

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

DIRECT LINE: (202) 342-8544

EMAIL: jheitmann@kelleydrye.com

May 23, 2014

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Boomerang Wireless, LLC Notice of *Ex Parte* Presentation; WC Docket Nos. 11-42, 09-197**

Dear Ms. Dortch:

On Wednesday, May 21, 2014, Dennis Henderson and Kim Lehrman from Boomerang Wireless, LLC (“Boomerang”) and John Heitmann and Joshua Guyan from Kelley Drye & Warren LLP met separately with Commissioner O’Rielly and his legal advisor Amy Bender; Daniel Alvarez, Legal Advisor to Chairman Wheeler; Rebekah Goodheart, Legal Advisor to Commissioner Clyburn; Priscilla Argeris, Legal Advisor to Commissioner Rosenworcel; Nick Degani, Legal Advisor to Commissioner Pai; and Radhika Karmarkar, Anita Patankar-Stoll, Garnet Hanly, Michelle Schaefer, Romanda Williams and Joel Thayer of the Wireline Competition Bureau to discuss Boomerang’s petition for designation as an eligible telecommunications carrier (“ETC”) in the federal jurisdiction states, which has been pending since December 2010.<sup>1</sup>

In the meetings, Ms. Lehrman first re-introduced Boomerang to the participants, explained the many ways in which Boomerang has demonstrated its commitment to be a trusted partner in and good steward of the Lifeline program and provided the enclosed presentation regarding the company’s Lifeline and non-Lifeline telecommunications services. Ms. Lehrman

---

<sup>1</sup> See Petition of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, The District of Columbia, Florida, Maine, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (originally filed Dec. 29, 2010) (“Petition”).

Marlene H. Dortch, Secretary  
May 23, 2014  
Page Two

noted the extensive experience of Boomerang's management team in telecommunications and as entrepreneurs building and growing businesses. Their experience includes providing non-Lifeline prepaid communications services since 2006 and wireless Lifeline service since 2012. Boomerang is now an approved ETC designated to provide Lifeline service in twenty-one states, including California as of last week.

Boomerang commended the Commission for its successful implementation of the National Lifeline Accountability Database ("NLAD"), which is a major turning point for the Lifeline program. It is important to note this milestone achievement by the Commission and the Universal Service Administrative Company ("USAC") with substantial industry input and support. Now that the Commission's national duplicates database is in place and functioning well, any concern regarding additional inter-company duplicates from designating additional ETCs has been eliminated. It is time for the Commission to approve Boomerang's federal ETC petition to bring the advantages of greater competition to the federal jurisdiction states, which are estimated to represent thirty-seven percent of the Lifeline-eligible population. Despite Boomerang's corporate focus on compliance, and the fact that Boomerang's compliance plan was approved on August 8, 2012, its federal ETC petition has been pending since December 29, 2010.

Mr. Henderson and Ms. Lehrman also described the strategic national partnerships that Boomerang has developed with organizations targeting eligible individuals to provide Boomerang's partners and consumers with additional benefits. However, Boomerang's ability to extend the benefits of those partnerships is being stalled because they cannot be fully developed in the federal jurisdiction states. Further, Boomerang has been forced to hand off its solutions and relationships to its competition to serve those states because its petition has not yet been approved.

Ms. Lehrman described Boomerang's Lifeline enrollment methods, including the company's focus on event marketing and in-person enrollment and handset distribution.<sup>2</sup> These enrollment strategies, including in-person wireless handset distribution are important because they add a layer of fraud prevention by having the applicant stand in front of the person taking the application and provide the proof of eligibility. Further, Boomerang is able to provide training to new subscribers regarding how to activate and use the wireless device, including connecting to the Internet.

---

<sup>2</sup> See Comments of Boomerang Wireless and Others Opposing the TracFone Petition for Rulemaking to Prohibit In-Person Distribution of Handsets to Prospective Lifeline Customers, WC Docket Nos. 11-42, 03-109 and CC Docket No. 96-45 (June 17, 2014).

