

**BEFORE THE  
SOUTH DAKOTA PUBLIC SERVICE COMMISSION**

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

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

Alison Minea  
Vice President and Associate General Counsel  
DISH Wireless L.L.C.  
1110 Vermont Ave NW Ste. 450  
Washington, DC 20005  
(202) 463-3709  
Alison.Minea@dish.com

March 29, 2023

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. COMPANY OVERVIEW ..... 2

III. THE COMMISSION HAS JURISDICTION OVER DESIGNATION OF WIRELESS  
ETCS..... 4

IV. THE COMPANY MEETS THE FEDERAL STATUTORY AND REGULATORY  
REQUIREMENTS FOR ETC DESIGNATION ..... 4

    A. DISH Wireless Is a Common Carrier ..... 6

    B. DISH Wireless Will Offer the Services Supported by Federal Universal Service . 6

    C. DISH Wireless Will Offer the Services Designated for Support Using a  
    Combination of Its Own Facilities and Resale ..... 7

    D. DISH Wireless Will Provide Gen Mobile-Branded Service Throughout Its  
    Designated Service Area..... 8

    E. The Company Will Advertise the Availability of Gen Mobile Services and  
    Charges Using Media of General Distribution ..... 9

    F. DISH Wireless Will Comply with Service Requirements Applicable to the  
    Support It Receives. .... 9

    G. DISH Wireless Will Comply with Any Applicable Two-Year and Five-Year Plan  
    Requirements ..... 10

    H. Consumer Protection and Service Quality Standards ..... 10

    I. Ability to Remain Functional During Emergencies..... 10

    J. DISH Wireless Is Financially and Technically Capable..... 11

    K. Terms and Conditions of Proposed Lifeline Offering ..... 12

    L. Gen Mobile’s Offerings Will Comply with Lifeline Certification and Annual Re-  
    certification Requirements ..... 13

    M. DISH Wireless Will Comply With All Regulations Imposed by the Commission  
    ..... 14

    N. Prevention of Waste, Fraud and Abuse..... 14

V. DESIGNATING DISH WIRELESS AS AN ETC WOULD PROMOTE THE PUBLIC  
INTEREST..... 16

A.	Advantages of Gen Mobile Lifeline Plans.....	16
B.	Benefits of Competitive Choice.....	17
VI.	ANTI-DRUG ABUSE CERTIFICATION.....	18
VII.	CONCLUSION.....	18

**LIST OF EXHIBITS:**

**Exhibit 1:** Certification

**Exhibit 2:** Proposed Lifeline Plans

**Exhibit 3:** Service Area

**Exhibit 4:** Sample Advertising

**Exhibit 5:** Financial Statements

**Exhibit 6:** Key Personnel Bios

**BEFORE THE  
SOUTH DAKOTA STATE PUBLIC SERVICE COMMISSION**

DISH Wireless L.L.C. d/b/a Gen Mobile            )  
Petition for Designation as an Eligible            )  
Telecommunications Carrier in the State of        )  
South Dakota for the Limited Purpose of            )  
Providing Lifeline Service to Qualifying            )  
Customers

Docket No. \_\_\_\_\_

**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> South Dakota Codified Laws,<sup>4</sup> and the rules and regulations of the South Dakota Public Utilities Commission (“Commission”),<sup>5</sup> hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of South Dakota. The Company seeks ETC designation for the limited purpose of providing Lifeline service under the brand name “Gen Mobile” to qualifying South Dakota consumers, including those consumers residing on federally recognized Tribal lands.

---

<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> SDCL 49-31-78.

<sup>5</sup> ARSD 20:10:32:42-43.

As demonstrated herein, and as certified in Exhibit 1 to this Petition, the Company meets all the federal and state statutory and regulatory requirements for designation as an ETC in South Dakota. 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 South Dakota residents, including those residing on Tribal lands, as soon as possible. Accordingly, the Company respectfully requests that the Commission expeditiously approve this Petition.

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

Alison Minea  
Vice President and Associate General Counsel  
DISH Wireless L.L.C.  
1110 Vermont Ave NW Ste. 450  
Washington, DC 20005  
(202) 463-3709  
Alison.Minea@dish.com

## **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 South Dakota 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-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 service.<sup>6</sup> Available Gen Mobile 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, 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 South Dakota so that it can (i) serve low-income South Dakota 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-

---

<sup>6</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).

