
TO: COMMISSIONERS AND ADVISORS

FROM: BRITTANY MEHLHAFF AND AMANDA REISS

RE: TC23-006-IN THE MATTER OF THE PETITION OF DISH WIRELESS L.L.C. DBA GEN MOBILE FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF SOUTH DAKOTA FOR THE LIMITED PURPOSE OF PROVIDING LIFELINE SERVICES TO QUALIFYING CUSTOMERS

DATE: May 29, 2025

Commission Staff (Staff) submits this Memorandum for the petition of Dish Wireless L.L.C. dba Gen Mobile (Gen Mobile or the Company), for designation as an Eligible Telecommunications Carrier (ETC) in South Dakota.

BACKGROUND

On March 29, 2023, Gen Mobile filed a petition for designation as an ETC to for the limited purpose of providing Lifeline service to qualifying South Dakota consumers, including those consumers residing on federally recognized Tribal lands.

On March 30, 2023, the South Dakota Telecommunications Association (SDTA) filed a petition to intervene in the docket. On April 17, 2023, the Commission granted intervention to SDTA. On May 15, 2024, the Commission received a Stipulation and Agreement between SDTA and Gen Mobile. The Stipulation states that any ETC designation to result from this docket shall be limited to South Dakota CenturyLink wire centers and shall not extend into any rural service area served by an SDTA member company. Based on this Stipulation, it is Staff's position that if Gen Mobile later seeks designation as an ETC in any rural telephone company service area, Gen Mobile is required to come before the Commission in a new ETC proceeding. SDTA agrees to not object to Gen Mobile's designation as an ETC for the purpose of providing lifeline services to qualifying customers in South Dakota as a result of this Stipulation.

Throughout this proceeding, Gen Mobile responded to five sets of Staff's data requests. These responses were filed in the docket on March 27, March 28 and April 4, 2025. This Memorandum is based on Gen Mobile's Petition and accompanying filings in Docket TC23-006, Gen Mobile's responses to Staff's data requests, and Staff's independent research.

OVERVIEW

Staff followed the framework provided by State and Federal rules to ensure Gen Mobile meets the specific requirements and standards to be designated as an ETC in South Dakota. In this section Staff discusses certain South Dakota rules and subparts of the rules that Staff believes need to be specifically pointed out and discuss the company's responses to those rules.

Previously, in Docket TC24-002, Staff wrote a Memorandum which addressed several South Dakota Administrative Rules (ARSD) that are either outdated or inapplicable in the context of a wireless carrier seeking designation as a Lifeline-only ETC.¹ These include ARSD 20:10:32:42;² 20:10:32:43.02; 20:10:32:43.05; 20:10:32:43.06; and 20:10:32:43.07. Some of these rules conflict with Federal Communications Commission (FCC) Orders, and others, in whole or in part, cannot reasonably be applied to petitions for Lifeline-only ETC designation. If the FCC has granted forbearance on a particular requirement, 47 U.S.C. § 160(e) states “a state commission may not continue to apply or enforce any provision of this chapter that the Commission has determined to forbear from applying....” Staff will go into more detail on these rules in the following sections as applicable.

Authority to Designate an ETC

The State Commission is given authority to decide this matter by the FCC in 47 U.S.C. § 214(e)(2). 47 U.S.C. § 214(e)(2) also begins to lay the groundwork for what to consider when granting a company designation as an ETC.

ARSD 20:10:32:42, 47 C.F.R. § 54.207(b), and 47 U.S.C. § 214(e)(5)

ARSD 20:10:32:42 and 47 U.S.C. § 214 alike state:

Upon request and consistent with the public interest, convenience, and necessity, the commission may, in an area served by a rural telephone company, and shall, in all other areas, designate more than one telecommunications company as an eligible telecommunications carrier for a service area designated by the commission, so long as each additional requesting carrier meets the requirements of [47 C.F.R. § 54.201].

Gen Mobile will not operate in an area served by a rural telephone company, therefore, if the Commission finds that this designation is consistent with the public interest, convenience, and necessity, the Commission shall designate Gen Mobile as an ETC for the requested service area so long as Gen Mobile meets certain requirements of federal law. These requirements, according to 47 C.F.R. § 54.201(d)(1)-(2), are that Gen Mobile

- (1) Offer the Services that are supported by federal universal service support mechanisms under [47 C.F.R. § 54.101] and section 254(c) of the Act, either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier); and
- (2) Advertise the availability of such services and the charges therefore using media of general distribution.