Marlene H. Dortch, Secretary  
May 23, 2014  
Page Three

Mr. Henderson and Ms. Lehrman described the handsets that Boomerang provides to its Lifeline customers, which include feature phones and phones with QWERTY keyboards so that customers can use them to access the Internet. Since early 2013 Boomerang has provided enrolling Lifeline customers with 10 MB of data for free, which allows customers to access websites, send and receive emails and potentially fill out an online job application.<sup>3</sup> Customers can also “top-up” with additional voice minutes, texts and data, including a \$5.00 “PIN”<sup>4</sup> that provides 100 MB of data and a \$10 PIN that provides 300 MB of data.

Ms. Lehrman noted that Boomerang has studied the data usage levels of its customers. For customers that receive a free 10 MB of data, they will use, on average, 9 MB. On a trial basis, Boomerang has also removed the data cap for about 6,000 customers and found that those customers use an average of 45-50 MB of data per month. Essentially, Boomerang has found that customers will use as much data service as is provided. Further, for customers that top-up with data only, Boomerang has found that those customers use an average of 157 MB of data per month.

Boomerang is poised to expand its Lifeline services, including Internet access and through strategic partnerships designed to leverage communications to drive positive health outcomes for low-income Americans and looks forward to working with the Commission to move forward on its pending federal ETC petition.

This letter is being filed electronically for inclusion in the public record of the above-referenced proceedings. Please feel free to contact the undersigned with any questions.

Respectfully submitted,



John J. Heitmann  
Joshua T. Guyan

*Counsel to Boomerang Wireless, LLC*

Enclosure

---

<sup>3</sup> The handsets and 10 MB of data are not sufficient for video streaming.

<sup>4</sup> A PIN is a traditional prepaid product that adds increments of voice, text or data to a customer’s account based on the cost of the PIN.

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary

May 23, 2014

Page Four

cc: Commissioner Michael O'Reilly  
Amy Bender  
Daniel Alvarez  
Rebekah Goodheart  
Priscilla Argeris  
Nick Degani  
Radhika Karmarkar, WCB  
Anita Patankar-Stoll, WCB  
Garnet Hanly, WCB  
Michelle Schaefer, WCB  
Romanda Williams, WCB  
Joel Thayer, WCB

# **EXHIBIT**

**Boomerang Wireless, LLC Petition for Designation as a Lifeline-Only Eligible  
Telecommunications Carrier in The Federal Jurisdiction States  
FCC Meetings  
May 21, 2014**

**Original Filing: December 29, 2010**

Latest Update: May 2, 2014

**States:** The pending FCC petition includes Alabama, Connecticut, Delaware, District of Columbia, Florida, Maine, New Hampshire, New York, North Carolina, Tennessee and Virginia. Boomerang is already designated as an ETC in Arizona, Arkansas, California, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Ohio, Oklahoma, Michigan, Minnesota, Missouri, North Dakota, South Carolina, Texas, Washington, West Virginia and Wisconsin.

**Corporate Structure:** Boomerang Wireless is a Lifeline ETC that uses the brand name enTouch Wireless and is owned by HH Ventures LLC, an Iowa company. HH Ventures also owns Ready Wireless, LLC, which is a wireless Mobile Virtual Network Enabler (MVNE) that offers a wholesale platform for non-ETCs and ETCs like Boomerang Wireless, which includes minutes on the Sprint and Verizon Wireless networks.

**Broadband:** Ready Wireless provides communications services to its own retail non-Lifeline brands Ready Mobile PCS and Ready Broadband. Ready Mobile PCS offers data access to consumers across the country via web-enabled smartphones and broadband data plans. Ready Broadband offers wireless broadband service to devices such as laptops and notebooks. Boomerang Wireless has also provided a small amount of data to some Lifeline customers and has seen an exciting response, including a significant number of customers that have “topped up” with additional megabytes of data. Therefore, the Ready and Boomerang affiliates understand the wireless broadband market and can be valuable and trusted partners in the transition of the Lifeline program to broadband.

**Strategic Partnerships:** Boomerang has invested time and effort to develop strategic national partnerships with organizations targeting Lifeline eligible individuals to provide Boomerang’s partners and consumers with additional benefits. However, Boomerang’s ability to extend the benefits of those partnerships is stalled because Boomerang’s federal ETC petition remains pending.

**A Pattern of Compliance:** Boomerang has an approved federal Lifeline compliance plan and has demonstrated a commitment to defending the integrity of the Lifeline program through a strong pattern of compliance.

