

**Before the
Federal Communications Commission
Washington, D.C. 20554**

_____)	
In the Matter of)	
)	
Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization)	
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
_____)	

**REPLY COMMENTS OF BOOMERANG WIRELESS, LLC
ON THE SECOND FURTHER NOTICE OF PROPOSED RULEMAKING
TO MODERNIZE AND RESTRUCTURE THE LIFELINE PROGRAM**

John J. Heitmann
Joshua T. Guyan
Dawn R. Damschen
KELLEY DRYE & WARREN LLP
3050 K Street, NW
Suite 400
Washington, D.C. 20007
(202) 342-8544 (voice)
(202) 342-8451 (facsimile)
jheitmann@kelleydrye.com

Counsel for Boomerang Wireless, LLC

SUMMARY

Boomerang Wireless, LLC (Boomerang or Company), by and through the undersigned counsel, respectfully submits these reply comments in response to the Commission's Second Further Notice of Proposed Rulemaking (Second FNPRM) seeking comment on proposals to modernize and restructure the Lifeline program. Boomerang focuses its reply comments on three issues addressed in the initial comment round regarding Lifeline service on Tribal lands – the value of wireless resellers, self-certification of residency on Tribal lands, and Tribal eligibility programs.

In its initial comments, Boomerang explained the vital role wireless resellers play in the provisioning of affordable wireless communications to Lifeline-eligible subscribers, including residents on Tribal lands. Because so many Tribal Lifeline subscribers rely on Boomerang and other wireless resellers for service, the Commission must act to ensure that wireless resellers remain eligible to provide enhanced Tribal benefits to Lifeline-eligible subscribers. The Commission's proposal to limit the Tribal Lifeline program to facilities-based providers is based on the goal of bolstering infrastructure deployment which is not and has not been the primary purpose of the enhanced Tribal benefit. Rather, the primary goal of the enhanced Tribal Lifeline subsidy program is to increase subscribership by improving the affordability of communications services for residents of Tribal lands.

While many of the major wireless carriers have substantial facilities and network coverage over much of Tribal lands, it is the wireless resellers like Boomerang, not the major carriers, that have made the investment in coordinating with the Tribal Nations and developing a business model to provide affordable access to voice, text and broadband service offerings to residents of Tribal lands. The record demonstrates that many Tribal Nations appreciate the role of wireless resellers and oppose the Commission's proposal to restrict these companies from

competing to provide enhanced Lifeline benefits. Supporters of the Commission's proposal either fail to appreciate the critical role wireless resellers serve for some Tribal Nations or do so to insulate themselves from competition and innovation in the market. The Commission must recognize the diverse needs of Tribal Nations across the country and refrain from taking actions that would deny Lifeline-eligible subscribers the affordable access to modern wireless communications made available by wireless resellers.

In its comments, Boomerang also urged the Commission to reaffirm its decision to rely on applicant self-certifications to establish residence on Tribal lands. Boomerang noted that it is not aware of a fully reliable method for Tribal subscribers to confirm such residency. The record substantially supports this conclusion. Further, the record contains no evidence that the self-certification process is broken or that the process has been misused. Should the Commission decide that imposing additional verification requirements are necessary to fix what appears not to be broken, it should ensure that any alternative means of verification must be publicly available, uniformly applied, nondiscriminatory and must act as a safe harbor for all entities incorporating the verification process into their Lifeline enrollment.

Finally, the record contains widespread support for maintaining Tribal-specific assistance programs to qualify for Lifeline benefits. Failing to do so would disproportionately impact Tribal residents electing to participate in Tribal-specific benefits over general federal assistance programs.

