

**BEFORE THE  
STATE OF UTAH  
PUBLIC SERVICE COMMISSION**

DISH Wireless L.L.C. )  
Petition for Designation as an Eligible )  
Telecommunications Carrier in the State of )  
Utah for the Limited Purpose of Providing ) Docket No. \_\_\_\_\_  
Lifeline Service to Qualifying Customers )  
)  
)

**PETITION OF DISH WIRELESS L.L.C. FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE STATE OF  
UTAH FOR THE LIMITED PURPOSE OF OFFERING LIFELINE  
SERVICE TO QUALIFIED HOUSEHOLDS**

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March 3, 2023

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**I. INTRODUCTION**

DISH Wireless L.L.C. dba Gen Mobile (“DISH Wireless” or the “Company”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”)<sup>1</sup> and Sections 54.101 through 54.207<sup>2</sup> of the Rules of the Federal Communications Commission (“FCC”),<sup>3</sup> Section 54-8b-15 of the Utah Code Annotated<sup>4</sup>, and the rules of the Utah Public Service Commission (the “Commission”),<sup>5</sup> hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Utah. The Company seeks ETC designation for the limited purpose of providing Lifeline service under

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.101-54.207.

<sup>3</sup> DISH Wireless files this Petition in accordance with the rules adopted by the FCC in the *2012 Lifeline Reform Order*. See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42 and 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*2012 Lifeline Reform Order*”).

<sup>4</sup> Utah Code Ann. § 54-8b-15 (2020).

<sup>5</sup> Utah Admin. Code R746-8-403 (2020).

the brand name “Gen Mobile” to qualifying Utah consumers, including those residing on federally recognized Tribal lands.<sup>6</sup>

As demonstrated herein, and as certified in the attestation attached to this Petition, the Company meets all the federal and state statutory and regulatory requirements for designation as an ETC in Utah. Grant of this Petition, moreover, would advance the public interest because it would enable the Company to commence much needed Lifeline services to low-income Utah residents, including those on Tribal, as soon as possible. Accordingly, the Company respectfully requests that the Utah Commission expeditiously approve this Petition.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Petition should be addressed to:

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## **II. COMPANY OVERVIEW**

DISH Wireless L.L.C. is a Colorado limited liability company with a principal address at 9601 S. Meridian Blvd, Englewood, CO 80112. DISH Wireless provides, among other things, resold wireless telecommunications services operating in Utah and other states, using the Gen Mobile brand name and other brand names.

DISH Wireless’ parent company, DISH Network Corporation (“DISH Network”), is a connectivity company headquartered in Colorado that has served as a disruptive force in the pay-

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<sup>6</sup> DISH Wireless will seek reimbursement from the federal Universal Service Fund (“USF”) and the Utah USF (“UUSF”). Given that DISH Wireless only seeks support from the low-income program and does not seek any high-cost support, ETC certification requirements for the high-cost program are not applicable to the Company.

TV market since 1980. In 2020, DISH Wireless entered the retail wireless business by acquiring the Boost Mobile brand and in 2021, acquiring the Gen Mobile brand as well as other brands and customer assets. Now, using its own licensed wireless spectrum assets, DISH Wireless is building the nation's first virtualized, cloud-native, Open RAN-based 5G broadband network. To facilitate the buildout, DISH Wireless has entered into multi-year agreements with over 30 partners, including Mavenir, Amazon, Dell, CISCO, VM Ware, IBM, Oracle, Nokia, Fujitsu, MTI, Intel, AltioStar, Samsung, and Qualcomm. Because DISH Wireless is actively constructing wireless facilities around the country, it is well positioned to identify opportunities to target buildouts in underserved areas.

Even as the 5G network is under construction, DISH Wireless has already been competing in the retail wireless space and is an approved provider in the Federal Communications Commission's Affordable Connectivity Program ("ACP"). Under the Gen Mobile and other brand names, DISH Wireless currently uses AT&T and T-Mobile wireless facilities to provide discounted mobile broadband service in all 50 states and the territories of Washington D.C. and Puerto Rico, including plans bundling voice, text messaging, and broadband services.<sup>7</sup> Available Gen Mobile branded plans include talk, text, and data at various data speeds under the ACP's monthly \$30 subsidy for eligible consumers. DISH Wireless has an application for ETC designation pending with the FCC (for the states of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, and the District of Columbia, the "Non-Jurisdictional States"). DISH Wireless is currently designated as a wireless ETC in Colorado,

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<sup>7</sup> See 47 C.F.R. § 54.1802(b) ("a bundle of broadband internet access service along with fixed or mobile voice telephony service, text messaging service, or both" is an ACP-eligible plan).

New York, and Oklahoma and authorized by the California Public Utilities Commission to provide California LifeLine service and plans to file for ETC status in other states over time.

DISH Wireless now seeks an ETC designation in Utah so that it can (i) serve low-income Utah customers, including those on Tribal lands, (ii) supplement the amount of support available to its current ACP customers, and (iii) invite new, underserved customers to benefit from Lifeline and other federal support programs. DISH Wireless' Lifeline-supported plans will be offered to prepaid customers under the Gen Mobile brand, a recognized and trusted provider in this market segment. Gen Mobile prepaid wireless plans are affordable, easy to use, and attractive to low-income consumers, providing them with connectivity that has become indispensable to participating in 21<sup>st</sup> century society and opportunities. Gen Mobile customers can choose from several affordable prepaid calling plans and handsets and have access to high-quality, responsive customer service. Gen Mobile prepaid plans start as low as \$10 per month and can be refilled at an estimated 10,000 retail locations nationwide.