**Competition, Competition, Competition:** The Lifeline benefit belongs to the eligible low-income individual, not any particular ETC. Therefore, there are a set number of eligible individuals at any given time no matter how many ETCs are designated to provide Lifeline service. With the National Lifeline Accountability Database (NLAD) now having completed a

successful nationwide launch, designating more ETCs does not contribute to problems that are now in the Lifeline program's past. Rather, it brings the benefits of competition to the Lifeline-eligible low-income consumer. It is time for the Wireline Competition Bureau to approve Boomerang's federal ETC petition, which has been pending since 2010.



## Boomerang Wireless LLC

5.15.14



### **Boomerang Wireless Mission Statement:**

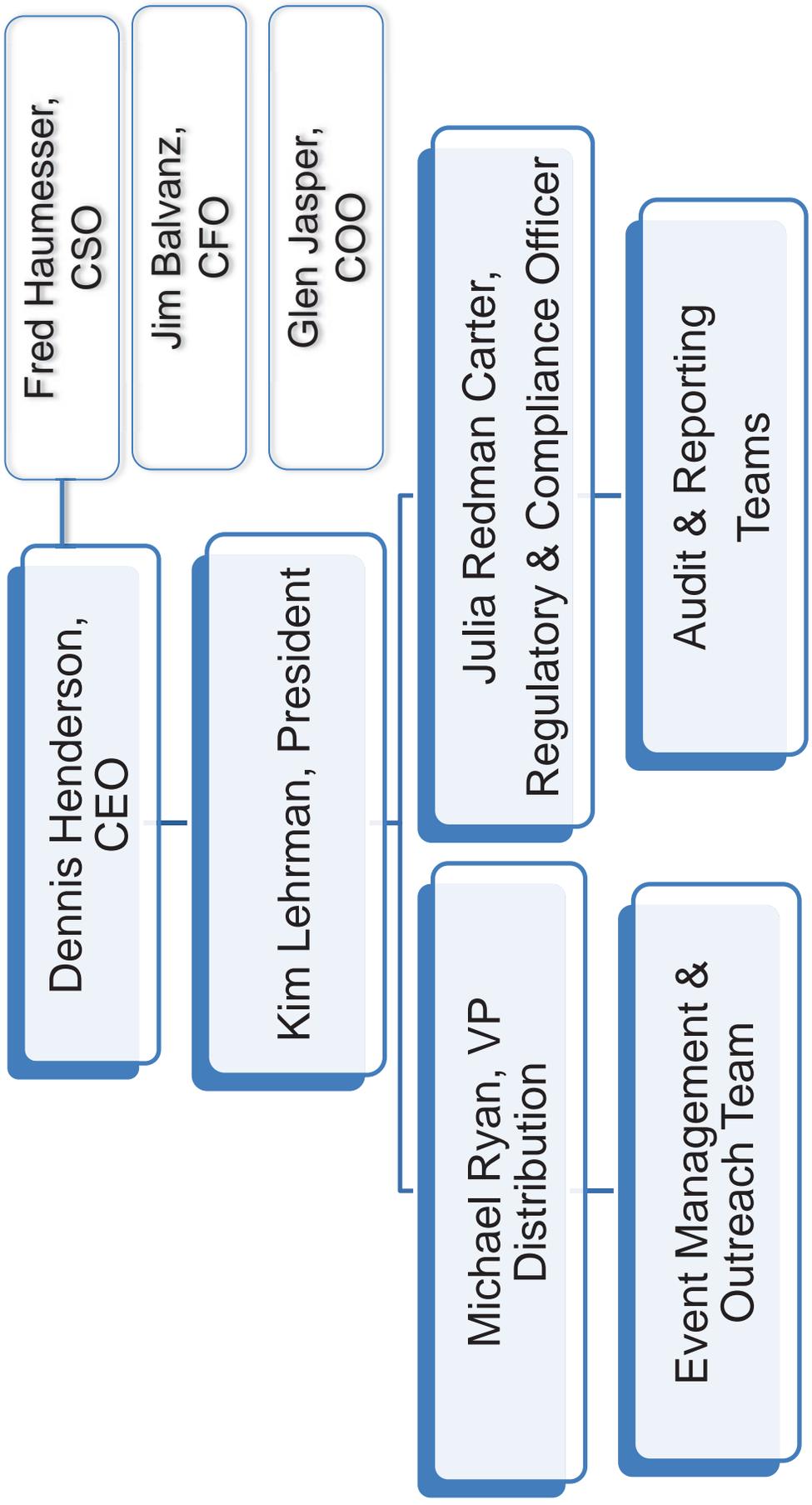
Boomerang Wireless supports the Lifeline program goal of ensuring all citizens have access to modern telecommunication service.