TABLE OF CONTENTS

I.	Wireless Resellers Are Essential to Meeting the Goal of Providing Affordable Access to Modern Wireless Communications Services on Tribal Lands.....	3
A.	The Record Demonstrates that Most Tier 1 Carriers Have Not Pursued Providing Lifeline Service and Wireless Resellers Are Critical to Filling the Gap.....	4
B.	Wireless Resellers Spur Demand for Network Improvements and Increased Competition that Benefits Tribal Consumers.....	6
C.	The Proposal to Limit Enhanced Lifeline to Facilities-Based Providers Draws Support Only from Parties Seeking to Restrict Competition.....	7
II.	Self-Certification Should Remain the Standard for Confirming Residency on Tribal Lands.....	10
A.	A Cost-Benefit Analysis Continues to Favor Self-Certification.....	10
B.	Any Tribal Residence Verification Requirements Should Be Developed in Consultation with Tribal Nations and ETCs.....	11
III.	The Commission Should Maintain the Current Proof of Eligibility Programs for Enhanced Lifeline.....	12
IV.	Conclusion.....	13

**Before the
Federal Communications Commission
Washington, D.C. 20554**

_____)	
In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	
Connect America Fund)	WC Docket No. 10-90
_____)	

**REPLY COMMENTS OF BOOMERANG WIRELESS, LLC
ON THE SECOND FURTHER NOTICE OF PROPOSED RULEMAKING
TO MODERNIZE AND RESTRUCTURE THE LIFELINE PROGRAM**

Boomerang Wireless, LLC (Boomerang or Company), by and through the undersigned counsel, respectfully submits these reply comments in response to the Commission’s Second Further Notice of Proposed Rulemaking (Second FNPRM) seeking comment on proposals to modernize and restructure the Lifeline program.¹ Boomerang focuses its reply comments on three issues addressed in the initial comment round regarding Lifeline service on Tribal lands – the value of wireless resellers, self-certification of residency on Tribal lands, and Tribal eligibility programs.

¹ See *In the Matter of Lifeline and Link Up Reform and Modernization, et al.*, WC Docket 11-42, *et al.*, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (rel. June 22, 2015) (Second FNPRM).

In its initial comments, Boomerang explained the vital role wireless resellers play in the provisioning of affordable wireless communications to Lifeline-eligible subscribers, including residents on Tribal lands. Because so many Tribal Lifeline subscribers rely on Boomerang and other wireless resellers for service, the Commission must act to ensure that wireless resellers remain eligible to provide enhanced Tribal benefits to Lifeline-eligible subscribers. The Commission's proposal to limit the Tribal Lifeline program to facilities-based providers is based on the goal of bolstering infrastructure deployment which is not and has not been the primary purpose of the enhanced Tribal benefit. Rather, the primary goal of the enhanced Tribal Lifeline subsidy program is to increase subscribership by improving the affordability of communications services for residents of Tribal lands.

While many of the major wireless carriers have substantial facilities and network coverage over much of Tribal lands, it is the wireless resellers like Boomerang, not the major carriers, that have made the investment in coordinating with the Tribal Nations and developing a business model to provide affordable access to voice, text and broadband service offerings to residents of Tribal lands. The record demonstrates that many Tribal Nations appreciate the role of wireless resellers and oppose the Commission's proposal to restrict these companies from competing to provide enhanced Lifeline benefits. Supporters of the Commission's proposal either fail to appreciate the critical role wireless resellers serve for some Tribal Nations or do so to insulate themselves from competition and innovation in the market. The Commission must recognize the diverse needs of Tribal Nations across the country and refrain from taking actions that would deny Lifeline-eligible subscribers the affordable access to modern wireless communications made available by wireless resellers.

In its comments, Boomerang also urged the Commission to reaffirm its decision to rely on applicant self-certifications to establish residence on Tribal lands. Boomerang noted that it is not aware of a fully reliable method for Tribal subscribers to confirm such residency. The record substantially supports this conclusion. Further, the record contains no evidence that the self-certification process is broken or that the process has been misused. Should the Commission decide that imposing additional verification requirements are necessary to fix what appears not to be broken, it should ensure that any alternative means of verification must be publicly available, uniformly applied, nondiscriminatory and must act as a safe harbor for all entities incorporating the verification process into their Lifeline enrollment.

