

BEFORE THE  
IDAHO PUBLIC UTILITIES COMMISSION

DISH Wireless L.L.C. )  
Application for Designation as an Eligible )  
Telecommunications Carrier in the State of )  
Idaho for the Limited Purpose of Providing ) Case No. **DWL-T-23-01**  
Lifeline Service to Qualifying Customers )  
)  
)

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

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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> Sections 54.101 through 54.207<sup>2</sup> of the Rules of the Federal Communications Commission (“FCC”),<sup>3</sup> the Idaho Telecommunications Act of 1988,<sup>4</sup> and the orders of the Idaho Public Utilities Commission (the “Commission”),<sup>5</sup> , hereby submits this Application for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Idaho. The Company seeks ETC designation for the limited purpose of providing Lifeline

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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 Application 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> Idaho Code §§ 62-610(D)(1) and 62-615(1).

<sup>5</sup> *Application of WWC Holding Co., Inc. dba Cellular-One® Seeking Designation as an Eligible Telecommunications Carrier That May Receive Federal Universal Service Support*, Case No. WST-T-05-1, Order No. 29841 (Aug. 4, 2005) (attaching Appendix titled “Requirements for Eligible Telecommunications Carrier (“ETC”) Designation, Reporting, and Certification”) (“Order No. 29841”), as amended by *Torch Wireless’s Application for Designation as an Eligible Telecommunications Carrier in Idaho*, Case No. TOR-21-01, Order No. 35126 (Aug. 25, 2021) (removing requirement that the Commission (in addition to the applicant) provide notice of an ETC application to affected Tribes) (“Order No. 35126”).

service under the brand name “Gen Mobile” to qualifying Idaho consumers, including those on federally recognized Tribal lands. DISH Wireless requests for its ETC designation to include the authority to participate in and receive reimbursement from the Idaho Telephone Service Assistance Program (“ITSAP”).<sup>6</sup>

As demonstrated herein, and as certified in Exhibit 1 to this Application, the Company meets all the federal and state statutory and regulatory requirements for designation as an ETC in Idaho. Grant of this Application, moreover, would advance the public interest because it would enable the Company to commence much needed Lifeline services to low-income Idaho residents, including those on Tribal lands, as soon as possible. Accordingly, the Company respectfully requests that the Commission expeditiously approve this Application.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application 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 Idaho and other states, using the Gen Mobile brand name and other brand names.

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<sup>6</sup> Idaho Code Ann. §§ 56-901, 56-902 (2013).

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-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-

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<sup>7</sup> See 47 C.F.R. § 54.1602(b) ("a bundle of broadband internet access service along with fixed or mobile voice telephony service, text messaging service, or both" is an EBB-eligible plan).

Jurisdictional States”). DISH Wireless is currently designated as a wireless ETC in Colorado, 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 Idaho so that it can (i) serve low-income Idaho customers, including those residing 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

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<sup>8</sup> 47 U.S.C. § 214(e)(2).

demonstrated below, DISH Wireless fulfills the requirements to be designated as an ETC in Idaho.

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

An application for ETC designation in Idaho must meet specific federal statutory and regulatory requirements and state 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 and Order No. 29841.<sup>9</sup> 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>10</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

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<sup>9</sup> Order No. 29841 provides: "All ETC applicants must follow the federal statutory requirements for ETC Designation. *See* 47 U.S.C. § 214(e)(1)." Appendix, § A.

<sup>10</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).



quality standards; and (4) demonstrate that it is financially and technically capable of providing Lifeline service.<sup>11</sup>

Finally, prior to designating a carrier as an ETC, the Commission must determine whether such designation is in the public interest.<sup>12</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>13</sup> The Commission also considers (1) whether the applicant will contribute to appropriate Idaho funds, which include funds that support the ITSAP and the Idaho Telecommunications Relay Services program,<sup>14</sup> and (2) whether the applicant is engaged in "cream-skimming" (*i.e.*, when a an applicant seeks ETC designation for only part of a rural telephone company's study area, thus leaving some customers (who are likely less-profitable) without service).<sup>15</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>16</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.

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<sup>11</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 Application, it is building out its 5G network in accordance with certain FCC-approved construction deadlines as described below.

<sup>12</sup> 47 U.S.C. §214(e)(6); 47 C.F.R. § 54.202(b).