### **III. THE COMMISSION HAS JURISDICTION OVER DESIGNATION OF WIRELESS ETCS**

Section 214(e)(2) of the Act provides state public utility commissions with the primary responsibility for the designation of ETCs.<sup>8</sup> Under the Act, a state public utility commission, like the Commission, with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). Therefore, the Commission has the authority to designate DISH Wireless as an ETC. As demonstrated below, DISH Wireless fulfills the requirements to be designated as an ETC in Utah.

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<sup>8</sup> 47 U.S.C. § 214(e)(2).

#### **IV. THE COMPANY MEETS THE REQUIREMENTS FOR ETC DESIGNATION**

An application for ETC designation in Utah must meet specific federal and state statutory and regulatory requirements. As demonstrated below, DISH Wireless meets the requirements for ETC designation by the FCC pursuant to Section 214(e)(2) of the Communications Act. These include: (1) a certification that the applicant offers or intends to offer all services designated for support by the FCC pursuant to section 254(c) of the Communications Act; (2) a certification that the applicant offers or intends to offer the supported services on a common carrier basis either using its own facilities or a combination of its own facilities and/or resale of another carrier's services; (3) a description of how the applicant advertises the availability of the supported services and the charges therefor using media of general distribution; (4) a detailed description of the geographic service area for which the applicant requests to be designated as an ETC; and (5) a certification that neither the applicant, nor any party to the application, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.<sup>9</sup>

In addition, an applicant seeking designation as an ETC solely for the purpose of offering Lifeline service must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) demonstrate its ability to remain functional in emergency situations; (3) demonstrate its ability to satisfy applicable consumer protection and service quality standards; and (4) demonstrate that it is financially and technically capable of providing Lifeline service.<sup>10</sup>

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<sup>9</sup> 47 U.S.C. § 214(e)(1) and (5); 47 C.F.R § 54.201(d)(1) and (2); 47 C.F.R § 54.207(a).

<sup>10</sup> 47 CFR § 54.202(a). Section 54.202(a)(ii) requires carriers seeking ETC designation that is not limited to Lifeline service to submit a five-year plan that describes proposed improvements to the carrier's network throughout the proposed service area. Although DISH Wireless is not seeking high cost support in this Petition, it is building out its 5G network in accordance with certain FCC-approved construction deadlines as described below.



Finally, prior to designating a carrier as an ETC, the Commission must determine whether such designation is in the public interest.<sup>11</sup> When making a public interest determination, the Commission considers the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offerings.<sup>12</sup>

**A. DISH Wireless Is a Common Carrier**

DISH Wireless provides, among other things, commercial mobile radio services (CMRS) that are regulated pursuant to the common carrier requirements of the Communications Act.<sup>13</sup> Accordingly, the Company meets the common carrier requirement for ETC designation pursuant to Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules.

**B. DISH Wireless Will Offer the Services Supported by Federal Universal Service**

Pursuant to Section 54.101(a) of the FCC's rules, DISH Wireless' voice service provides the following: (1) voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service at no additional charge to end users; (3) access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and (4) toll limitation services to qualifying low-

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<sup>11</sup> 47 U.S.C. §214(e)(6); 47 C.F.R. § 54.202(b).

<sup>12</sup> See, e.g., *Virgin Mobile ETC Designation Order in the States of Alabama, Connecticut, Delaware, New Hampshire and the District of Columbia*, WC Docket 09-197, Order, 25 FCC Rcd 17797, 17799, ¶ 6 (WCB 2010).

<sup>13</sup> See 47 U.S.C. § 153(11) (defining a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio . . . ."); 47 U.S.C. §332 (c)(1)(A) (treating commercial mobile service providers as common carriers).

income consumers.<sup>14</sup> As defined in Section 8.1(b) of the FCC’s rules, DISH Wireless also provides broadband internet access service to consumers.<sup>15</sup>

**C. DISH Wireless Will Offer the Services Designated for Support Using a Combination of Its Own Facilities and Resale**

DISH Wireless, through the Gen Mobile brand, offers the supported services – voice telephony service and broadband Internet access service – meeting the standards set in the FCC’s rules.<sup>16</sup> DISH Wireless is currently providing and will provide mobile voice, text messaging, and broadband services to low-income consumers. The various Lifeline service plans that will be available to qualifying low-income Utah residents, including those on Tribal lands, are described in Exhibit 1.

In general, Section 214 requires ETCs to provide services using their facilities, at least in part. DISH Wireless is in a unique position to increase wireless competition and serve low-income consumers. Gen Mobile service plans are currently supported by AT&T and T-Mobile’s networks. This will allow DISH Wireless to immediately introduce new Lifeline options for Utah consumers as soon as the Commission approves this Petition. At the same time, DISH Wireless is building out an advanced nationwide 5G network of its own. The Company recently launched 5G broadband service in over 130 cities (including in Utah) and currently offers service to more than 20 percent of the U.S. population.<sup>17</sup> In areas of Utah where service on DISH Wireless’ own network is not yet available or where the Company does not yet offer Lifeline

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<sup>14</sup> 47 C.F.R. § 54.101(a); *see also* 47 U.S.C. § 214(e)(1)(A).