Finally, the record contains widespread support for maintaining Tribal-specific assistance programs to qualify for Lifeline benefits. Failing to do so would disproportionately impact Tribal residents electing to participate in Tribal-specific benefits over general federal assistance programs.

I. Wireless Resellers Are Essential to Meeting the Goal of Providing Affordable Access to Modern Wireless Communications Services on Tribal Lands

In its initial comments, Boomerang explained how wireless resellers are critical to providing affordable wireless communications on Tribal lands and asserted that wireless resellers should remain eligible to provide enhanced Tribal benefits to Lifeline-eligible subscribers.² The record reveals that many Tribal Nation commenters agree on the importance of wireless resellers. The record also shows that competition from wireless resellers can spur facilities-based providers to improve service offerings on Tribal lands. Those commenters that support limiting eligibility to provide enhanced Lifeline benefits to facilities-based providers do so based on self-interest in

² See Comments of Boomerang Wireless, LLC, WC Docket No. 11-42, *et al.*, 10 (filed Aug. 31, 2015) (Boomerang Comments).

limiting competition and offer no explanation as to how low-income Tribal consumers would benefit from such a mandate. For these reasons, and as explained more fully herein, the Commission should not take any action that would deny Tribal residents access to the affordable wireless service offerings of wireless resellers.

A. The Record Demonstrates that Most Tier 1 Carriers Have Not Pursued Providing Lifeline Service and Wireless Resellers Are Critical to Filling the Gap

In its initial comments, Boomerang explained how the major Tier 1 wireless providers have shown minimal to no interest in providing Lifeline service on Tribal lands.³ Thus, it comes as no surprise that none of these carriers addressed the issues related to the provision of enhanced Lifeline benefits in their comments. While directly serving low-income Tribal residents is not a priority for the Tier 1 network providers, these carriers serve a valuable role by providing access to their facilities through wholesale relationships with wireless resellers such as Boomerang. The result is a win-win-win. The Tier 1 network providers are able to sell capacity, wireless resellers are able to leverage those communications assets to reach low-income consumers on Tribal lands, and Lifeline-eligible residents of Tribal lands have affordable access to modern, Tier 1 wireless communications services.

Notably, the comments of the Navajo Nation Telecommunications Regulatory Commission (NNTRC) and the Oglala Sioux Tribe demonstrate how vital wireless resellers are to providing wireless Lifeline service to low-income subscribers residing on Tribal lands. Representing the largest American Indian nation in terms of geographic size, NNTRC reported that AT&T, Sprint and Verizon are not authorized to provide wireless Lifeline service to eligible,

³ See Boomerang Comments at 12-13.

low-income subscribers on Navajo Nation Tribal lands.⁴ In contrast, NNTRC has authorized Boomerang and other wireless resellers to provide enhanced Lifeline service. As a result of Boomerang's successful approach to Tribal engagement, and the desire of NNTRC to ensure that low-income Navajo residents enjoy the benefits of competition, Boomerang currently provides enhanced Lifeline service to eligible members of the Navajo Nation who reside on Tribal lands.

The Oglala Sioux Tribe observed that even where facilities-based wireless carriers like AT&T are providing Lifeline service to Tribal subscribers, their penetration rate typically is very low.⁵ The Oglala Sioux Tribe reported that based on "USAC projections there were 6,869 Lifeline subscribers" served on the Pine Ridge Reservation by facilities-based carriers (AT&T Mobility, Golden West and Fort Randall Telephone Company) in 2005.⁶ By the third quarter of 2014, that number had shrunk to a mere 694 subscribers on the reservation.⁷ In response to the apparent lack of interest by the facilities-based providers in providing enhanced Lifeline services, the Oglala Sioux Tribe has recognized that wireless resellers can fill an important need and it has called upon the South Dakota Public Utilities Commission to act on the eligible telecommunications carrier (ETC) designation applications presently pending before it.