<sup>13</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>14</sup> See Idaho Code §§ 56-904, 61-1301; see, e.g.,

<sup>15</sup> See, e.g., Order No. 35126, at 5.

<sup>16</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).

**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-income consumers.<sup>17</sup> As defined in Section 8.1(b) of the FCC's rules, DISH Wireless also provides broadband internet access service to consumers.<sup>18</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>19</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 Idaho residents, including those on Tribal lands, are described in Exhibit 2.

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

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<sup>17</sup> 47 C.F.R. § 54.101(a); *see also* 47 U.S.C. § 214(e)(1)(A).

<sup>18</sup> *See* 47 C.F.R. § 8.1(b).

<sup>19</sup> *See* 47 C.F.R. § 54.101(a).

options for Idaho consumers as soon as the Commission approves this Application. 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 Idaho) and currently offers service to more than 20 percent of the U.S. population.<sup>20</sup> In areas of Idaho where service on DISH Wireless' own network is not yet available or where the Company does not yet offer Lifeline 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 Idaho 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>21</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 Idaho 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

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<sup>20</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).

<sup>21</sup> See *2012 Lifeline Reform Order*, ¶ 368.

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, including on federally-recognized Tribal lands, to allow the Company to provide Lifeline service wherever its underlying, facilities-based providers have wireless coverage.<sup>22</sup> The current Idaho coverage footprint or service area by zip code is attached hereto as Exhibit 3.

**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 the Commission's rules. Samples of the Company's Lifeline advertising are attached hereto as Exhibit 4.

**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 Idaho 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

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<sup>22</sup> In accordance with Order No. 29841, DISH Wireless is providing notice of this Application to all affected tribal governments and tribal regulatory authorities. A certificate of service listing the recipients is attached.

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 in 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>23</sup> DISH Wireless satisfies these criteria.

DISH Wireless is financially stable and capable of honoring its service obligations to customers, as shown in Exhibit 5, 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 Idaho 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 6 is a current list of the Company's key personnel responsible for Gen Mobile-branded Lifeline offerings, with

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<sup>23</sup> See *2012 Lifeline Reform Order*, ¶ 387; see also 47 C.F.R. § 54.202(a)(4).

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 Idaho. 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 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 2 is a summary table of the Company's proposed Lifeline service offerings, showing that Lifeline customers can receive 1,000 voice minutes, 1,000 text messages, and 4.5 gigabytes (GB) of data per month at a net cost of \$0.00 after application of Lifeline support and customers on Tribal lands can receive unlimited voice minutes and text messages and 11 GB of data per month at a net cost of \$0.00 after application of Lifeline Tribal 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>24</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

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<sup>24</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>).



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>25</sup>

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

By way of this Application, 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 Application, including any reporting requirements set by the Commission. The Company will comply with any applicable ITSAP rules and regulations, including but not limited to required monthly reporting, as well as execution of a memorandum of understanding with the Department of Health and Welfare.<sup>26</sup> DISH Wireless commits to remitting the required ITSAP funds to the ITSAP Administrator. 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 Universal Service Fund ("USF") to its qualified Lifeline customers.

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<sup>25</sup> 47 C.F.R. §§ 54.405(e), 54.410(f).

<sup>26</sup> Idaho Code Ann. §§ 56-901, 56-902

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

The Company recognizes the importance of safeguarding the USF, 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 USF 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 USF, 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. 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 Idaho consumers, including those on Tribal lands, 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 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 Idaho will enable the Company to provide eligible low-income consumers, including those residing on Tribal lands, 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 1,000 voice minutes, 1,000 texts, and 4.5 GB of data available to all qualifying low-income Idaho consumers for no cost, and a plan with unlimited voice minutes, unlimited texts and 11 GB of data available to residents of Tribal lands for no cost. Qualified Idaho 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>27</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>28</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 Idaho 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 Idaho market for Lifeline services by making these services more available and accessible, thereby supporting the goals of universal service.