<sup>15</sup> *See* 47 C.F.R. § 8.1(b).

<sup>16</sup> *See* 47 C.F.R. § 54.101(a).

<sup>17</sup> *See* DISH Press Release, DISH’s Smart 5G™ Wireless Network is Now Available to Over 20 Percent of the U.S. Population, June 15, 2022. *See also* Applications of American H Block Wireless L.L.C., DBSD Corporation, Gamma Acquisition L.L.C., and Manifest Wireless L.L.C. for Extension of Time, *Order of Modification and Extension of Time to Construct*, DA 20-1072 WT Docket 18-197 (rel. Sept. 11, 2020).

products on its own network, DISH Wireless will provide service on a resale basis on the networks of AT&T and/or T-Mobile. Accordingly, pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.101(b), DISH Wireless will offer Gen Mobile-branded services that are designated for federal universal support using a combination of its own facilities and/or resale of another carrier's services. A complete description of the Gen Mobile terms, conditions and rates applicable for supported services can be found at <https://www.genmobile.com>. Because DISH Wireless is deploying facilities-based wireless voice and broadband services in Utah and other states, there is no need for DISH Wireless to obtain an approved FCC Compliance Plan in accordance with the *2012 Lifeline Reform Order*.<sup>18</sup>

**D. DISH Wireless Will Provide Gen Mobile-Branded Service Throughout Its Designated Service Area**

Pursuant to 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d), as an ETC, DISH Wireless will provide service in the same 50-state footprint where it currently offers ACP service – this includes the entire geographic boundary of the State of Utah subject to coverage limits of underlying carriers and DISH Wireless' own network. Further, pursuant to 47 C.F.R. § 54.202(a)(1)(i), the Company commits to provide service throughout its proposed service area on a timely basis to all customers making a reasonable request for service where facilities are available. DISH requests ETC designation that is statewide in scope to allow the Company to provide Lifeline service wherever its underlying, facilities-based providers have wireless coverage. The current Utah coverage footprint or service area by zip codes is attached hereto as Exhibit 2.

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<sup>18</sup> See *2012 Lifeline Reform Order*, ¶ 368.

**E. The Company Will Advertise the Availability of Gen Mobile Services and Charges Using Media of General Distribution**

Pursuant to 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2), the Company will advertise the availability of Gen Mobile-branded voice, text messaging, and broadband services through various marketing channels that may include direct mail, email, local and community outreach events, and targeted online electronic advertising. In addition, the availability of Gen Mobile Lifeline service will be publicized in ways that are reasonably designed to reach those who will likely qualify for the service. The Company's marketing efforts will be consistent with and in compliance with Commission rules. Samples of the Company's Lifeline advertising are attached hereto as Exhibit 3.

**F. DISH Wireless Will Comply with Service Requirements Applicable to the Support It Receives**

Pursuant to 47 C.F.R. § 54.202(a)(1)(i), DISH Wireless will comply with the service requirements applicable to the supported services it will be offering in the identified service areas. Gen Mobile plans will be offered in Utah initially by reselling AT&T and/or T-Mobile service, and in the future will also be supported by DISH's own 5G network facilities when feasible. These providers' networks are operational and largely built out. Thus, the Company will be able to commence offering its Lifeline service to all locations served by its underlying carriers very soon after receiving approval from the Commission.

**G. DISH Wireless Will Comply with Any Applicable Two-Year and Five-Year Plan Requirements**

Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC. DISH Wireless is in a unique position, however, because it is constructing its own facilities-based 5G wireless network subject to FCC-approved buildout

milestones, including having already deployed its 5G broadband service to 20% of the U.S. population on June 14, 2022 and scheduled to deploy to 70% of the U.S. population by June 14, 2023 and (using certain low-band spectrum) to 75% of the population of each Partial Economic Area by June 14, 2025. DISH Wireless commits to providing service consistent with the requirements of any other support mechanism pursuant to which it is authorized to receive support in the future.

#### **H. Consumer Protection and Service Quality Standards**

The Company commits to comply with all applicable consumer protection and service quality standards for universal service programs. As stated in 47 C.F.R. § 54.202(a)(3), a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this consumer protection and service quality requirement. DISH Wireless commits to fully complying with the CTIA Consumer Code.

#### **I. Ability to Remain Functional During Emergencies**

The Company's services are able to remain functional in emergency situations as required by 47 C.F.R. Section 54.202(a)(2). DISH Wireless' greenfield 5G network operates in a cloud-native environment that is not encumbered by traditional technology and will be more flexible and resilient in the event of service outages. In addition, DISH Wireless relies on mobile virtual network operator (MVNO) partner networks that are designed to remain functional even without external power sources, are able to re-route traffic around damaged facilities, and can manage traffic spikes that may occur in emergency situations.

#### **J. DISH Wireless Is Financially and Technically Capable**

As part of the *2012 Lifeline Reform Order*, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically

capable of providing the supported Lifeline service in compliance with all of the low-income program rules.<sup>19</sup> DISH Wireless satisfies these criteria.

