications carrier, the Commission need not provide notice to these carriers to permit them to purchase or construct facilities to ensure that Boomerang's customers will continue to receive service.

Through this Notice, Boomerang has complied with all requirements of 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205. There is no barrier to prevent the Company from relinquishing its ETC designation in Oregon. Therefore, the Commission should issue an Order acknowledging Boomerang's notice of relinquishment.

IV. REQUEST FOR EXPEDITED CONSIDERATION

Delay with respect to ETC relinquishment would prolong a situation in which Boomerang could be obligated to sign up new customers that request Lifeline service even as it is in the process of ceasing to provide such service, resulting in needless customer churn and

possible customer confusion. Accordingly, Boomerang requests that the Commission and its Staff respond to this Notice on an expedited basis.

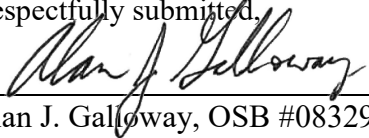
V. CONCLUSION

Consistent with all applicable requirements, Boomerang respectfully requests the Commission expeditiously issue an Order acknowledging its notice of relinquishment of its ETC and ETP designations in Oregon. Boomerang has demonstrated that it meets the requirements for relinquishment of its ETC designation.

Dated this 13th day of April, 2022.

Respectfully submitted,

By: _____


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EXHIBIT A

Boomerang's ETC Service Area

ZIP Codes (not including Tribal Lands except those listed below)

ZIP Code	City	County
97001	Antelope	Wasco
97002	Aurora	Marion
97003	Beaverton	Washington
97004	Beavercreek	Clackamas
97005	Beaverton	Washington
97006	Beaverton	Washington
97007	Beaverton	Washington
97008	Beaverton	Washington
97009	Boring	Clackamas
97011	Brightwood	Clackamas
97013	Canby	Clackamas
97014	Cascade Locks	Hood River
97015	Clackamas	Clackamas
97016	Clatskanie	Columbia
97017	Colton	Clackamas
97018	Columbia City	Columbia
97019	Corbett	Multnomah
97020	Donald	Marion
97021	Dufur	Wasco
97022	Eagle Creek	Clackamas
97023	Estacada	Clackamas
97024	Fairview	Multnomah
97026	Gervais	Marion
97027	Gladstone	Clackamas
97028	Government Camp	Clackamas
97029	Grass Valley	Sherman
97030	Gresham	Multnomah
97031	Hood River	Hood River
97032	Hubbard	Marion
97033	Kent	Sherman
97034	Lake Oswego	Clackamas
97035	Lake Oswego	Clackamas
97037	Maupin	Wasco
97038	Molalla	Clackamas
97039	Moro	Sherman
97040	Mosier	Wasco
97041	Mount Hood Parkdale	Hood River

ZIP Code	City	County
97042	Mulino	Clackamas
97045	Oregon City	Clackamas
97048	Rainier	Columbia
97049	Rhododendron	Clackamas
97050	Rufus	Sherman
97051	Saint Helens	Columbia
97053	Warren	Columbia
97054	Deer Island	Columbia
97055	Sandy	Clackamas
97056	Scappoose	Columbia
97057	Shaniko	Wasco
97058	The Dalles	Wasco
97060	Troutdale	Multnomah
97062	Tualatin	Washington
97063	Tygh Valley	Wasco
97064	Vernonia	Columbia
97065	Wasco	Sherman
97067	Welches	Clackamas
97068	West Linn	Clackamas
97070	Wilsonville	Clackamas
97071	Woodburn	Marion
97078	Beaverton	Washington
97080	Gresham	Multnomah
97086	Happy Valley	Clackamas
97089	Damascus	Clackamas
97101	Amity	Yamhill
97102	Arch Cape	Clatsop
97103	Astoria	Clatsop
97106	Banks	Washington
97107	Bay City	Tillamook
97108	Beaver	Tillamook
97109	Buxton	Washington
97110	Cannon Beach	Clatsop
97111	Carlton	Yamhill
97112	Cloverdale	Tillamook
97113	Cornelius	Washington
97114	Dayton	Yamhill
97115	Dundee	Yamhill
97116	Forest Grove	Washington
97117	Gales Creek	Washington
97118	Garibaldi	Tillamook
97119	Gaston	Washington
97121	Hammond	Clatsop