### **C. Commission Public Interest Standard**

As noted above, when assessing whether designation of an ETC applicant as an ETC would serve the public interest, the Commission considers whether the applicant will contribute the relevant state funds. DISH Wireless currently contributes to the ITSAP and TRS programs

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<sup>27</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>28</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).

as requires by relevant state law, and will continue to do so after being designated as an ETC. The Commission considers whether the applicant is engaged in “cream-skimming.” However, because DISH is seeking ETC designation for the entire state, a cream-skimming analysis is not required.<sup>29</sup>

## **VI. 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 Application is subject to denial of federal benefits, including FCC benefits.

## **VII. CONCLUSION**

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

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<sup>29</sup> See Order No. 35126, at 5.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Th. J. Lloyd III", written over a horizontal line.

Thomas J. Lloyd III  
Elam & Burke, P.A.

**EXHIBIT 1: CERTIFICATION**

I, Robert Yap, Vice President of Gen Mobile for DISH Wireless L.L.C., have reviewed and am familiar with the foregoing Application for Designation as an Eligible Telecommunications Carrier in the State of Idaho. The statements in the foregoing document are true of my own knowledge, except as to matters which are herein stated on information and belief, and as to those matters, I believe them to be true.

3/1/23  
Date

**DISH Wireless L.L.C.**



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



**EXHIBIT 2: PROPOSED LIFELINE PLANS**

<u>Subsidy Amount (\$)</u>	<u>Subsidy Type</u>	<u>Gen Mobile Lifeline Plan Offering</u>
9.25	Lifeline (Federal)	1,000 minutes of talk/voice, 1,000 text, and 4.5 GB of data
34.25	Lifeline (Federal and Tribal)	Unlimited talk & text, 11 GB of data

**EXHIBIT 3: IDAHO SERVICE AREA**

83201	83250	83322	83406	83462
83202	83251	83323	83420	83464
83204	83252	83324	83421	83465
83209	83254	83325	83422	83466
83210	83255	83327	83423	83467
83211	83256	83328	83424	83468
83212	83261	83330	83425	83501
83213	83262	83332	83427	83520
83214	83263	83333	83428	83522
83215	83271	83334	83429	83523
83217	83272	83335	83431	83524
83218	83274	83336	83433	83526
83220	83276	83337	83434	83530
83221	83277	83338	83435	83531
83223	83278	83340	83436	83533
83226	83281	83341	83438	83535
83228	83283	83342	83440	83536
83229	83285	83344	83442	83537
83232	83286	83346	83443	83539
83233	83287	83347	83444	83540
83234	83301	83348	83445	83541
83236	83302	83349	83446	83542
83237	83311	83350	83448	83543
83238	83312	83352	83449	83544
83239	83313	83353	83450	83545
83241	83314	83354	83451	83547
83243	83316	83355	83452	83548
83244	83318	83401	83454	83549
83245	83320	83402	83455	83552
83246	83321	83404	83460	83553

83554	83638	83702	83815	83850
83555	83639	83703	83821	83851
83602	83641	83704	83822	83852
83604	83642	83705	83823	83854
83605	83643	83706	83824	83855
83607	83644	83709	83825	83856
83610	83645	83712	83827	83857
83611	83646	83713	83830	83858
83612	83647	83714	83832	83860
83615	83648	83716	83833	83861
83616	83650	83720	83834	83864
83617	83651	83724	83835	83866
83619	83654	83801	83836	83867
83622	83655	83802	83837	83868
83623	83656	83803	83839	83869
83624	83657	83804	83840	83870
83626	83660	83805	83841	83871
83627	83661	83806	83842	83872
83628	83666	83808	83843	83873
83629	83669	83809	83844	83874
83631	83670	83810	83845	83876
83632	83672	83811	83846	
83633	83676	83812	83847	
83634	83686	83813	83848	
83636	83687	83814	83849	

**EXHIBIT 4: SAMPLE ADVERTISEMENT**

Buckslips 3.5” by 9.5”

**genmobile™**

# FREE MOBILE SERVICE

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



**Apply Today**

DISH Wireless L.L.C. 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 like 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 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 service to eligible households funded by the Federal Universal Service Fund. Only one discounted service line 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 Lifeline Administrator (NLSA) will determine whether the household meets the eligibility requirements to participate in Lifeline. Go to genmobile.com for Gen Mobile terms & conditions, including the full restrictions for Lifeline, and enrollment process.

Webpage Copy

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# 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 5: 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 6: 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 Idaho 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 nonprofits 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.