DISH Wireless is financially stable and capable of honoring its service obligations to customers, as shown in Exhibit 4, a link to the Form 10-K of DISH Network Corporation, parent company of DISH Wireless, as well as meeting its federal and state regulatory obligations. The Company will not rely exclusively on revenues from the provision of Lifeline services for its operating revenues. The Company also has access to additional capital resources from its parent and affiliate companies. The Company's financial resources position the Company to expand its operations to serve currently unserved/underserved eligible low-income Utah consumers, including those residing on Tribal lands, and increase competition.

In addition, the proposed Lifeline offerings will be overseen by a team of personnel with substantial industry experience with the requirements of the federal Lifeline program and marketing to the low-income consumer sector. Attached as Exhibit 5 is a current list of the Company's key personnel responsible for Gen Mobile-branded Lifeline offerings, with biographical information for each, showing that the Company has the expertise necessary to provide the services detailed herein.

#### **K. Terms and Conditions of Proposed Lifeline Offering**

The Company has the ability to provide all services supported by the universal service program, as detailed in 47 C.F.R. § 54.101(a), throughout Utah. The Company further affirms that its Lifeline-supported voice services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as such standards are updated going forward. Gen Mobile-branded Lifeline-supported broadband services will also meet the minimum service

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<sup>19</sup> See 2012 Lifeline Reform Order, ¶ 387; see also 47 C.F.R. § 54.202(a)(4).

standards set forth in 47 C.F.R. § 54.408 for mobile broadband internet access services, including for service speed and data usage allowance, as such standards are updated going forward. To the extent DISH Wireless provides devices for use with Lifeline-supported broadband service, such devices will meet the equipment requirements set forth in 47 C.F.R. § 54.408(f), and DISH Wireless will not impose an additional or separate tethering charge for mobile data usage below the minimum standard.

Attached hereto as Exhibit 1 is a summary table of the Company's proposed Lifeline service offerings, showing that Lifeline customers can receive 1,000 voice minutes and text message and 5 GB of data per month at a net cost of \$0.00 after application of federal and UUSF Lifeline support or consumers on federally recognized Tribal lands can receive unlimited voice minutes and text message and 16 GB of data per month at a net cost of \$0.00 after application of federal, Tribal and UUSF Lifeline support. Customers will also be able to purchase additional minutes or data as needed. In addition to wholly-supported or discounted wireless services, prepaid Lifeline customers will be able to receive an upgraded handset at an additional charge or SIM card offer, as well as access to voice mail, caller I.D., call forwarding, 3-way calling, and call waiting features at no additional charge. Customers may use their minutes to place domestic long-distance calls at no additional charge, and calls to the Company's customer service are free with no deduction of available minutes. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes.

**L. Gen Mobile's Offerings Will Comply with Lifeline Certification and Annual Re-certification Requirements**

Customers interested in obtaining information on the Lifeline program will be directed to a toll-free telephone number and to the Company's website, which will contain information regarding the Company's Lifeline service plans, including a description of the Lifeline program

and eligibility criteria. DISH Wireless will use multiple outreach methods including but not limited to nonprofit partnerships, phone, online, and in person enrollments through Lifeline events. Section 54.410 of the FCC's rules requires ETCs to certify and verify a Lifeline customer's initial and continued eligibility. DISH Wireless will rely on the National Verifier and the National Lifeline Accountability Database ("NLAD"), both administered by the Universal Service Administrative Company ("USAC"), to determine an applicant's eligibility for Lifeline service. DISH Wireless will require all Gen Mobile's Lifeline applicants to complete the standard Lifeline application forms in the National Verifier environment. The standard Lifeline application complies with the disclosure, certification, and information collection requirements in 47 C.F.R. § 54.410(d).<sup>20</sup>

For applicants verified as being eligible by USAC's National Verifier and NLAD, DISH Wireless will complete enrollment by transmitting the required information into NLAD as required by Section 54.404(b)(6) of the FCC's rules. In addition, at the time of enrollment, the Company will notify the applicant that the prepaid service must be personally activated by the subscriber and the subscriber must use their service every thirty (30) days in order to maintain their Lifeline benefit.

DISH Wireless will also comply with Sections 54.410(f) of the FCC's rules governing annual subscriber re-certification of eligibility and will coordinate with USAC's National Verifier and NLAD systems to manage additional de-enrollments related to USAC-administered benefit transfers and failure to re-certify.<sup>21</sup>

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<sup>20</sup> *FCC Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice, "Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program," DA 18-161 (rel. Feb. 20, 2018). The standard application/certification forms are available on USAC's website (*see* USAC, Lifeline Forms, <http://www.usac.org/li/tools/forms/default.aspx>).

<sup>21</sup> 47 C.F.R. §§ 54.405(e), 54.410(f).



**M. DISH Wireless Will Comply With All Regulations Imposed by the Commission**

By way of this Petition, DISH Wireless hereby declares its ability and goal to comply with all the rules and regulations that the Commission may lawfully impose upon the Company's provision of service contemplated by this Petition, including any reporting requirements set by the Commission. DISH Wireless will answer any questions or present additional testimony and other evidence about its services within the state upon the Commission's request. In addition, DISH wireless promises to pass on all support received from the federal USF and UUSF to its qualified Lifeline customers.

**N. Prevention of Waste, Fraud and Abuse**

The Company recognizes the importance of safeguarding the federal USF and the UUSF, and has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. Gen Mobile Lifeline offerings will comply with the requirements of the NLAD and section 54.404 of the FCC's rules. As part of the application process, the National Verifier queries the NLAD for every enrollment to determine whether a prospective subscriber is currently receiving a Lifeline service from DISH Wireless or any other ETC, and whether anyone else living at the prospective subscriber's residential address is currently receiving Lifeline service.