ZIP Code	City	County
97122	Hebo	Tillamook
97123	Hillsboro	Washington
97124	Hillsboro	Washington
97125	Manning	Washington
97127	Lafayette	Yamhill
97128	Mcminnville	Yamhill
97130	Manzanita	Tillamook
97132	Newberg	Yamhill
97133	North Plains	Washington
97134	Oceanside	Tillamook
97135	Pacific City	Tillamook
97136	Rockaway Beach	Tillamook
97137	Saint Paul	Marion
97138	Seaside	Clatsop
97140	Sherwood	Washington
97141	Tillamook	Tillamook
97144	Timber	Washington
97145	Surfcrest Market	Clatsop
97146	Warrenton	Clatsop
97147	Wheeler	Tillamook
97148	Yamhill	Yamhill
97149	Neskowin	Tillamook
97201	Portland	Multnomah
97202	Portland	Multnomah
97203	Portland	Multnomah
97204	Portland	Multnomah
97205	Portland	Multnomah
97206	Portland	Multnomah
97208	Portland	Multnomah
97209	Portland	Multnomah
97210	Portland	Multnomah
97211	Portland	Multnomah
97212	Portland	Multnomah
97213	Portland	Multnomah
97214	Portland	Multnomah
97215	Portland	Multnomah
97216	Portland	Multnomah
97217	Portland	Multnomah
97218	Portland	Multnomah
97219	Portland	Multnomah
97220	Portland	Multnomah
97221	Portland	Multnomah
97222	Portland	Clackamas

ZIP Code	City	County
97223	Portland	Washington
97224	Portland	Washington
97225	Portland	Washington
97227	Portland	Multnomah
97229	Portland	Washington
97230	Portland	Multnomah
97231	Portland	Multnomah
97232	Portland	Multnomah
97233	Portland	Multnomah
97236	Portland	Multnomah
97239	Portland	Multnomah
97266	Portland	Multnomah
97267	Portland	Clackamas
97301	Salem	Marion
97302	Salem	Marion
97303	Salem	Marion
97304	Salem	Polk
97305	Salem	Marion
97306	Salem	Marion
97317	Salem	Marion
97321	Albany	Linn
97322	Albany	Linn
97324	Alsea	Benton
97325	Aumsville	Marion
97326	Blodgett	Benton
97327	Brownsville	Linn
97329	Cascadia	Linn
97330	Corvallis	Benton
97331	Corvallis	Benton
97333	Corvallis	Benton
97338	Dallas	Polk
97341	Depoe Bay	Lincoln
97342	Detroit	Marion
97343	Eddyville	Lincoln
97344	Falls City	Polk
97345	Foster	Linn
97346	Gates	Marion/Linn
97347	Grand Ronde	Polk
97348	Halsey	Linn
97350	Idanha	Marion/Linn
97351	Independence	Polk
97352	Jefferson	Marion
97355	Lebanon	Linn

ZIP Code	City	County
97357	Logsdan Country Store	Lincoln
97358	Lyons	Linn
97360	Mill City	Marion/Linn
97361	Monmouth	Polk
97362	Mount Angel	Marion
97364	Neotsu	Lincoln
97365	Newport	Lincoln
97366	South Beach	Lincoln
97367	Lincoln City	Lincoln
97368	Otis	Lincoln
97369	Otter Rock	Lincoln
97370	Philomath	Benton
97371	Rickreall	Polk
97373	Saint Benedict	Marion
97374	Scio	Linn
97375	Scotts Mills	Marion
97376	Seal Rock	Lincoln
97377	Shedd	Linn
97378	Sheridan	Yamhill
97381	Silverton	Marion
97383	Stayton	Marion
97384	Mehama	Marion
97385	Sublimity	Marion
97386	Sweet Home	Linn
97388	Gleneden Beach	Lincoln
97389	Tangent	Linn
97391	Toledo	Lincoln
97392	Turner	Marion
97394	Waldport	Lincoln
97396	Willamina	Yamhill
97401	Eugene	Lane
97402	Eugene	Lane
97403	Eugene	Lane
97404	Eugene	Lane
97405	Eugene	Lane
97408	Eugene	Lane
97410	Azalea	Douglas
97411	Bandon	Coos
97412	Blachly	Lane
97414	Broadbent	Coos
97415	Brookings	Curry
97416	Camas Valley	Douglas
97417	Canyonville ²	Douglas

ZIP Code	City	County
97419	Cheshire	Lane
97420	Coos Bay	Coos
97423	Coquille	Coos
97424	Cottage Grove	Lane
97426	Creswell	Lane
97431	Dexter	Lane
97435	Drain	Douglas
97436	Elkton	Douglas
97437	Elmira	Lane
97438	Fall Creek/Jasper	Lane
97439	Florence	Lane
97441	Gardiner	Douglas
97442	Glendale	Douglas
97443	Glide	Douglas
97444	Gold Beach	Curry
97446	Harrisburg	Linn
97447	Idleyld	Douglas
97448	Junction City	Lane
97449	Lakeside	Coos
97450	Langlois	Curry
97451	Lorane	Lane
97452	Lowell	Lane
97453	Mapleton	Lane
97455	Pleasant Hill	Lane
97456	Monroe	Benton
97457	Myrtle Creek	Douglas
97458	Myrtle Point	Coos
97459	North Bend	Coos
97461	Noti	Lane
97462	Oakland	Douglas
97465	Port Orford	Curry
97466	Powers	Coos
97467	Reedsport	Douglas
97469	Riddle	Douglas
97470	Roseburg	Douglas
97471	Roseburg	Douglas
97473	Scottsburg	Douglas
97476	Sixes	Curry
97477	Springfield	Lane
97478	Springfield	Lane
97479	Sutherlin	Douglas
97481	Tenmile	Douglas
97487	Veneta	Lane

