

**BEFORE THE
UTAH PUBLIC SERVICE COMMISSION**

Application of Boomerang Wireless, LLC d/b/a)
enTouch Wireless for Designation Wireless as an)
Eligible Telecommunications) Docket No. 16-2590-01
Carrier in the State of Utah for the Limited)
Purpose of Offering Wireless)
Lifeline Service to Qualified Households (Low)
Income Only))

DIRECT TESTIMONY OF KIMBERLEY LEHRMAN

1 Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?

2 A. My name is Kimberley Lehrman. My business address is 955 Kacena Road, Suite A,
3 Hiawatha, IA 52233.

4

5 Q. ON WHOSE BEHALF ARE YOU TESTIFYING?

6 A. I am testifying on behalf of Boomerang Wireless, LLC d/b/a enTouch Wireless
7 (“Boomerang” or the “Company”), the applicant in this proceeding.

8

9 Q. BY WHOM ARE YOU EMPLOYED AND WHAT POSITION DO YOU HOLD?

10 A. I am employed by Boomerang Wireless LLC. I am the President of the organization.

11

12 Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND EMPLOYMENT
13 BACKGROUND

14 A. I hold a BBA from the University of Iowa. I have worked with Boomerang Wireless for 5
15 years. Prior to that I have held senior executive positions in technology organizations for
16 25+ years.

17

1 Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE ANY REGULATORY
2 COMMISSIONS?

3 A. Yes. I have testified in several states as our Eligible Telecommunications Carrier
4 (“ETC”) applications have been reviewed by the Public Utility Commissions.
5

6 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

7 A. I am submitting testimony in support of the Application (“Application”) whereby
8 Boomerang is seeking designation as a wireless Eligible Telecommunications Carrier
9 (“ETC”) in the State of Utah.
10

11 Q. HAVE YOU REVIEWED THE APPLICATION AND OTHER DOCUMENTS FILED
12 BY BOOMERANG IN THIS PROCEEDING?

13 A. Yes.
14

15 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

16 A. To provide an in-depth review of the Boomerang Wireless Lifeline business and how we
17 will implement this in Utah to meet both federal and state Eligible Telecommunication
18 Carrier requirements.
19

20 Q. DOES BOOMERANG HOLD ANY OTHER AUTHORITY FROM THE UTAH
21 PUBLIC SERVICE COMMISSION (“COMMISSION”)?

22 A. No, but Boomerang is anxious to receive designation as an ETC in Utah.
23

1 Q. PLEASE BRIEFLY DESCRIBE BOOMERANG AND ITS OPERATIONS

2 A. Boomerang Wireless provides wireless telecommunications services including voice, text
3 and data, targeted to low income individuals. The FCC approved the Boomreang Lifeline
4 Compliance Plan on August 8, 2012 and since that time 31 states and Puerto Rico have
5 approved Boomerang to operate as an ETC. Boomerang resells national carrier services
6 and currently supports approximately 300,000 subscribers.

7
8 Q. PLEASE BRIEFLY DESCRIBE THE SERVICES THAT BOOMERANG INTENDS
9 TO PROVIDE IN UTAH

10 A. Boomerang will provide consumers voice, text and data services to low income
11 consumers in Utah as a reseller of Tier I nationwide wireless carriers.

12
13 Q: DESCRIBE BOOMERANG'S LIFELINE SERVICE PLANS.

14 EnTouch Wireless will offer qualified consumers the EnTouch Wireless Lifeline Service
15 Plans. Qualified Lifeline customers who reside in Utah will be provided with the
16 following plans that meet the FCC minimum standards per the FCC Modernization
17 Order.

18 1. **500 Minute Plan:** This plan offers 500 voice minutes, 100 texts, and 10 MB of
19 data per month. Customer must provide his/her own device. There is no device available with
20 this offer, nor are discounts or promotions for devices available with this plan. Lifeline minutes,
21 texts and data are automatically posted each month on the Lifeline customer's service date.
22 There is no rollover of minutes, texts, or data, and any unused minutes, texts, or data will expire

1 on the customer's service date the following month. All usage is subject to the Acceptable Use
2 Policy.