¹ TC24-002 – In the Matter of the Petition of Assurance Wireless USA, L.P. for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service to Qualifying Customers (hereinafter “Assurance Memo”).

² The latter part of this ARSD states that “the commission may not find it to be in the public interest if the telecommunications company requesting such designation is not offering its services coextensive with the rural telephone company’s service area.” In the Assurance Memo, Staff explained how – for Lifeline-only companies – the FCC has granted forbearance from the requirement that a company seeking ETC designation in a rural telephone company’s service area must offer its services coextensive with said service area. Assurance Memo, p. 2. In the docket at hand, Gen Mobile is not requesting to service in rural service areas due to the Stipulation with SDTA; therefore, this aspect of the rule is not applicable.

Staff will address the public interest requirement later in this Memorandum. Staff will address the requirements of 47 C.F.R. § 54.201 and 47 C.F.R. § 54.101 in the following subsections.

ARSD 20:10:32:42 also provides requirements for ETC designation in an area served by a rural telephone company.³ Because Gen Mobile's petition is limited to CenturyLink wire centers⁴ (non-rural), those parts of this rule are not relevant and Staff need not address them here.

Supported Services Requirement of 47 C.F.R. § 54.201 and 47 C.F.R. § 54.101

In order for Gen Mobile to be eligible to receive universal service support, Gen Mobile must offer the following services pursuant to 47 C.F.R. § 54.101:

- Voice Grade Access to the Public Switched Telephone Network ("PSTN");
- Local usage minutes free of charge; and
- Access to emergency services provided by 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.

In the Petition, page 6, Gen Mobile stated it provides (1) voice grade access to the PSTN 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 enhance 911 systems; and (4) toll limitation services to qualifying low-income consumers. Based on this information, Gen Mobile has met this requirement.

Facilities Requirement of 47 C.F.R. § 54.201(1)

Generally, a Petitioner for ETC designation must provide the aforementioned services using either its own facilities or a combination of its own facilities and resale of another carrier's services. However, the FCC has granted forbearance on this requirement if certain conditions are met.⁵ In 2012, the FCC issued an Order stating that a company seeking designation as a Lifeline-only ETC need not meet the 'own-facilities' requirement so long as the company complies with certain 911 requirements,⁶ and obtains an approved compliance plan with the FCC.

Beginning on page 7 of the Petition, Gen Mobile states its service plans are supported by AT&T and T-Mobile's networks, allowing Gen Mobile to immediately introduce new Lifeline options for South Dakota

³ See ARSD 20:10:32:42 (providing requirements for ETC designation in areas served by a rural telephone company).

⁴ See Stipulation between Gen Mobile and SDTA, filed with the Commission on May 14, 2024.

⁵ In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, FCC 12-11, ¶ 368.

⁶ Regarding these 911 requirements, the FCC's Order says:

Specifically, our forbearance from the facilities requirement of section 214(e) is conditioned on each carrier: (a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order.

Id. ¶ 373.

consumers. Gen Mobile goes on to explain that the Company is building out an advanced nationwide 5G network of its own. Where service on its own network is not yet available or where the Company does not yet offer Lifeline products on its own network, Gen Mobile will provide service on a resale basis on the networks of AT&T and/or T-Mobile. In doing so, Gen Mobile will provide service using a combination of its own facilities and/or resale of another carrier's services. Therefore, the Company states that since Gen Mobile is deploying facilities-based wireless voice and broadband service in South Dakota and other states, there is no need for Gen Mobile to obtain an approved FCC Compliance Plan in accordance with the 2012 Lifeline Reform Order. In response to Staff Data Request 1-1, Gen Mobile stated it currently has facilities deployed in the greater areas of Sioux Falls and Rapid City. Further, in response to Staff Data Request 2-6, the Company provided additional details regarding the facilities it already has in South Dakota.

47 C.F.R. § 54.201(d)(2)

This law requires a carrier to advertise the availability of their services and charges using media of general distribution.

