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*Attorneys for Utah Office of Consumer Services*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Petition of BOOMERANG	)	Docket No. 16-2590-01
WIRELESS, LLC for Designation as an Eligible	)	
Telecommunications	)	Office of Consumer Services
Carrier in the State of Utah	)	Request for an Order of Default
	)	and Dismissal.
_____	)	

Pursuant to Utah Code Annotated, Utah Administrative Procedure Act, Section 63G-4-209 and r. 746-1-105 of the Public Service Commission Administrative Procedures Act Rule, and consistent with Rule 41 of the Utah Rules of Civil Procedure, the Office of Consumer Services (“Office”) hereby requests that the Public Service Commission (“Commission”) issue an Order of Default and Dismissal in the above referenced proceeding. In support of this request, the Office represents as follows:

1. On September 29, 2016, Boomerang Wireless, LLC (“Boomerang”) filed its initial application to be designated as an Eligible Telecommunications Carrier (“ETC”) in the State of Utah. The application was not accompanied by pre-filed testimony.

2. A scheduling conference was held and on November 18, 2016 a procedural schedule was established providing that Boomerang should file its direct testimony by December 29, 2016.
3. Direct testimony was not filed in December 2016.
4. On March 17, 2017, an amended scheduling order was issued setting a new date for direct testimony of March 24, 2017.
5. Boomerang ultimately filed direct testimony with the Commission on March 31, 2017.
6. On June 9, 2017, an Order was issued staying the procedural schedule to allow for the possible submission of a stipulation and agreement that would resolve this proceeding.
7. Settlement discussions have occurred and a draft Stipulation and Agreement has been circulated among the parties reflecting general consensus on how this proceeding could be resolved via settlement. The Office is unaware of any issues that have not been, or could not be resolved.
8. Notwithstanding efforts to work with Boomerang and its counsel to finalize and secure an executed Stipulation and Agreement over the past several months, no such executed agreement has been forthcoming.
9. The Office now takes the position that an Order of Default and Dismissal of this proceeding is warranted. This request is specifically supported by
  - a. the lack of responsiveness by Boomerang or its counsel in efforts to finalize a Stipulation and Agreement that would settle and resolve the issues in this proceeding, and
  - b. the demonstration throughout this proceeding that Boomerang may not have the necessary commitment to become an ETC and assume the necessary

responsibilities to (i) ensure ongoing compliance with this Commission's rules, and  
(ii) ensure compliance with requirements associated with being designated an ETC  
and serving the related public interests.

FOR THE FOREGOING REASONS, the Office requests that the Commission issue an  
Order of Default and Dismissal in the above referenced proceeding.

Respectfully submitted, this 20th day of July 2017.

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Steven W. Snarr  
Attorney for the Office of Consumer Services

## CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2017, I caused to be served, via email, a true and correct copy of the foregoing Request for an Order of Default and Dismissal on behalf of the Office of Consumer Service in Docket No. 16-2590-01 to the following:

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