

---

Petition of DISH Wireless LLC d/b/a Gen Mobile for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Limited Purpose of Offering Lifeline Service to Qualified Households

DOCKET NO. 23-2641-01  
ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT

---

ISSUED: November 20, 2023

**SYNOPSIS**

The Public Service Commission (PSC) approves the stipulation and settlement agreement and grants the Dish Wireless L.L.C. Petition for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Limited Purpose of Providing Lifeline Service to Qualified Customers (“Petition”).

---

**BACKGROUND**

On March 6, 2023, Dish Wireless L.L.C. d/b/a Gen Mobile (“Gen Mobile”) filed the Petition seeking ETC designation for federal universal service fund (USF) funding to provide Lifeline service to qualified Utah customers, including those on federally recognized Tribal lands. Gen Mobile also seeks approval to receive Utah Lifeline support from the Utah Universal Public Telecommunications Service Support Fund (“UUSF”) for qualifying low-income customers. There were no intervenors in this docket.

**PROCEDURAL HISTORY**

1. A virtual scheduling conference was held on March 15, 2023, and a Scheduling Order was issued the same day.
2. The Office of Consumer Services (OCS) and the Division of Public Utilities (DPU), supported by Gen Mobile (collectively, the “Parties”), filed a Joint Motion to

Vacate Scheduling Order, Request for Scheduling Conference, and for Expedited Treatment on June 29, 2023. That motion was granted.

3. Gen Mobile filed the written direct testimony of Robert Yap, Vice President of Gen Mobile, on March 29, 2023, and supplemental written direct testimony of Mr. Yap on August 1, 2023.

4. A second scheduling conference was held July 19, 2023. The Parties filed a Joint Motion to Vacate the Scheduling Order and for Expedited Treatment on October 4, 2023. That motion was granted.

5. On October 13, 2023, OCS, on behalf of the Parties, filed a Settlement Stipulation and Motion for a Virtual Hearing Date ("Settlement"). The PSC held a virtual hearing to consider the Settlement on November 3, 2023, during which witnesses for the Parties provided sworn testimony and other evidence supporting the Settlement.

### **THE SETTLEMENT STIPULATION**

In the Settlement, the Parties stipulate and agree that, among other things: Gen Mobile (1) meets the requirements for Federal ETC designation; (2) seeks ETC designation for the purpose of receiving (a) federal universal Lifeline support for qualifying Utah customers, (b) federal enhanced tribal universal service Lifeline support for qualifying Utah customers, and (c) Lifeline support from the UUSF for qualifying Utah customers; (3) will provide telecommunications services, including those set forth in the Settlement; and, (4) satisfies the requirements for receiving

UUSF support. The Parties also stipulate and agree that designating Gen Mobile as an ETC serves the public interest, convenience, and necessity, as defined in 47 U.S.C. Section 214(e)(2). The Settlement further provides:

1. Gen Mobile will use the Utah-specific fact sheet (reflected in Attachment 1 of the Settlement)<sup>1</sup> containing concise and complete information about the services to be provided to each new customer at the time of enrollment and to existing customers, upon request. Gen Mobile will make the fact sheet available for download on its website. Additionally, Gen Mobile will promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.

2. Gen Mobile will receive \$3.50 per qualifying line per month pursuant to Utah Admin. Code R746-8-403 and Utah Code Ann. § 54-8b-15.

3. Gen Mobile will comply with all applicable state service quality and consumer protection requirements and the Cellular Telecommunications and Internet Association Consumer Code.

4. Gen Mobile acknowledges that approval of the Petition and ongoing receipt of UUSF funds are conditioned upon the verified payment of all applicable state and local regulatory fees, including, but not limited to, universal service fees, emergency services, and relay services.

---

<sup>1</sup> During the virtual hearing the Parties agreed that "OCS Exhibit 1A – Stipulation and Settlement Signed by the Office of Consumer Services," filed on October 13, 2023, is the governing attachment referred to in the Settlement.

5. Gen Mobile agrees to adopt any changes to the certification and verification process required by the Federal Communications Commission or by the PSC.

6. Upon implementing any changes to its Lifeline offerings, Gen Mobile will timely file a notice with DPU and OCS describing the changed plans.

At hearing, and consistent with the terms of the Settlement, witnesses for the Parties each testified that the terms of the Settlement are just and reasonable in result, and that approval of the Settlement is in the public interest. No party opposed the Settlement.

Based on the PSC's review of the Petition, the record evidence, and the Settlement, and considering there is no opposition, the PSC enters the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS, CONCLUSIONS, AND ORDER**

Settlement of matters before the PSC are statutorily encouraged. To approve a settlement, the PSC must consider the interests of the public and other affected persons and find the settlement is just and reasonable in result.<sup>2</sup>

Based on our consideration of the Petition, the submitted written testimony, the testimony at hearing, the Settlement, and the lack of opposition, the PSC finds and concludes that the record evidence supports that the Settlement and its terms,

---

<sup>2</sup> See Utah Code Ann. § 54-7-1.

including Gen Mobile's commitments in the Utah-specific fact sheet, are just and reasonable in result and in the public interest.

The PSC approves the Settlement and grants the Petition, as conditioned and supplemented by the Settlement.

DATED at Salt Lake City, Utah, November 20, 2023.

/s/ John E. Delaney  
Presiding Officer

Approved and Confirmed November 20, 2023, as the Order of the Public Service Commission.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#330867

Notice of Opportunity for Agency Review or Rehearing

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

CERTIFICATE OF SERVICE

I CERTIFY that on November 20, 2023, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Alison Minea ([alison.minea@dish.com](mailto:alison.minea@dish.com))  
DISH Wireless LLC

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))  
Patrick Grecu ([pgrecu@agutah.gov](mailto:pgrecu@agutah.gov))  
Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))  
Assistant Utah Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

Alyson Anderson ([akanderson@utah.gov](mailto:akanderson@utah.gov))  
Bela Vastag ([bvastag@utah.gov](mailto:bvastag@utah.gov))  
Alex Ware ([aware@utah.gov](mailto:aware@utah.gov))  
Jacob Zachary ([jzachary@utah.gov](mailto:jzachary@utah.gov))  
([ocs@utah.gov](mailto:ocs@utah.gov))  
Office of Consumer Services

---

Administrative Assistant