

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Petition of Boomerang Wireless, LLC d/b/a enTouch Wireless to Amend its Eligible Telecommunications Carrier Service Area	<u>DOCKET NO. 22-2590-01</u> <u>REPORT AND ORDER</u>
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ISSUED: November 10, 2022

On September 9, 2022, Boomerang Wireless, LLC d/b/a enTouch Wireless (“enTouch”) filed a Petition to amend its Eligible Telecommunications Carrier (ETC) service area in Utah (“Petition”). enTouch seeks to amend its ETC designated service area to provide its Lifeline services to more low-income customers in Utah.¹ Specifically, enTouch states that it will be able to offer Lifeline services anywhere that its underlying facilities-based provider (T-Mobile) has wireless coverage.

The PSC initially designated enTouch as an ETC throughout the areas served by both Qwest (now CenturyLink) and enTouch’s underlying carriers – Sprint Nextel (“Sprint”), Verizon, and T-Mobile USA, Inc. (“T-Mobile”) – in the ETC Designation Order.² It states that it continues to provide wireless Lifeline service using the Sprint wireless network but is transitioning to T-Mobile’s network due to the merger between Sprint and T-Mobile and has ceased using Verizon’s wireless network.³ Accordingly, enTouch seeks to amend its ETC designation to include all coverage areas set forth in the Petition which represent all of T-

¹ The Petition seeks statewide authority wherever enTouch’s underlying carrier (T-Mobile) has wireless coverage, and also seeks “the partial relinquishment in certain areas previously served by a former underlying carrier, Verizon Wireless, affecting no customers in Utah.” Petition at 1 and 8 (“no customers in Utah will be affected by [enTouch’s] relinquishment of the Verizon Wireless service area.”).

² The PSC granted enTouch ETC status on September 13, 2017, in Docket No. 16-2590-01, *Application of Boomerang Wireless, LLC d/b/a enTouch Wireless for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Limited Purpose of Offering Lifeline Service to Qualified Low-income Households*, Report and Order issued September 13, 2017. The application in that Docket included an Exhibit A, which was a listing of each exchange for which enTouch requested ETC status in Utah (listing only Qwest exchanges), and the settlement stipulation in that Docket refers to that Exhibit A as defining the service area.

³ Petition at 3.

Mobile's wireless coverage in Utah.⁴ enTouch also states that the amended ETC designation will further serve the public and universal service interests of Utah customers.⁵

enTouch certifies in its Petition that it continues to meet all statutory and regulatory requirements for designation as an ETC, including those in the relevant orders adopted by the FCC,⁶ as well as its obligations established in all relevant Public Service Commission (PSC) orders.⁷

On September 14, 2022, the Division of Public Utilities (DPU) filed comments recommending the PSC grant the Petition and approve the amended service area for enTouch.⁸ The DPU supports the Petition because it meets the objective of supporting competition for Utah customers.⁹ No other party filed comments.

FINDINGS, CONCLUSIONS, AND ORDER

Because of the merger between Sprint and T-Mobile, enTouch is transitioning to T-Mobile's network and will cease using the Verizon network to offer its Lifeline services. The change of the underlying carriers enTouch uses in Utah requires amending its ETC service area to match its new underlying carrier's facilities. This will allow it to offer Lifeline services to more low-income customers in Utah as compared to the original designation for only Qwest

⁴ See *id.* at 1 and Ex. A.

⁵ *Id.* at 9.

⁶ See *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, and Connect America Fund*, WC Docket Nos. 11-42, 09-197, and 10-90, respectively, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016); see also *In the Matter of Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, and Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, respectively, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019).

⁷ The ETC Designation Order.

⁸ DPU Comments at 1.

⁹ *Id.*

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areas. We find the public interest will be served by allowing enTouch to provide Lifeline service within the amended service area described in more detail in the Petition. Because enTouch requests statewide authority, Exhibit A submitted in this Docket appears to be incomplete as it only lists rural areas of Utah. We thus direct enTouch to file, within 30 days from the date of this Report and Order, an updated Exhibit A that provides a complete list of the areas included in its intended service area. Based on our consideration of the Petition, DPU's comments, and there being no opposition, the PSC finds and concludes that approval of the Petition is in the public interest. The PSC, therefore, and subject to the direction provided herein, approves the Petition.

DATED at Salt Lake City, Utah, November 10, 2022.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#326108

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on November 10, 2022, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Brian W. Burnett, Esq. (bburnett@kmclaw.com)
Kirton McConkie
J. Andrew Gipson, Esq. (jag@jagipsonadvisors.com)
J.A. Gipson Advisors, PLLC
Attorneys for Boomerang Wireless, d/b/a enTouch Wireless

Patricia Schmid (pschmid@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Alyson Anderson (akanderson@utah.gov)
Bela Vastag (bvastag@utah.gov)
Alex Ware (aware@utah.gov)
(ocs@utah.gov)
Office of Consumer Services

Administrative Assistant