Dennis Henderson | CEO & Co-founder  
319.362.4444 dhenderson@readywireless.com

Kimberley Lehrman | President  
319.573.1678 klehrman@readywireless.com



# Proven Management Team





Event Marketing

Community Outreach Marketing

Retail Top Ups

Online Marketing

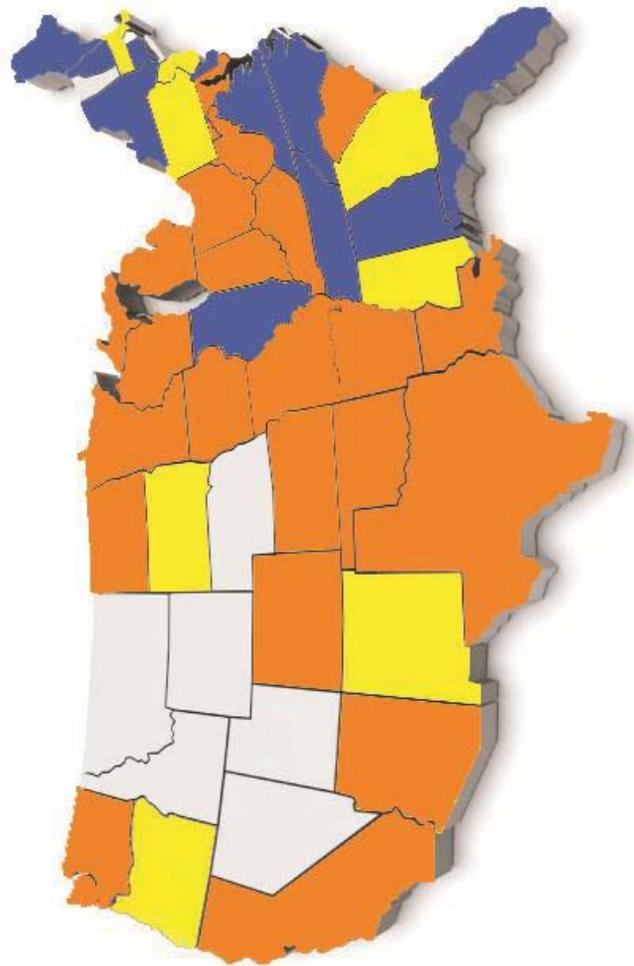




# Successful in Gaining Territory

## ETC Designation Process

- FCC compliance plan approval - 8/8/2012
- FCC states ETC Petition filed 12/2010
- State approvals
- Begin service to Lifeline eligible consumers - 10/2012



GOAL: National ETC

Approved		21 states		17.6 M eligible
Filed		Pending Approval		8 states 5.5 M eligible
Filed		Pending Approval		11 FCC states 11.9 M eligible
Addressable Market 37.1 M eligible				
To Be Filed   13 States & Territories 2.0 M eligible				

95% Eligible subscribers

# Align with Modernization Goal



## Early to Provide Data to Consumers

250 + 10 MB Standard

250 + 25 MB California Plans

## Smart Phone Test Marketing



**SMART PHONES AVAILABLE UPGRADE FOR \$50**

Provided by enTouch Wireless. Not a Lifeline supported benefit.

**UPGRADE \$50**

**PAYMENT:**

- CREDIT CARD
- DEBIT CARD
- MONEY ORDER
- NO CASH

enTouch WIRELESS  
PROVIDED BY MODERNIZATION BENEFIT

Questions? 866.488.8719  
www.entouchwireless.com

**NO CASH ON SITE**

**FREE PHONE | MINUTES!**

SMART PHONES HERE!

enTouch WIRELESS  
PROVIDED BY MODERNIZATION BENEFIT

Not a Lifeline supported benefit. Provided by enTouch Wireless.

Supported by Lifeline benefit. A government sponsored program.

Add more talk, text or data to any phone with **airfair wireless**

Banners

Posters

*Stay in touch with  
your family, your community!*



Boomerang Wireless LLC