3 2. **500 MB Plan:** This plan offers 500 MB of data and 100 talk & text units per
4 month. Data is 3G/4G based on network availability and device capability. Customer provides
5 their own device as plan does not include a device. Lifeline data, units, minutes, and texts are
6 automatically posted each month on the Lifeline customer's service date. There is no rollover of
7 data, units, minutes, or texts, and any unused data, units, minutes, or texts will expire on the next
8 month's monthly service date. All usage is subject to the Acceptable Use Policy.

9 3. **Tribal Unlimited Unit & 750MB Plan:** (TRIBAL Offering Only.) This plan
10 offers unlimited talk and text units (where 1 minute equals 1 unit and 1 text equals 1 unit) and
11 750 MB of data each month. A free entry level smart phone is available to eligible subscribers
12 who have not received a free phone in the most recent 12 month period. Lifeline free minutes,
13 units and data are automatically posted each month on the Lifeline customer's monthly service
14 date. The Tribal plan is only available to eligible customers who reside on Federal recognized
15 Tribal lands. There is no roll over of minutes. All usage is subject to the Company's Acceptable
16 Use Policy.

17
18 Q. ARE THERE ADDITIONAL TERMS AND CONDITIONS ASSOCIATED WITH
19 BOOMERANG'S LIFELINE SERVICE PLANS?

20 A. Yes. The Terms and Conditions that apply to Boomerang service are available on the
21 website at www.enTouchwireless.com.

22

1 Q. HOW WILL BOOMERANG’S SERVICE OFFERINGS IN UTAH BE DISTINCT
2 FROM THOSE OFFERED BY OTHER WIRELESS CARRIERS?

3 A. Boomerang Wireless offers these distinct offerings:

4 * Data enabled- All of our plans enable broadband data service for consumers in both
5 rural and non-rural locations.

6 * Flexible, Affordable Top Up Options- Consumers can add voice, text and data service
7 to their existing Lifeline plan at retail with cash or with debit/credit online or through
8 Customer Support.

9 * Bring Your Own Phone- Consumers can bring their favorite device to America’s top
10 wireless networks and Boomerang will provide a free SIM as needed.

11 * Application Options- Consumers can enroll online, with a Customer Service Agent or
12 at neighborhood event locations. Partnerships with local support agencies/organizations
13 help reach the most at risk in local communities.

14

15 Q. WHAT RELIEF DOES THE COMPANY SEEK IN ITS PETITION?

16 A. Boomerang requests that the Commission grant the Company’s Petition and designate
17 Boomerang Wireless, LLC d/b/a enTouch Wireless as a wireless eligible
18 telecommunications carrier throughout the State of Utah in all areas served by non-rural
19 ILECs and throughout all federally recognized tribal lands within the designated Service
20 Area shown in Exhibit “A” of the Petition.

21

22 Q. PLEASE DESCRIBE THE COMPANY’S PROPOSED SERVICE AREA FOR ETC
23 DESIGNATION.

1 A. Boomerang is requesting designation for both rural and non-rural areas covered by
2 underlying carriers Verizon, Sprint and T-Mobile. See Exhibit “A” of the Petition.

3

4 Q. PLEASE DESCRIBE HOW THE COMPANY WILL PROVIDE ITS SERVICES IN
5 UTAH?

6 A. Boomerang will provide service by reselling underlying network provided by Verizon,
7 Sprint and T-Mobile.

8

9 Q. WHAT ARE THE REQUIREMENTS FOR DESIGNATION AS AN ETC PURSANT
10 TO FEDERAL LAW?

11 A. Sections 214(e)(1) and (2) of the Telecommunications Act of 1996, 47 U.S.C. §
12 214(e)(1)-(2), provides as follows:

13 **(1) Eligible telecommunications carriers**

14 A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3),
15 or (6) shall be eligible to receive universal service support in accordance with section 254
16 of this title and shall, throughout the service area for which the designation is received—

17 (A) offer the services that are supported by Federal universal service support mechanisms
18 under section 254(c) of this title, either using its own facilities or a combination of its
19 own facilities and resale of another carrier's services (including the services offered by
20 another eligible telecommunications carrier); and

21 (B) advertise the availability of such services and the charges therefor using media of
22 general distribution.