⁴ See Comments of the Navajo Nation Telecommunications Regulatory Commission (NNTRC), WC Docket No. 11-42, *et al.*, 10 (filed Aug. 28, 2015) (NNTRC Comments) (NNTRC did not identify whether T-Mobile is providing service; however, CGM, LLC industry statistics indicate that, as of June 2015, T-Mobile USA Inc. does not have any Lifeline subscribers). See USAC FCC Filings, LI05 Low Annual Low Income Support Amounts by State and Company – January 2012 through December 2014 (Sept. 29, 2015), <http://www.usac.org/about/tools/fcc/filings/2015/q2.aspx>.

⁵ See Comments of the Oglala Sioux Tribe Utility Commission, WC Docket No. 11-42, *et al.*, 3 (filed Aug. 31, 2015) (Oglala Sioux Comments) (stating that by the end of 2013, AT&T Mobility was only serving 125 Lifeline subscribers on the Pine Ridge reservation).

⁶ See Oglala Sioux Comments, Attachment at 3.

⁷ *Id.*

Boomerang has one such application and it has been pending for nine months.⁸

B. Wireless Resellers Spur Demand for Network Improvements and Increased Competition that Benefits Tribal Consumers

Boomerang's initial comments described how wireless resellers spur network deployment and enhancements by increasing subscribership and adding subscriber lines to, and demand for, the major wireless carrier networks.⁹ By generating demand, wireless resellers like Boomerang help to improve the business case for these Tier 1 providers to make investments to achieve more extensive and reliable coverage in Tribal lands. Since most facilities-based wireless providers have not focused on serving low-income Tribal residents, the Commission's proposal to restrict enhanced benefits to facilities-based providers carries with it the very real possibility that upwards of two-thirds of the Tribal Lifeline subscribers could lose their service.¹⁰ That kind of line loss also would decrease the incentive by facilities-based wholesale providers to improve existing network facilities and to build-out more in Tribal areas because the market would reflect significantly reduced demand and network usage. No commenter effectively addressed these points.

To the contrary, the comments of NNTRC provide substantial support for Boomerang's position that wireless resellers spur facilities-based providers to improve service on Tribal lands. First, NNTRC reports that while the major wireless carriers do not serve the Tribal residents, they have facilities capable of providing service to the Navajo Nation.¹¹ NNTRC also reports

⁸ See Oglala Sioux Comments at 2. On January 22, 2015, Boomerang filed its application for designation as an Eligible Telecommunications Carrier (ETC) for the limited purpose of offering wireless Lifeline service with the South Dakota Public Utilities Commission.

⁹ See Boomerang Comments at 14.

¹⁰ See Second FNPRM ¶ 167.

¹¹ See NNTRC Comments at 10.

that several wireless resellers purchase network capacity in order to provide such service.¹² (Boomerang is one of them.) As a result, NNTRC observes that “the facilities-based carriers do end up with a significant percentage” of enhanced Lifeline support (albeit indirectly).¹³ Because the Tier 1 providers receive this support, NNTRC reports that it “allows them to expand infrastructure deeper into the Navajo Nation.”¹⁴ NNTRC’s comments also show that even where facilities-based providers do provide enhanced Lifeline services, competition from wireless service providers can spur them to improve their service offerings.¹⁵

C. The Proposal to Limit Enhanced Lifeline to Facilities-Based Providers Draws Support Only from Parties Seeking to Restrict Competition

As the record reflects, some Tribal Nations, such as the Navajo Nation and others, credit wireless resellers with an important role in providing affordable service to residents of Tribal lands. Other Tribal Nations have Tribally-owned carriers that provide service to their residents. Some of those Tribally-owned carriers filed comments as members of the National Tribal Telecommunications Association (NTTA) or the South Dakota Telecommunications Association (SDTA) in support of the Commission’s proposal to restrict wireless resellers from eligibility to provide enhanced Lifeline benefits.¹⁶ However, these Tribally-owned carriers and special

¹² *Id.*

¹³ NNTRC Comments at 10.