Consistent with federal regulations, the Company will not seek federal USF and UUSF reimbursement for new subscribers until they have activated the service, either by initiation and/or actual use of the service, and will de-enroll any subscriber that has not used the Company's Lifeline service as set forth in 47 C.F.R. § 54.407(c)(2). An account will be considered active if the authorized subscriber establishes usage, as "usage" is defined by 47 C.F.R. § 54.407(c)(2), during the specified timeframe, currently a period of thirty (30) days, or

during the notice period set forth in 47 C.F.R. § 54.405(e)(3), currently a period of fifteen (15) days. In accordance with 47 C.F.R. § 54.405(e)(3), DISH Wireless will provide the subscriber advance notice when a subscriber's failure to use the Lifeline service within the notice period will result in service termination for non-usage. Customers that have been deactivated may participate in the Company's Lifeline service in the future by reapplying and re-establishing eligibility.

To further protect the integrity of the federal USF and UUSF, DISH Wireless contracts with third party vendors to backstop USAC's own processes and procedures. First, the Company will use Emerios Enterprise Services Inc. ("Emerios") software to process Lifeline applications. Among other things, Emerios uses third-party verification sources (including the Lexis Nexis LEXID service) to validate a prospective customer's identity. Emerios also validates the Company's subsidy data to prevent duplicate subsidies. In addition, the Company has established a back-office real time review ("RTR") process to be completed before a Lifeline application is passed to the National Verifier to qualify a customer. This process involves specially trained operations analysts (who have no financial stake in whether an application is successful) individually confirming the information entered into the application and supporting documentation to, among other things, confirm the identities of the sales agent and the customer by reviewing pictures of them in real time during the application process and review the customer's identification and address for anomalies. DISH Wireless has hired experienced staff and a third party company to provide RTR for the Company's Lifeline enrollments. This third party company has substantial experience running RTR for other Lifeline providers.

**V. DISH WIRELESS SATISFIES THE STATE REQUIREMENTS FOR RECEIVING STATE LIFELINE SUPPORT FROM THE UUSF**

To better serve the low-income Utah consumers, the Commission adopted the state Lifeline support as outlined in Utah Administrative Rule 746-8-403.<sup>22</sup> The foregoing rule provides that state Lifeline support “may not exceed \$3.50 per Lifeline subscriber per month of subscription to a service that: (A) meets the FCC broadband Lifeline requirements as set for in 47 C.F.R. 54.408; and (B) for wireless Lifeline, allows, at no charge beyond the basic monthly fee, unlimited texting and at least 750 voice minutes per month[.]”<sup>23</sup> In addition, an ETC may receive continued distribution if it continues “participation in a Commission-approved Lifeline program” that public interest is found by the Commission.<sup>24</sup>

DISH Wireless under the Gen Mobile brand will provide Lifeline offering that will meet or exceed the requirements in Utah Administrative Rule 746-8-403 to be eligible for UUSF Lifeline support. See Exhibit 1 for the Proposed Lifeline Plans. Granting DISH Wireless is in the public interest as stated below in Section VI.

**VI. DESIGNATING DISH WIRELESS AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST**

The Commission will advance the public interest by designating the Company as an ETC so that it can offer the Gen Mobile-branded Lifeline services. Americans increasingly need greater access to voice and broadband services, and low-income Utah consumers in particular are suffering from the lack of affordable and available access. The Company is currently helping to close the gap by providing service under the ACP and stands ready to expand consumer choice and continue offering discounted services as a Lifeline ETC to customers who have come to rely

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<sup>22</sup> Utah Admin. Code 746-8-403(2)(a) (2020).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 746-8-403(1).

on these benefits. In addition, because DISH Wireless is deploying a new facilities-based wireless 5G network throughout the country over the next several years, designating DISH Wireless as an ETC will improve its ability to apply for state broadband funding grants, should ETC designation be required, to increase service in underserved and unserved areas.

**A. Advantages of Gen Mobile Lifeline Plans**

Authorizing the Company as a Lifeline ETC in the State of Utah will enable the Company to provide eligible low-income consumers with access to high quality mobile voice, text, and data services. This will increase those consumers' choices in service providers and service options and make essential communications services more affordable and accessible to these consumers. Mobile services are overwhelmingly preferred by Lifeline-eligible consumers who may be able to afford only a single connection, may frequently change residences or places of employment, and may need the ability to communicate with prospective employers. Some of these individuals may be experiencing homelessness and rely upon Lifeline service as their single reliable source of connectivity. Lifeline services also ensure that consumers always have the ability to contact 911 emergency services should the need arise. The availability of a no-charge Lifeline service that includes voice minutes, texts, and data is an invaluable resource for consumers in these circumstances.

Gen Mobile Lifeline service plans provide meaningful options for low-income consumers because they offer low-cost, reliable alternatives to traditional rate plans. Among the Gen Mobile Lifeline offerings is a plan with 1 voice minutes and texts and 5 GB of data available to all qualifying low-income Utah consumers for no cost, and a plan with unlimited voice minutes, unlimited texts and 16 GB of data available to residents of Tribal lands for no cost. Qualified Utah consumers will have the choice to apply their Lifeline discount to existing Gen Mobile plans.