In the Petition, page 9, section E, Gen Mobile explains that it will advertise the availability and rates for the described services as required by federal law. Additionally, Gen Mobile provided sample advertisements in Exhibit 4. Staff believes Gen Mobile will comply with this law.

Financial and Technical Capability Requirement of 47 C.F.R. § 54.201(h)

This law provides that a state commission may not grant ETC designation to a company unless the company has demonstrated that it is financially and technically capable of providing Lifeline service.

Attached to its Petition as Exhibit 5, Gen Mobile provided a link to the most recent Form 10-K of DISH Network Corporation, parent company of DISH Wireless dba Gen Mobile.

In addition, the 2012 Lifeline Reform order states in regard to 47 C.F.R. § 54.202 in paragraph 388:

Therefore, in order to ensure Lifeline-only ETCs, whether designated by the Commission or the states, are financially and technically capable of providing Lifeline services, we now include an explicit requirement in section 54.202 that a common carrier seeking to be designated as a Lifeline-only ETC demonstrate its technical and financial capacity to provide the supported service. Among the relevant considerations for such a showing would be whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state.

Gen Mobile addressed these considerations in its Petition and further in response to Staff's data requests. Gen Mobile states it will not rely exclusively on revenues from the provision of Lifeline services for its operating revenues and also has access to additional capital resources from its parent and affiliate companies.⁷ In response to Staff Data Request 1-16, Gen Mobile stated it provides services nationwide that generate revenue outside of the Lifeline program. Gen Mobile did not have any revenue from Lifeline in 2022 as it was not yet an ETC in any jurisdiction at that time. In response to Staff Data Request 1-19, at the time, the Company currently had [REDACTED]

⁷ Petition page 11.

[REDACTED]

Therefore, based on the information provided, Staff believes Gen Mobile meets this requirement and the considerations stated in the 2012 Lifeline Reform order.

ARSD 20:10:32:43(1)

This subpart of the rules requires the requesting company to provide “The name, address, and telephone number of the applicant and its designated contact person.”

On page 2 of the Petition, the Company provided contact information for its Vice President and Associate General Counsel as a contact point for all communications related to the Petition. Staff data request 1-9 requested the Company provide a customer service phone number. The Company provided a Customer Care number that customers may call. Further, in response to Staff Data Request 2-1, the Company provided a contact for the SD PUC to coordinate consumer affairs questions.

ARSD 20:10:32:43(2)

This subpart requires the Company provide the proposed effective date of the designation of ETC status. The Company did not request a specific effective date.

ARSD 20:10:32:43(3)

ARSD 20:10:32:43(3) requires the company to provide “identification of the service area, including a detailed map, for which the designation is sought”.

On page 8 of its Petition, Gen Mobile 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. Attached as Exhibit 3, the Company provided the South Dakota service area by zip code and coverage map.

Pursuant to the Company’s stipulation with SDTA, Gen Mobile agrees that any ETC designation to result from this docket shall be limited to South Dakota CenturyLink wire centers and shall not extend into any rural service area served by an SDTA member company. In response to Staff Data Request 2-3, Gen Mobile explained the measures it will use to ensure customers are located within CenturyLink areas only, consistent with the stipulation. These include detailed mapping and address-level verification.

In response to Staff Data request 4-1, Gen Mobile provided a map intended to exclude non-rural areas. The map provided appears to be based on counties, which is insufficient because SDTA and CenturyLink areas do not always encompass an entire county. Often CenturyLink is serving part of a county and an SDTA company is serving the other part of the county. Staff requested a more detailed map that overlays the coverage map with the CenturyLink areas so that both CenturyLink only areas and areas of limited or no coverage could be identified for the intended service area. Gen Mobile created a map as requested, and the map was filed in the docket on March 27, 2025. Staff believes Gen Mobile has met the requirement of this rule.

ARSD 20:10:32:43(6)

This rule is discussed below in the public interest portion.

ARSD 20:10:32:43.01

This ARSD requires “an applicant requesting designation as an eligible telecommunications carrier shall commit to providing service throughout its proposed designated service area to all customers making a reasonable request for service.” Also included in this rule is ways to remedy when a customer requests service but is outside of the coverage area.

On page 8 of its Petition, Gen Mobile “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.”