¹⁴ *Id.*

¹⁵ See NNTRC Comments at 10 (“It is highly likely that without Tier 4 support, these wireless resellers would simply stop providing Lifeline service to the Navajo Nation. Reducing carrier competition will only lead to worse service and more limited service offerings, and ultimately, fewer Navajos who have phones.”).

¹⁶ See Comments of the National Tribal Telecommunications Association, WC Docket No. 11-42, *et al.*, 1-4 (filed Aug. 31, 2015) (NTTA Comments); Comments of the South Dakota Telecommunications Association, WC Docket No. 11-42, *et al.*, 2-5 (filed Aug. 31, 2015) (SDTA Comments). NTTA members include: Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., Hopi Telecommunications, Inc., Mescalero Apache Telecom, Inc., Saddleback Communications, San Carlos Apache Telecommunications Utility Inc., Tohono

interest groups fail to consider the impact of the Commission's proposal to eliminate wireless resellers from the enhanced Tribal component of the Lifeline program on other Nations, particularly those that do not have a Tribally-owned carrier to serve Tribal residents. The contrasts in positions among the Tribal Nations make one thing clear: support for the Commission's proposal comes exclusively from Tribal Nations with facilities-based providers who hope to gain additional subsidies at the expense of those Tribal Nations who rely on wireless resellers to provide affordable access to wireless services.

Further, as facilities-based providers serving some Tribal lands, NTTA and SDTA members offer no explanation as to how low-income Tribal consumers would benefit from such a mandate. SDTA takes its position beyond Tribal lands, as it asked the Commission to eliminate its wireless reseller competitors on Tribal lands by removing the automatic grant of forbearance from Section 214(e)(11)(A) of the Communications Act for entities seeking Lifeline-only ETC designation.¹⁷ SDTA's interests are clearly best served by eliminating competition from wireless resellers on Tribal lands (and elsewhere) and forcing these Tribal customers to rely on SDTA members' wireline services.¹⁸ The Commission should not deny some Tribal Nations the benefits of competition and consumer choice provided by wireless resellers, simply because other Tribal Nations see an opportunity for more funding for their Tribally-owned carriers.

O'odham Utility Authority, Warm Springs Telecom, and Cheyenne River Sioux Telephone Authority. The Cheyenne River Sioux Telephone Company is also a member of the SDTA.

¹⁷ See SDTA Comments at 1-2.

¹⁸ To date, SDTA has opposed all applications submitted by wireless resellers to provide service to rural and Tribal lands in South Dakota.

The Nez Perce Tribe also asserts that non-facilities-based providers should be prohibited from offering wireless service on Tribal lands because of “aggressive and predatory” business practices.¹⁹ This concern is unfounded. Indeed, USAC’s subscriber reports indicate that no wireless resellers provide enhanced Lifeline to residents of Nez Perce Tribal lands.²⁰ The claim is certainly not reflective of the manner in which Boomerang, and many other wireless resellers, conduct business on Tribal lands.

As explained in its initial comments, Boomerang does not compete with Tribally-owned carriers.²¹ Each wireless reseller seeking to provide service on Tribal lands must seek authority from state regulators and the individual Tribal Nations. As sovereign nations, Tribal governments may deny wireless resellers the ability to provide enhanced Lifeline service on their Tribal lands. As a result, the Tribally-owned carriers do not need the Commission to protect them from competitors, including wireless resellers, seeking to provide enhanced Lifeline benefits. As evidenced by its Tribal subscriber base, Boomerang serves many Tribal Nations that do not have Tribally-owned carriers and rely on wireless resellers.²² In light of the vast differences in circumstances among the Tribal Nations, and to protect the sovereignty of the various Tribes, the Commission must preserve the role of wireless resellers in serving Tribal lands and reject the proposal to eliminate them from the competitive landscape on Tribal lands. The Commission’s proposal to restrict enhanced Lifeline benefits to facilities-based providers

¹⁹ See Nez Perce Tribe Comments at 3.