In addition, Gen Mobile Lifeline plans alleviate customer concerns regarding deposits, hidden costs, varying monthly charges, and long-term contract issues. Gen Mobile prepaid plans allow customers to subscribe to voice, text, and data services without the hurdle of a credit check or the commitment of a contract.

## **B. Benefits of Competitive Choice**

Designating the Company as an ETC also meets the FCC's stated goals for promoting competition and increasing customer choice. The FCC has recognized that in non-rural areas, designation of multiple ETCs is "consistent per se with the public interest."<sup>25</sup> In rural and high-cost areas, the FCC determined that "designation of competitive ETCs promotes competition and benefits consumers . . . by increasing customer choice, innovative services, and new technologies."<sup>26</sup> In the Lifeline context, the entry of additional providers increases competitive choice for lower-income customers who may not be the focus of wireless carriers' marketing efforts. Launching Gen Mobile Lifeline options in Utah will add affordable, innovative mobile wireless choices to the marketplace, and could spur other ETCs to expand and improve their own Lifeline service offerings. Granting ETC designation to DISH Wireless will promote competition for the benefit of consumers and will have desirable effects upon the Utah market for Lifeline services by making these services more available and accessible, thereby supporting the goals of universal service.

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<sup>25</sup> *Federal-State Joint Board on Universal Service, Cellco Partnership d/b/a Bell Atlantic Mobile, Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum, Opinion and Order, CC Docket No. 96-45, DA 00-2895, ¶ 14 (rel. Dec. 26, 2000).

<sup>26</sup> *See Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, Memorandum Opinion and Order, CC Docket No. 96-45, DA 00-2896, ¶ 17 (rel. Dec. 26, 2000).

## **VII. ANTI-DRUG ABUSE CERTIFICATION**

In accordance with section 5301 of the Anti-Drug Abuse Act of 1988, DISH Wireless certifies that no party to the Petition is subject to denial of federal benefits, including FCC benefits.

## **VIII. CONCLUSION**

Based on the foregoing, designation of DISH Wireless as an ETC in the State of Utah accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

*WHEREFORE*, DISH Wireless respectfully requests that the Commission designate DISH Wireless as an ETC in the State of Utah for the purpose of participating in the Lifeline program.

Respectfully submitted,

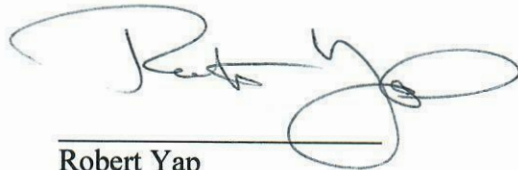
A handwritten signature in black ink, appearing to read "Alison Minea". The signature is written in a cursive style with a horizontal line underneath it.

Alison Minea  
DISH Wireless L.L.C.

**ATTESTATION**

State of California )  
 )  
County of Los Angeles )

I, Robert Yap, the Vice President of Gen Mobile for DISH Wireless L.L.C. hereby state upon oath and affirmation of belief and personal knowledge that the matters, facts and statements set forth in the foregoing Application for Designation as an Eligible Telecommunications Carrier are true to the best of my knowledge and belief.



Robert Yap  
Vice President of Gen Mobile  
DISH Wireless L.L.C.

SWORN TO AND SUBSCRIBED before me on this \_\_\_ day of March 2023.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

See Attached



CALIFORNIA JURAT  
CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

Subscribed and sworn to (or affirmed) before me on this 03 day of March, 2023,

by Robert Alan Yap, proved to me on the basis of

satisfactory evidence to be the person(s) who appeared before me.

  
Notary Public Signature



(Seal)

OPTIONAL INFORMATION

DOCUMENT

Attestation

(name or type of document)

1

(number of pages)

3/03/2023

(document date)

SIGNER CAPACITY

Robert Alan Yap

(capacity claimed by the signer)

NOTICE

THE NOTARY PUBLIC DOES NOT  
CERTIFY THE AUTHORIZED  
CAPACITY OF THE SIGNER

## CERTIFICATE OF SERVICE

I do hereby certify that on the \_\_\_ day of March 2023, I served a true and correct copy of DISH Wireless, L.L.C.'s Petition for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Limited Purpose of Providing Lifeline Service to Qualifying Customers via email transmission to the following persons at the email addresses listed below:

Utah Public Service Commission  
[PSC@Utah.gov](mailto:PSC@Utah.gov)

Chris Parker  
Brenda Salter  
Madison Galt  
Division of Public Utilities  
[chrisparker@utah.gov](mailto:chrisparker@utah.gov)  
[bsalter@utah.gov](mailto:bsalter@utah.gov)  
[mgaltt@utah.gov](mailto:mgaltt@utah.gov)

Patricia E. Schmid  
Robert Moore  
Utah Attorney General Office  
[pschmid@ag.utah.gov](mailto:pschmid@ag.utah.gov)  
[rmoore@ag.utah.gov](mailto:rmoore@ag.utah.gov)

Michele Beck  
Alyson Anderson  
Bela Vastag  
Alexware  
Office of Consumer Services  
[mbeck@utah.gov](mailto:mbeck@utah.gov)  
[akanderson@utah.gov](mailto:akanderson@utah.gov)  
[bvastag@utah.gov](mailto:bvastag@utah.gov)  
[aware@utah.goc](mailto:aware@utah.goc)  
[ocs@utah.gov](mailto:ocs@utah.gov)