23 **(2) Designation of eligible telecommunications carriers**

1 A State commission shall upon its own motion or upon request designate a common
2 carrier that meets the requirements of paragraph (1) as an eligible telecommunications
3 carrier for a service area designated by the State commission. Upon request and
4 consistent with the public interest, convenience, and necessity, the State commission
5 may, in the case of an area served by a rural telephone company, and shall, in the case of
6 all other areas, designate more than one common carrier as an eligible
7 telecommunications carrier for a service area designated by the State commission, so
8 long as each additional requesting carrier meets the requirements of paragraph (1). Before
9 designating an additional eligible telecommunications carrier for an area served by a rural
10 telephone company, the State commission shall find that the designation is in the public
11 interest.

12 Boomerang meets each of these requirements and FCC regulations thereunder as
13 demonstrated in detail in Sections 11 through 69 of its Petition.

14

15 Q. DOES BOOMERANG SATISFY THESE REQUIREMENTS?

16 A. Yes, Boomerang meets each of the requirements and FCC regulations thereunder as
17 demonstrated in detail in Sections 11 through 69 of its Petition

18

19 Q. WILL BOOMERANG BE A COMMON CARRIER, AS DEFINED IN FEDERAL
20 LAW?

21 A. Yes.

22

1 Q. DOES BOOMERANG COMMIT TO PROVIDE THE SUPPORTED SERVICES
2 IDENTIFIED BY THE FCC’S RULES?

3 A. Yes. Boomerang has most recently adopted the requirements of the FCC Modernization
4 Order effective December 2, 2016 including outlining minimum service standards and
5 modifications to qualifying eligibility programs. The minimum standards are reflected in
6 the Lifeline service plans above.

7
8 Q. WILL BOOMERANG ADVERTISE THE AVAILABILITY OF THESE SUPPORTED
9 SERVICES USING MEDIA OF GENERAL DISTRIBUTION, AS REQUIRED BY 47
10 U.S.C. § 214(e)(1)(B)?

11 A. Yes.

12

13 Q. HOW DOES BOOMERANG PROPOSE TO COMPLY WITH THE REQUIREMENT
14 THAT ETC CARRIERS PROVIDE SERVICES SUPPORTED BY FEDERAL
15 UNIVERSAL SERVICE SUPPORT MECHANISMS EITHER BY USE OF THEIR
16 OWN FACILITIES OR BY USE OF A COMBINATION OF THEIR OWN
17 FACILITIES AND RESALE?

18 A. On August 8, 2012, Boomerang was granted forbearance by the FCC from application of
19 the “own facilities” requirement since Boomerang is a Lifeline-only ETC.

20 The approval is available at this link: [https://apps.fcc.gov/edocs_public/attachmatch/DA-](https://apps.fcc.gov/edocs_public/attachmatch/DA-12-1286A1.pdf)
21 [12-1286A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-12-1286A1.pdf) The approved Compliance Plan was filed pursuant to the Lifeline
22 Reform Order as a condition of obtaining forbearance from the facilities requirement of
23 the Communications Act of 1934, as amended (the Act), for the provision of Lifeline

1 service. Boomerang Wireless will provide service to eligible low income consumers
2 through the resale of national wireless network providers Verizon, Sprint and T-Mobile.

3
4 Q. HOW WILL BOOMERANG MEET THE REQUIREMENT TO PROVIDE 911 AND
5 E911 ACCESS TO ITS LIFELINE CUSTOMERS?

6 A. The FCC, in approving Boomerang's Compliance Plan, found that Boomerang meets this
7 requirement. Boomerang Wireless' underlying national wireless network providers
8 provide licensed facilities-based wireless services and route 911 and E911 calls to the
9 Public Safety Answering Points (PSAPs) in the same manner as they route 911 and E911
10 calls for their own retail customers.