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>7</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 federal and state requirements to be designated as an ETC in South Dakota.

### **IV. THE COMPANY MEETS THE FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION**

A petition for ETC designation in South Dakota 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 petitioner offers or intends to offer all services designated for support by the FCC pursuant to Section 254(c) of the

---

<sup>7</sup> 47 U.S.C. § 214(e)(2).

Communications Act; (2) a certification that the petitioner 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 petitioner 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 petitioner requests to be designated as an ETC; and (5) a certification that neither the petitioner, nor any party to the petition, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.<sup>8</sup>

In addition, a petitioner 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>9</sup>

Finally, prior to designating a carrier as an ETC, the Commission must determine whether such designation is in the public interest.<sup>10</sup> When making a public interest

---

<sup>8</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>9</sup> 47 C.F.R. § 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.

<sup>10</sup> 47 U.S.C. § 214(e)(6); 47 C.F.R. § 54.202(b); ARSD 20:10:32:43.07.



determination, the Commission considers the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offerings.<sup>11</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>12</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-income consumers.<sup>13</sup> As defined in Section 8.1(b) of the FCC's rules, DISH Wireless also provides broadband internet access service to consumers.<sup>14</sup>

---

<sup>11</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); see also ARSD 20:10:32:43.07.

<sup>12</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).

<sup>13</sup> 47 C.F.R. § 54.101(a); see also 47 U.S.C. § 214(e)(1)(A).

<sup>14</sup> See 47 C.F.R. § 8.1(b).

**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>15</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 South Dakota residents, including those residing 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, including those residing on Tribal lands. 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 South Dakota 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 and currently offers service to more than 20 percent of the U.S. population.<sup>16</sup> Where service on DISH Wireless’ own network is not yet available or where DISH Wireless does not yet offer Lifeline products on its own network, DISH Wireless will

---

<sup>15</sup> See 47 C.F.R. § 54.101(a). DISH Wireless’ voice service provides voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; 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 toll limitation services to qualifying low-income consumers. *Id.*; see also 47 U.S.C. § 214(e)(1)(A). DISH Wireless also provides broadband Internet access service (as defined at 47 C.F.R. § 8.1(a)) to consumers.

<sup>16</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).

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 service in South Dakota 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>17</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, including the territories of Washington D.C. and Puerto Rico, where it currently offers ACP service – this includes the entire geographic boundary of the State of South Dakota subject to coverage limits of underlying carriers and DISH Wireless' own network. Further, pursuant to 47 C.F.R. § 54.202(a)(1)(i) and ARSD 20:10:32:43.01, 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 Wireless 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 South Dakota coverage footprint or service area by zip code and coverage map are attached hereto as Exhibit 3, which the Company submits should be sufficient

---

<sup>17</sup> See *2012 Lifeline Reform Order*, ¶ 368.

to satisfy the requirement of ARSD 20:10:32:43(3) (requiring ETC applicants to provide a “service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant.”)

**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 South Dakota initially by reselling AT&T and/or T-Mobile service, and in the future will 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 petition 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.<sup>18</sup>

**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) and ARSD 20:10:32:43.03. DISH Wireless' greenfield 5G network operates in a cloud-native environment that is not encumbered by

---

<sup>18</sup> See ARSD 20:10:32:43.04.

traditional technology and will be more flexible and resilient in the event of service outages once the construction is complete. Currently, 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 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 South Dakota 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

---

<sup>19</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 South Dakota. 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 residing on federally recognized 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>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

---

<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>).



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 Section 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>

**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 Universal Service Fund ("USF") to its qualified Lifeline customers.

**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

---

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

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 South Dakota consumers, including consumers residing 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 South Dakota 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 1,000 voice minutes, 1,000 texts, and 4.5 GB of data available to all qualifying low-income South Dakota 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 South Dakota 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>22</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>23</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 South Dakota 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, including those residing on Tribal lands, and will have desirable effects upon the South Dakota market for Lifeline services by making these services more available and accessible, thereby supporting the goals of universal service.

## **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 Petition 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 South Dakota accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

---

<sup>22</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>23</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).

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alison Minea".

---

Alison Minea  
DISH Wireless L.L.C.