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Name

**EXHIBIT 1: PROPOSED LIFELINE PLANS**

<u>Subsidy Amount (\$)</u>	<u>Subsidy Type</u>	<u>Gen Mobile Lifeline Plan Offering</u>
12.75	Lifeline (Federal and State)	1,000 talk & text and 5 GB of data
37.75	Lifeline (Federal, Tribal and State)	Unlimited talk & text, 16 GB of data

**EXHIBIT 2: UTAH SERVICE AREA**

84001	84036	84067	84105	84307
84002	84037	84069	84106	84308
84003	84038	84070	84107	84309
84004	84039	84071	84108	84310
84005	84040	84072	84109	84311
84006	84041	84073	84111	84312
84007	84042	84074	84112	84313
84008	84043	84075	84113	84314
84009	84044	84076	84114	84315
84010	84045	84078	84115	84316
84013	84046	84080	84116	84317
84014	84047	84081	84117	84318
84015	84049	84082	84118	84319
84017	84050	84083	84119	84320
84018	84051	84084	84120	84321
84020	84052	84085	84121	84322
84021	84053	84086	84123	84324
84022	84054	84087	84124	84325
84023	84055	84088	84128	84326
84024	84056	84092	84129	84327
84025	84057	84093	84138	84328
84026	84058	84094	84143	84329
84027	84059	84095	84150	84330
84028	84060	84096	84199	84331
84029	84061	84097	84201	84332
84031	84062	84098	84301	84333
84032	84063	84101	84302	84334
84033	84064	84102	84304	84335
84034	84065	84103	84305	84336
84035	84066	84104	84306	84337

84338	84537	84644	84720	84753
84339	84539	84645	84721	84754
84340	84540	84646	84722	84755
84341	84542	84647	84723	84756
84401	84601	84648	84724	84757
84403	84602	84649	84725	84758
84404	84604	84651	84726	84759
84405	84606	84652	84728	84760
84408	84620	84653	84729	84761
84414	84621	84654	84730	84762
84501	84622	84655	84732	84763
84511	84624	84656	84733	84764
84513	84626	84657	84734	84765
84515	84627	84660	84735	84766
84516	84628	84662	84736	84767
84518	84629	84663	84737	84770
84520	84630	84664	84738	84772
84521	84631	84665	84739	84773
84522	84632	84667	84741	84774
84523	84633	84701	84742	84775
84525	84634	84710	84743	84776
84526	84635	84711	84744	84779
84528	84636	84712	84745	84780
84529	84637	84713	84746	84781
84530	84638	84714	84747	84782
84532	84639	84715	84749	84783
84533	84640	84716	84750	84784
84534	84642	84718	84751	84790
84535	84643	84719	84752	

**EXHIBIT 3: SAMPLE ADVERTISEMENT**

Buckslips 3.5” by 9.5”



# FREE MOBILE SERVICE

See if you qualify for the Lifeline  
Program with Gen Mobile!



## Apply Today

DISH Wireless LLC is authorized to provide Lifeline service under the Gen Mobile brand. The Lifeline Program ("Lifeline") is a government assistance program that provides discounted telephone services to eligible households funded by the Federal Universal Service Fund. A household means adults and children who are living together at the same address as one economic unit. An economic unit includes all adults (persons at least 18 years old unless emancipated) contributing to and sharing the household's income and expenses. Only one discount per eligible household is permitted and is nontransferable to another person. The discount is tied to a single, primary residential address. Any household that violates the one discount per household rule or knowingly or willingly provides false information to obtain the Lifeline discount will lose its discount or will be banned from Lifeline and may be prosecuted by the government. There are two ways to qualify for the Lifeline discount: Program-Based or Income-Based. Program-Based qualification requires someone in the household to be enrolled in a public assistance program such as Medicaid, SNAP, Supplemental Security Income (SSI), or other qualifying government programs. Income-Based qualification requires the household's total annual gross income is at or less 135% of the Federal Poverty Guidelines. The National Verifier administered by the Universal Service Administrative Company (USAC) will determine whether the household meets the eligibility requirements to participate in Lifeline. Many factors beyond Gen Mobile's control (such as network problems or congestion, signal strength, structures, weather, geography, etc.) may affect the customer's ability to make and receive calls on the customer's wireless device, the quality of those calls, and the speed of the customer's service. As a result, the customer's service, including calls or attempted calls to emergency services (i.e. 911, may be interrupted, may fail, or result in dropped or blocked connections, become unavailable, service speeds are slow, or call quality at times may be poor. Go to [genmobile.com](http://genmobile.com) for Gen Mobile's terms & conditions, including the full restrictions for Lifeline, and wireless service plans.

Banners 2' by 5'

**genmobile™**

# FREE MOBILE SERVICE

See if you qualify for the Lifeline Program with Gen Mobile!

**Apply Today**

©2018 Wireless LLC. is authorized to provide Lifeline service under the Gen Mobile brand. The Lifeline Program ("Lifeline") is a government assistance program that provides discounted wireless services to eligible households funded by the Federal Universal Service Fund. Only one discounted service is permitted and is non-transferable to another person. To verify the customer must be enrolled in an eligible government program (Medicaid or SNAP) or have a household annual gross income that is at or less than 135% of the Federal Poverty Guidelines. The National Verifier, administered by the Universal Service Administrative Company ("USAC") will determine whether the household meets the eligibility requirements to participate in Lifeline. Go to genmobile.com for Gen Mobile's terms & conditions, including the full restrictions for Lifeline, and enrollment process.