ZIP Code	City	County
97488	Vida	Lane
97489	Walterville	Lane
97492	Westfir	Lane
97493	Westlake	Lane
97494	Wilbur	Douglas
97495	Winchester	Douglas
97496	Winston	Douglas
97497	Wolf Creek	Josephine
97498	Yachats	Lincoln
97499	Yoncalla	Douglas
97501	Medford	Jackson
97502	Central Point	Jackson
97503	White City	Jackson
97504	Medford	Jackson
97520	Ashland	Jackson
97522	Butte Falls	Jackson
97523	Cave Junction	Josephine
97524	Eagle Point	Jackson
97525	Gold Hill	Jackson
97526	Grants Pass	Josephine
97527	Grants Pass	Josephine
97530	Jacksonville	Jackson
97531	Kerby	Josephine
97532	Merlin	Josephine
97534	O Brien	Josephine
97535	Phoenix	Jackson
97536	Prospect	Jackson
97537	Rogue River	Jackson
97538	Selma	Josephine
97539	Shady Cove	Jackson
97540	Talent	Jackson
97541	Trail	Jackson
97543	Wilderville (Grants Pass)	Josephine
97544	Williams	Josephine
97601	Klamath Falls	Klamath
97603	Klamath Falls	Klamath
97621	Beatty	Klamath
97622	Bly	Klamath
97623	Bonanza	Klamath
97624	Chiloquin	Klamath
97625	Dairy	Klamath
97626	Fort Klamath	Klamath
97630	Lakeview	Lake

ZIP Code	City	County
97632	Malin	Klamath
97633	Merrill	Klamath
97634	Midland	Klamath
97636	Paisley	Lake
97638	Silver Lake	Lake
97639	Sprague River	Klamath
97640	Summer Lake	Lake
97641	Christmas Valley	Lake
97701	Bend	Deschutes
97702	Bend	Deschutes
97707	Bend	Deschutes
97710	Fields	Harney
97712	Brothers	Deschutes
97720	Burns	Harney
97721	Princeton	Harney
97722	Diamond	Harney
97730	Camp Sherman	Jefferson
97731	Chemult	Klamath
97733	Crescent	Klamath
97734	Culver	Jefferson
97735	Fort Rock	Lake
97736	Frenchglen	Harney
97737	Gilchrist	Klamath
97738	Hines	Harney
97739	La Pine	Deschutes
97741	Madras	Jefferson
97752	Post	Crook
97753	Powell Butte	Crook
97754	Prineville	Crook
97756	Redmond	Deschutes
97758	Riley	Harney
97759	Sisters	Deschutes
97760	Terrebonne	Jefferson
97801	Pendleton	Umatilla
97810	Adams	Umatilla
97812	Arlington	Gilliam
97813	Athena	Umatilla
97814	Baker City	Baker
97818	Boardman	Morrow
97819	Bridgeport	Baker
97823	Condon	Gilliam
97824	Cove	Union
97825	Dayville	Grant

ZIP Code	City	County
97826	Echo	Umatilla
97827	Elgin	Union
97828	Enterprise	Wallowa
97833	Haines	Baker
97834	Halfway	Baker
97835	Helix	Umatilla
97838	Hermiston	Umatilla
97839	Lexington	Morrow
97841	Imbler	Union
97843	lone	Morrow
97844	Irrigon	Morrow
97845	John Day	Grant
97850	La Grande	Union
97859	Meacham	Umatilla
97862	Milton Freewater	Umatilla
97865	Mount Vernon	Grant
97867	North Powder	Union
97868	Pilot Rock	Umatilla
97870	Richland	Baker
97875	Stanfield	Umatilla
97876	Summerville Store	Union
97882	Umatilla	Umatilla
97883	Union	Union
97886	Weston	Umatilla
97905	Durkee	Baker
97907	Huntington	Baker
97909	Jamieson	Malheur
97914	Ontario	Malheur
97918	Vale	Malheur

Tribal Lands (in addition to ZIP codes above)

Tribal Land
Burns Paiute Indian Colony
Siletz Reservation
Umatilla Reservation