11
12 Q. HAS BOOMERANG SUBMITTED A PROPOSED COMPLIANCE PLAN TO THE
13 FCC?

14 A. Yes. Boomerang received FCC approval in August 8, 2012.

15
16 Q. DOES BOOMERANG SATISFY THE FCC'S ADDITIONAL ELIGIBILITY
17 CRITERIA FOR ETC DESIGNATION?

18 A. Yes.

19
20 Q. SPECIFICALLY, DOES BOOMERANG CERTIFY THAT IT WILL COMPLY WITH
21 ALL SERVICE REQUIREMENTS APPLICABLE TO LIFELINE SUPPORT
22 FUNDING?

23 A. Yes.

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Q. DOES BOOMERANG INTEND TO SUBMIT A FIVE-YEAR SERVICE IMPROVEMENT PLAN RELATING TO PLANNED INFRASTRUCTURE IMPROVEMENTS OR UPGRADES?

A. No. Boomerang has received facilities forbearance from the FCC for the provision of ETC services so the Five-Year service improvement plan relating to Planned infrastructure improvement or upgrades is not applicable to resellers of the services.

Q. HOW DOES BOOMERANG DEMONSTRATE ITS ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS?

A. Boomerang has implemented redundant back-up power to protect and keep functional all internal network functionality and customer support systems. As a reseller, Boomerang Wireless provides service to its customers through the use of facilities obtained from other carriers who are able to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, re-routing of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

Q. HOW DOES BOOMERANG INTEND TO SATISFY ALL THE CONSUMER PROTECTION AND SERVICE QUALITY STANDARDS APPLICABLE TO ITS PROPOSED ETC OPERATIONS?

1 A. As required by 47 C.F.R. § 54.422(b)(3) Boomerang Wireless will certify its continuing
2 compliance with all applicable service quality standards and consumer protection rules.
3 In addition, the FCC’s approval of Boomerang’s Compliance Plan demonstrates
4 satisfaction of the consumer protection and service quality standards.

5
6 Q. DOES BOOMERANG HAVE THE REQUISITE FINANCIAL AND TECHNICAL
7 QUALIFICATIONS TO PROVIDE THE PROPOSED SERVICES?

8 A. Yes. Boomerang has operated as an ETC since October 2012 in dozens of states and has
9 the technical and financial wherewithal to provide said services in Utah. In addition, the
10 FCC’s approval of Boomerang’s Compliance Plan demonstrates Boomerang’s financial
11 and technical qualifications.

12
13 Q. DOES BOOMERANG HAVE ETC DESIGNATION IN ANY OTHER
14 JURISDICTION?

15 Yes, please see the chart below outlining the territories in which Boomerang has received
16 ETC designation.

17 A.

Status	State
ETC	Arkansas
ETC	Arizona
ETC	California
ETC	Colorado
ETC	Georgia
ETC	Hawaii

ETC	Iowa
ETC	Idaho
ETC	Indiana
ETC	Kansas
ETC	Kentucky
ETC	Louisiana
ETC	Maryland
ETC	Michigan
ETC	Minnesota
ETC	Missouri
ETC	Mississippi
ETC	Nebraska
ETC	North Dakota
ETC	Nevada
ETC	Ohio
ETC	Oklahoma
ETC	Oregon
ETC	Pennsylvania
ETC	Puerto Rico
ETC	Rhode Island
ETC	South Carolina
ETC	Texas
ETC	Washington
ETC	Wisconsin
ETC	West Virginia
ETC	Wyoming
APPROVED ETC	32 States/Terr.

1

2 Q. HOW WILL BOOMERANG’S DESIGNATION AS AN ETC BENEFIT UTAH
3 SUBSCRIBERS?

4 A. Designating Boomerang as an ETC throughout its service area will make Lifeline
5 discounts available to more Utah residents. This provision of Lifeline discounts is
6 particularly valuable to low-income customers in the wireless field, where, to
7 Boomerang’s knowledge, there are a limited number of wireless providers offering USF

1 supported service and even fewer offering the same with absolutely no monthly recurring
2 charge to the end-user. As such, the service for which Boomerang seeks ETC status is
3 unique.