²⁰ See USAC FCC Filings, LI05 Low Annual Low Income Support Amounts by State and Company – January 1998 through September 2014 (Sept. 29, 2015), <http://www.usac.org/about/tools/fcc/filings/2015/q1.aspx>.

²¹ See Boomerang Comments at n. 5.

²² See Boomerang Comments at Exhibit A.

threatens to limit competition and consumer choice. Such a result conflicts with the goals of universal service and must be rejected.

II. Self-Certification Should Remain the Standard for Confirming Residency on Tribal Lands

The record supports Boomerang's position that there is no fully reliable method for Tribal subscribers to provide evidence of residence on Tribal lands (or for all ETCs to confirm such residency) and that each available method has flaws. Further, the record reveals no evidence that Tribal members are abusing the ability to self-certify.²³ If the Commission does decide to implement a residency verification solution, the benefits of any additional checks must outweigh the costs of compliance. Any residency verification solution should be developed in close coordination with Tribal Nations and ETCs, be publically available, uniformly applied, nondiscriminatory and its use should confer a safe harbor on ETCs that employ it.

A. A Cost-Benefit Analysis Continues to Favor Self-Certification

Boomerang does not see a viable alternative to self-certification and agrees with NNTRC that the benefits of any additional residency confirmation requirement must be weighed against the additional costs of implementing the requirement.²⁴ Though SBI argues in favor of a mapping tool (or other reasonable method), it acknowledges that any tool will be imperfect because there can be non-traditional addresses on Tribal lands that are difficult to capture.²⁵

²³ See NNTRC Comments at 15 (“The NNTRC is not aware of any evidence of abuse by Tribal members of this aspect of the Lifeline Program. Absent concrete evidence of abuse in this area, the FCC should continue to allow subscribers to self-certify...”); Comments of NTUA Wireless, LLC, WC Docket No. 11-42, *et al.*, 21-22 (filed Aug. 31, 2015).

²⁴ See Boomerang Comments at 19-20; NNTRC Comments at 15.

²⁵ See SBI Comments at 26. Since many Tribal Nations do not have organized street plans or even established zip codes, the specific location of an address can be difficult, if not impossible, to confirm.

Since no residency verification solution is likely to be fully reliable, permissive use of verification methods such as mapping tools can help reduce the incidence of mistakes and fraud.

As commenter GRTI states, the Commission previously found that requiring ETCs to verify Tribal residency would discourage carriers from serving Tribal communities, significantly undermining the goal of increasing access to telecommunications services on Tribal lands. The Commission should reaffirm its 2012 decision that self-certification better serves program goals than burdensome alternatives that would create additional barriers to participation by low-income residents on Tribal lands.²⁶

B. Any Tribal Residence Verification Requirements Should Be Developed in Consultation with Tribal Nations and ETCs

If the Commission determines that a residency verification solution is necessary, it should consult openly with Tribal Nations and ETCs on the solution. Boomerang proactively develops strong relationships with Tribal sovereigns and has coordinated with approximately 40 federally-recognized Tribes to serve its residents, taking great care to consult with each Tribal nation prior to marketing and providing Lifeline services to Tribal residents. The Commission should similarly respect the sovereignty of Tribal Nations and consult with Tribal governments before implementing any regulatory action or policy that may significantly or uniquely affect Tribal subscribers.²⁷ If in conducting such a consultation process, the Commission finds a viable and cost-effective residency verification solution, any mandated solution must be publicly

²⁶ See *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 ¶ 91 (Feb. 6, 2012).

²⁷ See, e.g., NTTA Comments; NCAI Comments at 4.

available, uniformly applied, nondiscriminatory²⁸ and must act as a safe harbor for all entities incorporating the verification process into their Lifeline enrollment.

