

**In the Matter Of:**

In Re: Boomerang Wireless, LLC d/b/a enTouch Wireless - Application for ETC

**HEARING, DOCKET NO. 16-2590-01**

*September 11, 2017*

*Job Number: 381756*

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

2  
3 IN THE MATTER OF THE APPLICATION OF Docket No. 16-2590-01  
4 BOOMERANG WIRELESS, LLC D/B/A  
5 ENTOUCH WIRELESS FOR DESIGNATION AS  
6 AN ELIGIBLE TELECOMMUNICATIONS  
7 CARRIER IN THE STATE OF UTAH FOR THE  
8 LIMITED PURPOSE OF OFFERING LIFELINE  
9 SERVICE TO QUALIFIED LOW-INCOME  
10 HOUSEHOLDS

11  
12 HEARING PROCEEDINGS

13  
14 TAKEN AT: Utah Public Service Commission  
15 Fourth Floor  
16 160 East 300 South  
17 Salt Lake City, Utah

18  
19 DATE: Monday, September 11, 2017

20  
21 TIME: 9:00 a.m.

22  
23 REPORTER: Mary R. Honigman, R.P.R.

24  
25 Job No. 381756

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APPEARANCES

ADMINISTRATIVE LAW JUDGE:  
Jennie Jonsson

FOR THE DIVISION OF PUBLIC UTILITIES:  
Justin C. Jetter  
160 East 300 South, Fifth Floor  
Salt Lake City, Utah 84114

FOR THE OFFICE OF CONSUMER SERVICES:  
Robert Moore  
160 East 300 South, Second Floor  
Salt Lake City, Utah 84114

FOR BOOMERANG WIRELESS, LLC D/B/A/ ENTOUCH WIRELESS:  
Brian W. Burnett  
KIRTON MCCONKIE  
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Salt Lake City, Utah 84111

Also Present Via Telephone:

Kimberley Lehrman  
Julia Redman-Carter

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1 PROCEEDINGS

2 MS. JONSSON: For the record, today  
3 is Monday, September 11, 2017. It's 9:00 in the  
4 morning or maybe just a couple of minutes after, and  
5 this is the date and time set for the hearing in the  
6 Matter of the Application of Boomerang Wireless,  
7 LLC, which does business as enTouch Wireless. The  
8 Application is for designation as a federal eligible  
9 telecommunications carrier in the state of Utah for  
10 the limited purpose of offering wireless lifeline  
11 service to qualified households, that being low  
12 income only. Let's go ahead and get appearances on  
13 the record. So for Boomerang?

14 MR. BURNETT: Brian Burnett of the  
15 firm of Kirton McConkie on behalf of Boomerang.

16 MS. JONSSON: Thank you. And for the  
17 Division of Public Utilities?

18 MR. JETTER: Good morning. I'm  
19 Justin Jetter with the Utah Attorney General's  
20 Office, and I represent the Utah Division of Public  
21 Utilities. With me at counsel table is Division  
22 witness, William Duncan.

23 MS. JONSSON: Thank you. And for the  
24 Office of Consumer Services?

25 MR. MOORE: Robert Moore with the

1 Attorney General's Office representing the Office of  
2 Consumer Services. With me is a utility analyst for  
3 the Office, Cheryl Murray.

4 MS. JONSSON: Thank you.

5 MR. BURNETT: I might note for the  
6 record Kimberley Lehrman and Julia Redman-Carter are  
7 also appearing by telephone as has been stipulated  
8 by the parties on behalf of Boomerang.

9 MS. JONSSON: The purpose of this  
10 hearing is to review the stipulation of the parties  
11 so that the Commission has information on which to  
12 base an order, so I think we can just go right to  
13 that. And Mr. Burnett, representing the petitioner,  
14 the applicant, why don't you take the floor.

15 MR. BURNETT: Thank you. I  
16 appreciate this opportunity. I was going to ask  
17 Kimberley Lehrman a few questions if I may.