Webpage Copy

**genmobile** [Return to Gen Mobile Main Site](#) [My Benefit Status](#) [Support](#) [Why Us?](#) [Español](#)

# FREE MOBILE SERVICE

See if you qualify for the Lifeline Program to receive free mobile service from Gen Mobile!



**Apply now in just 5 minutes!**

Enter your zip code to start the application.

**EXHIBIT 4: FINANCIAL STATEMENT (LINK TO 10-K)**

Form 10-K of DISH Network Corporation, DISH Wireless's parent company,  
<https://ir.dish.com/sec-filings/sec-filing/10-k/0001558370-22-001816>.



## EXHIBIT 5: KEY PERSONNEL BIOS

**Robert Yap, VP of Gen Mobile, a DISH Wireless L.L.C. brand,** has over 20 years of telecommunication experience. Mr. Yap was an executive at several telecommunications companies (wireless, CLEC, and calling cards), including at Gen Mobile, Inc. where he was a founder, and was a corporate attorney at McDermott, Will & Emory. From 2015 to 2017, he was the President of TruConnect Communications, Inc., a nationwide wireless Lifeline Provider with over 500,000 customers during his tenure. In 2018, Mr. Yap and his fellow executives founded Gen Mobile, Inc. (later acquired by DISH Wireless L.L.C.), to provide consumers affordable wireless service options and to help bridge the digital divide for the 30% of Americans that have limited access to the internet. He hopes to provide the same in the State of Utah with Gen Mobile as the head of the brand under DISH Wireless.

Mr. Yap also has served on several nonprofit boards including as chairman of the Asian Pacific Community Fund (“APCF”), a non-profit that has raised over \$5,000,000 for distribution to non-profits that serve communities in Los Angeles, and as a current board member of Center for Asian Americans United for Self-Empowerment (“CAUSE”), a non-profit dedicated to politically empowering the Asian Pacific American community. He also held leadership positions at Project by Project and the National Asian Pacific American Bar Association, and served in AmeriCorps at Public Allies Chicago.

Mr. Yap received his B.A. in Economics from Northwestern University and his J.D., with honors, from George Washington University School of Law.

**Anthony Lombardo, Director and Head of Finance for Gen Mobile,** is an experienced Finance and M&A professional. Prior to joining Gen Mobile, he worked with various early stage and venture backed start-ups as well as servicing private equity and strategic clients with buy-side and sell-side transaction support. He has experience supporting clients with needs in the CFO suite and finance operations and started his career at PricewaterhouseCoopers where he spent 13 years in both the audit and transaction support groups. Mr. Lombardo served as CFO at Gen Mobile, Inc. and is now the head of finance for the Gen Mobile brand.

Mr. Lombardo received his Bachelor of Science in Economics from The Wharton School at the University of Pennsylvania and his Master of Business Administration from the UCLA Anderson School of Management. Mr. Lombardo is also a licensed CPA (inactive) in the state of California.

**Jennifer Lin, Head of Marketing, Gen Mobile,** is a marketing and market research professional. She previously worked in market research at Farmers Insurance and was part of the team that launched online health insurance broker, HealthInsurance.com. Mr. Lombardo served as CFO at Gen Mobile, Inc. and is now the head of finance for the Gen Mobile brand.

Ms. Lin received her Bachelor’s degree from the University of California, Los Angeles and her M.P.H. from Boston University.

**Jose Andrade, Head of Operations, Gen Mobile**, has over 15 years of operational management experience at wireless telecommunications companies including from 2015-2018 as Director of Operations at TruConnect, a wireless Lifeline Provider with over 500,000 customers and from 2018-2021 as Director of Operations at Gen Mobile, Inc. His experience includes PMO leadership, customer service management, business optimization, data analysis, and leadership development. Mr. Andrade is responsible for day-to-day operations at Gen Mobile.

Mr. Andrade received his Business degree from the California State University-Los Angeles.

**Sola Lee, Senior Corporate Counsel, Gen Mobile**, has over 10 years of legal experience including as Counsel from 2015 to 2017 at TruConnect, a wireless Lifeline Provider with over 500,000 customers and from 2018-2021 at Gen Mobile, Inc. She was responsible for legal, regulatory, and compliance functions at TruConnect and Gen Mobile. Ms. Lee is the lead counsel for the Gen Mobile brand.

Ms. Lee graduated with a Bachelor's degree from the University of California, Davis and with a J.D. from the University of Oregon.

**Vincent Buongiovanni, Head of Sales Operations – ACP/Lifeline, Gen Mobile**, has over 10 years of experience in the wireless telecommunications industry, including managing the sales, operations, and compliance of Assurance Wireless' Affordable Connectivity Program and Lifeline Program nationwide, specifically managing the field agents used by the service provider. He also served as interim Director of Wireless at Assurance during the acquisition of Sprint by T-Mobile and is part-time police officer in Hi-Nella, New Jersey. Mr. Buongiovanni is in charge of the sales operations for ACP and Lifeline program for the Gen Mobile brand at DISH Wireless.