III. The Commission Should Maintain the Current Tribal-Specific Eligibility Programs for Enhanced Lifeline

Tribal Nations and other ETCs serving Tribal lands agree that the Commission should continue to accept Tribal-specific assistance programs to qualify for enhanced Lifeline benefits.²⁹ Like a majority of commenters, Boomerang advocated for preserving the current programs that trigger enhanced Lifeline eligibility because failing to do so would disproportionately impact Tribal residents electing to participate in Tribal-specific benefits over general federal assistance programs.³⁰

According to the Nez Perce Tribe, “[i]f the Commission removes Tribal specific certification tools (FDPIR, TTANF), it will effectively remove the familiar and local entity providing eligibility certification in tribal communities. This would require the most vulnerable subscribers to yet again shine a light on their need to a non-familiar entity.”³¹ Additionally, NTUA Wireless reveals in its comments that “approximately one-third of [its] subscriber base was qualified through the Navajo-administered Food Distribution Program” and submits that a proposal to eliminate this and other Tribal-specific assistance programs “would wreak havoc on

²⁸ In addition to the fact that there are non-traditional addresses on Tribal lands that are hard to map, some Tribal members do not have Tribal identification cards, so mapping and Tribal identification solutions could discriminate against some Tribal residents. *See* Boomerang Comments at 19-20.

²⁹ *See* NCAI Comments at 8; Boomerang Comments at 21; Comments of Choctaw Nation of Oklahoma, WC Docket No. 11-42, *et al.*, 1 (filed Aug. 31, 2015) (Choctaw Comments); Comments of the Nez Perce Tribe at 2; SBI Comments at 32-33.

³⁰ *See* Boomerang Comments at ii, 21; NCAI Comments at 8; ARC Comments at 14.

³¹ Nez Perce Tribe Comments at 3.

the Navajo Nation.”³² The concerns raised by Nez Perce, NTUA, other Tribal Nations and ETCs serving Tribal lands³³ are consistent with Boomerang’s experience that Tribal subscribers are much more inclined to participate in Tribal-specific assistance programs.

IV. Conclusion

Boomerang is a wireless reseller that provides Lifeline outreach and service to tens of thousands of eligible low-income residents in approximately 40 Tribal Nations across nine states and has established long-standing, mutually beneficial relationships with Tribal governments to facilitate providing its enhanced voice, text and data services to low-income residents of Tribal lands. Boomerang urges the Commission to refrain from adopting its proposal to restrict wireless resellers from competing to provide enhanced Lifeline benefits.

³² Comments of NTUA Wireless, WC Docket No. 11-42, *et al.*, 21-22 (filed Aug. 31, 2015).

³³ *See* Nez Perce Comments at 3; NTUA Comments at 21-22; Comments of the Alaska Rural Coalition, WC Docket No. 11-42, *et al.*, 14 (filed Aug. 31, 2015) (ARC Comments) (“The ARC is concerned that the policy change behind [removing eligibility through tribal specific programs] ignores the reality that service to Tribal lands continues to lag significantly behind the rest of the country.”); Comments of the National Congress of American Indians, WC Docket No. 11-42, *et al.*, 8 (filed Aug. 31, 2015) (“the Commission must retain its list of current federal assistance programs to enroll low-income individuals in the Lifeline program; if the list of Lifeline eligible programs is further limited it could otherwise preclude low-income individuals from obtaining these vital services.”); SBI Comments at 33 (noting that approximately 31 percent of SBI’s Tribal Lifeline subscribers qualify for the program based on participation in Medicaid and the Food Distribution Program on Indian Reservations; further, “[t]here is no evidence that these programs are particularly susceptible to abuse, and customers who legitimately meet the income criteria for those programs would be prevented from receiving Lifeline service.”).

Boomerang also encourages the Commission to reaffirm its decision to rely on applicant self-certifications to establish residence on Tribal lands and to maintain the current proof of eligibility programs for Lifeline.

By:



John J. Heitmann
Joshua T. Guyan
Dawn R. Damschen
KELLEY DRYE & WARREN LLP
3050 K Street NW, Suite 400
Washington, D.C. 20007
(202) 342-8400 (voice)
(202) 342-8451 (facsimile)

Counsel to Boomerang Wireless, LLC

September 30, 2015