18 KIMBERLEY LEHRMAN,  
19 having been first duly sworn to tell the truth, was  
20 examined and testified as follows:

21 BY MR. BURNETT:

22 Q Ms. Lehrman, would you state your name for  
23 the record, please.

24 A Kimberley Lehrman.

25 Q And what position do you have with

1 **Boomerang?**

2 A I'm the president of Boomerang Wireless,  
3 which does business as enTouch wireless.

4 **Q And could you briefly describe your**  
5 **company for the Commission?**

6 A Yes, thanks. Boomerang Wireless is a  
7 federally designated ETC. Our compliance plan was  
8 approved in August of 2012. Since then we have been  
9 approved by 33 states now to operate at the state  
10 level as an ETC. We have about 225,000 consumers on  
11 network. The majority of those are via a resale  
12 arrangement with Verizon. We also have consumers on  
13 the Sprint network. We have been very aligned with  
14 the FCC about the importance of broadband to  
15 consumers, and particularly broadband in rural and  
16 suburban localities. We were one of the first  
17 companies to provide data, data-enabled phones that  
18 have really been fast forwarding on enabling better  
19 phones and better data, as well as, of course, voice  
20 and text services for our consumers.

21 **Q And you filed testimony previously in this**  
22 **docket; is that correct?**

23 A That is correct.

24 **Q And if I were to ask you those questions**  
25 **today, would your answers be substantially the same?**

1 A Yes.

2 Q And would you briefly describe for the  
3 Commission what your proposal is here today, what  
4 you're applying for?

5 A Yes. We are asking the Utah Commission to  
6 allow us to operate as an ETC in the non-rural areas  
7 of Utah.

8 Q And you're offering a couple of plans.  
9 Would you briefly describe what those plans are?

10 A Yes, I could. So in the last  
11 modernization order from the FCC in December of  
12 2016, there were minimum standards set for plans,  
13 and so we have a voice minimum standard plan, which  
14 is 500 minutes, 100 texts of data --

15 MS. JONSSON: Ms. Lehrman, I have to  
16 ask you to pause for just a minute. When you turned  
17 away from the phone to verify the information, we  
18 lost volume and the court reporter had some  
19 difficulty, so go back to the data portion of the  
20 plan.

21 THE WITNESS: Okay. We have a voice  
22 minimum standard plan that I think was originally  
23 filed with you which was 500 minutes, 100 texts, and  
24 ten megabytes, and that is currently being upgraded  
25 to 500 voice minutes, unlimited texts, and 100 meg.



1 And we have a data minimum standard product which is  
2 250 units of voice and text which are  
3 interchangeable, and 500 meg of data.

4 BY MR. BURNETT:

5 Q And this information is set forth in the  
6 stipulation and in the Utah fact sheet that you have  
7 attached as attachment 1; is that correct?

8 A Yes.

9 Q In this docket, Boomerang has submitted  
10 its petition, supplemental correspondence, prefiled  
11 testimony, exhibits. That would describe its  
12 application. In addition, the parties have  
13 negotiated and entered into a stipulation settlement  
14 agreement dated August 22nd. Would you like me to  
15 mark this stipulation for identification purposes?

16 MS. JONSSON: That's not necessary.  
17 It's in the record. Thank you.

18 BY MR. BURNETT:

19 Q The stipulation states the parties agree  
20 that this stipulation as a whole is just and  
21 reasonable and will result in the public interest.  
22 Ms. Lehrman, would you agree with that statement?

23 A Yes.

24 MR. BURNETT: Boomerang would move  
25 for admission of the petition, the correspondence,

1 the prefiled testimony, the exhibits, along with the  
2 stipulation settlement agreement.

3 MS. JONSSON: And I believe that the  
4 entry is stipulated to in the document itself, isn't  
5 it?

6 A Yes.

7 **Q So no objection Mr. Jetter or Mr. Moore?**

8 MR. JETTER: No.

9 MR. MOORE: No.

10 MS. JONSSON: So granted.

11 MR. BURNETT: Thank you. I have  
12 nothing further of this witness. She is subject to  
13 cross-examination.

14 MS. JONSSON: Mr. Jetter, any  
15 questions?

16 MR. JETTER: I have no questions.

17 MS. JONSSON: Mr. Moore?

18 MR. MOORE: No questions.

19 MS. JONSSON: And do you have  
20 questions for Ms. Redman-Carter as well?

21 MR. BURNETT: I do not, unless you  
22 have some additional questions about the file.

23 MS. JONSSON: I don't. Thank you.  
24 All right, Mr. Jetter. Go ahead.

25 MR. JETTER: Thank you. The Division

1 would like to call and have sworn in Mr. William  
2 Duncan.

3 WILLIAM DUNCAN,  
4 having been first duly sworn to tell the truth, was  
5 examined and testified as follows:

6 BY MR. JETTER:

7 Q Mr. Duncan, would you please state your  
8 name and occupation for the record?

9 A Yes. I'm William Duncan. I'm the manager  
10 of the telecom section at the Utah Division of  
11 Public Utilities.

12 Q Thank you. And in the course of your  
13 employment with the Division, have you had the  
14 opportunity to review the filings in this docket,  
15 the application, and other filings made by the  
16 Company along with the stipulation?