4 Designation of Boomerang as an ETC for purposes of offering the Lifeline
5 program will serve the public interest by increasing participation of qualified consumers
6 in those programs, thereby contributing to an overall increase in the number of Utah
7 residents receiving Lifeline service and an increase in the amount of federal USF dollars
8 benefitting Utah residents.

9 Designation of Boomerang will also serve the public interest by furthering the
10 extensive role that Boomerang believes it will play in the provision of communications
11 service to low-income consumers, transient users, and other consumers who, due to
12 restrictive credit criteria, deposit requirements, and long-term commitments of traditional
13 service providers, are off network and, without any viable alternative, are likely to remain
14 so.

15
16 Q. WILL DESIGNATION OF BOOMERANG AS AN ETC IN UTAH HAVE ANY
17 EFFECTS UPON COMPETITIONS IN THE STATE?

18 A. Yes. It will provide additional wireless service options to both rural and non-rural
19 citizens.

20
21 Q. WILL DESIGNATION OF BOOMERANG AS AN ETC IN UTAH HAVE ANY
22 ADVERSE EFFECT UPON THE UNIVERSAL SERVICE FUND?

23 A. No.

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Q. WILL BOOMERANG COMPLY WITH THE REQUIREMENTS FOR LIFELINE ELIGIBILITY CERTIFICATION AND VERIFICATION?

A. Yes.

Q. HOW DOES THE COMPANY’S DE-ENROLLMENT PROTOCOL WORK?

A. Consumers are identified for de-enrollment based on the FCC rules including usage and recertification. For usage and recertification, the consumer receives on-going SMS reminders about the actions they must take to retain their Lifeline benefit. During the Recertification period, the customer account is also tagged so that if the subscriber calls Customer Support the agent will remind the subscriber of the impending de-enrollment and assist in retaining service. The consumer receives final reminders 15 or 30 days prior to the de-enrollment dates, as applicable. During this period they may cure for the outstanding issue (i.e. use the phone, recertify). At the end of that period they are de-enrolled from the Lifeline program.

Q. HOW WILL BOOMERANG ENSURE THAT PROSPECTIVE CUSTOMERS COMPLY WITH THE “ONE-PER-HOUSEHOLD” RULE FOR LIFELINE SUPPORT?

A. Boomerang has multiple address duplicate checks in its application process. This includes an intra-company check in the application system and the billing system, and inter-company check against the NLAD. A matching addresses in any of the systems will require the consumer to complete an IEH form at which time one of the following outcomes will happen:

1 Don't complete IEH = application fails
2 Complete IEH and fail the One Per Household test = application fails
3 Complete IEH and passes the One Per Household test = application continues
4 Applications are then audited allowing the auditor can see potential address duplicates. The
5 Auditor will audit the record, the IEH form and our databases. If the application fails audit, the
6 consumer will not be able to enroll in Lifeline with Boomerang.

7 Q. WILL BOOMERANG COMPLY WITH ALL OTHER FCC AND COMMISSION
8 RULES APPLICABLE TO ETC OPERATIONS IN UTAH?

9 A. Yes

10

11 Q. WILL BOOMERANG TIMELY PAY ALL APPLICABLE FEDERAL, STATE, AND
12 LOCAL REGULATORY FEES AND ASSESSMENTS APPLICABLE TO ITS ETC
13 OPERATIONS IN UTAH?

14 A. Yes

15

16 Q. WHEN WILL BOOMERANG BE READY TO OFFER LIFELINE SERVICES IN
17 UTAH?

18 A. Generally it will take 45-60 days to turn on the state in our systems, do an end to end test
19 and start marketing. More time may be required depending on required interfaces with a
20 state system or database.

21

22 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

23 A. Yes.