17 A Yes, I have.

18 Q And do you believe that approval of the  
19 stipulation would be just, reasonable, and in the  
20 public interest?

21 A Yes.

22 Q I have no further questions for  
23 Mr. Duncan. He's available for cross.

24 MS. JONSSON: Any questions,  
25 Mr. Burnett?

1 MR. BURNETT: I have none.

2 MS. JONSSON: Any questions,

3 Mr. Moore?

4 MR. MOORE: No questions.

5 MS. JONSSON: Mr. Moore, go ahead.

6 MR. MOORE: We would like to call and  
7 have sworn in Cheryl Murray.

8 CHERYL MURRAY,  
9 having been first duly sworn to tell the truth, was  
10 examined and testified as follows:

11 BY MR. MOORE:

12 Q Could you please state your name, business  
13 address, and whom you represent in this docket?

14 A My name is Cheryl Murray. I represent the  
15 Office of Consumer Services. My business address is  
16 160 East 300 South, Salt Lake City, Utah.

17 Q Did you participate in the settlement  
18 negotiations resulting in the stipulation being  
19 considered today?

20 A Yes. On behalf of the Office, I  
21 participated in all negotiations regarding Boomerang  
22 Wireless' request for designation as an eligible  
23 telecommunications carrier in Utah.

24 Q Have you prepared a statement regarding  
25 your stipulation?

1           A       Yes, I have.

2           **Q       Would you please proceed?**

3           A       Yes. The Office of Consumer Services is  
4 responsible for assessing the impact of utility rate  
5 changes and regulatory actions upon residential and  
6 small commercial customers. It is in that capacity  
7 that we have evaluated Boomerang Wireless, LLC's  
8 request for limited designation as an eligible  
9 telecommunications carrier for the purpose of  
10 providing lifeline service to qualified residential  
11 customers in Utah. The Office recognizes the need  
12 for low-income persons to have access to telephone  
13 service, and in general supports the ability to  
14 receive that service through wireless telephone.

15                   Our considerations of Boomerang's request  
16 are both with the benefits provided to low-income  
17 customers through wireless ETCs and the money  
18 collected from telecommunications customers which  
19 funds the lifeline program. In order to determine  
20 whether or not the Office could support Boomerang's  
21 request, we have reviewed the petition, testimony,  
22 and exhibits provided by the applicant. Further, we  
23 had several discussions with company representatives  
24 to clarify certain aspects of the application and  
25 services to be provided.

1           Subsequent to our review of the  
2 information, the parties entered into settlement  
3 stipulation. The stipulation that is being  
4 presented today incorporates conditions the Office  
5 asserts are necessary to the public interest, such  
6 as development and use of a Utah specific  
7 information sheet, payment of appropriate taxes and  
8 fees, and any future requests for access to the  
9 state USF requires a filing and a hearing on the  
10 matter.

11           The Office also notes that some wireless  
12 companies previously authorized as Utah ETCs have  
13 relinquished that designation or combined with  
14 another wireless ETC, thereby diminishing the  
15 lifeline choices currently available for low-income  
16 customers.

17           In conclusion, in the Office's judgment  
18 the settlement is just and reasonable in result and  
19 in the public interest, and we recommend that the  
20 Commission approve it. That concludes my testimony.

21           MR. MOORE: Ms. Murray is available  
22 for cross.

23           MS. JONSSON: Anything for  
24 Ms. Murray?

25           MR. BURNETT: I have no questions.

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MS. JONSSON: Mr. Jetter?

MR. JETTER: I have no questions.

Thank you.

MS. JONSSON: Thank you. Well, I believe then that I have everything that I need to work with the Commission and issue an order in this matter. If there is nothing else from the parties, we can close this hearing. Thank you very much.

(The proceedings concluded at 9:15 a.m.)

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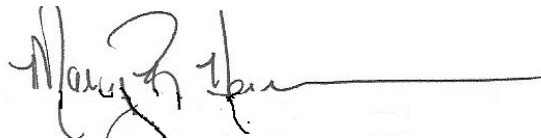
REPORTER'S CERTIFICATE

STATE OF UTAH )  
COUNTY OF SUMMIT )

I, Mary R. Honigman, a Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I have subscribed my name on this 13th day of September, 2017.



Mary R. Honigman  
Registered Professional Reporter #972887



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