ARSD 20:10:32:43.02

This ARSD requires that a two-year plan be submitted with the Petition. Gen Mobile is not going to be receiving high-cost support as a result of Lifeline-only ETC designation and therefore Staff agrees that this rule is not applicable. Nonetheless, Gen Mobile did commit in its Petition, page 10, to providing service consistent with the requirements of any other support mechanism pursuant to which it is authorized to receive support in the future.

ARSD 20:10:32:43.03

This ARSD requires that a requesting company provide a demonstration of ability to remain functional in emergency situations.

Gen Mobile discusses this requirement on pages 10-11 of its Petition. The Company states that its “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 once the construction is complete.” Furthermore, the Company “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.”⁸ Staff has no reason to believe the underlying carriers lack the ability to remain functional in emergency situations. Therefore, Gen Mobile’s demonstration of this requirement is adequate.

ARSD 20:10:32:43.04

This ARSD requires an applicant requesting designation as an eligible telecommunications carrier shall demonstrate that it will satisfy applicable consumer protection and service quality standards.

Gen Mobile discusses this commitment on page 10 of its Petition. Gen Mobile commits to fully comply with the Cellular Telecommunications and Internet Association’s Consumer Code for Wireless Service (CTIA) Consumer Code.

ARSD 20:10:32:43.05

This ARSD requires that a requesting company demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service areas for which the applicant seeks designation.

In response to Data Request 1-47, Gen Mobile stated it will offer a Lifeline plan in compliance with the federal minimum service standards but did not explicitly demonstrate it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier. However, the FCC removed this requirement from 47 C.F.R. § 54.202 in 2012 and our administrative rule has not been adjusted to

⁸ Petition, page 11.

reflect that change. Therefore, Staff asserts the information required by this rule is not relevant to this docket.

ARSD 20:10:32:43.06

This ARSD requires an applicant requesting designation as an eligible telecommunications carrier shall certify that it will be able to provide equal access to long distance carriers if no other eligible telecommunications carrier is providing equal access within the service area.

In response to Data Request 1-48, Gen Mobile stated it will “comply with the statute because the minutes included in the Gen Mobile-branded bundled plans, including Lifeline plans, allow subscribers to make domestic long-distance calls. There are no additional charges for these calls.”

In addition, after further research, Staff acknowledges that the FCC removed this requirement from 47 C.F.R. § 54.202 in 2012. Our administrative rule has not been revised to reflect this change.

The Public Interest Standard: ARSD 20:10:32:43(6), ARSD 20:10:32:43.07, and 47 U.S.C. 214(e)(2)

These laws require the company to explain why their services are in the public interest and lays out the guidelines the Commission shall consider but does not limit what the Commission can look at, when making their decision on if the petition to grant designation as an eligible telecommunications carrier is in fact in the public interest.

47 U.S.C. 214(e)(2) states:

A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. *Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1).* Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest. (emphasis added).

Over the years, there has been some disconnect as to whether this statute requires a public interest determination when the applicant is seeking an ETC designation in non-rural areas. In 2001, the South Dakota Supreme Court issued the opinion of *In Re GCC License Corp.* which ruled that the language of 47 U.S.C. 214(e)(2) did not support the position that a state utilities commission must make a public interest determination before granting ETC status in non-rural telephone exchanges. 623 N.W.2d 474, 483 (S.D. 2001).

Some years later, the FCC issued the FCC 05-46 Report and Order (FCC 05-46) which addressed the minimum requirements, and adopted additional mandatory requirements, for ETC designation. FCC 05-46 resulted from the recommendations of the Federal-State Joint Board on Universal Service and

provided an analytical framework to determine whether the public interest would be served by designation, and specified a public interest analysis applied whether designation is sought by a rural or non-rural carrier.

In 2006, following FCC 05-46 and the *In Re GCC License Corp.* opinion, the SD PUC opened a rulemaking docket RM06-001, which included the proposal of ARSD 20:10:32:43(6) and 20:10:32:43.07. These rules clearly adopt the public interest analysis included in FCC 05-46 into the Commission's rules with ARSD 20:10:32:43(6) requiring all petitions for ETC designation to include "a statement specifying why the applicant's proposed designation is in the public interest." ARSD 20:10:32:43.07 further explains the public interest standard stating:

Prior to designating an eligible telecommunications carrier, the commission shall determine that such designation is in the public interest. The commission shall consider the benefits of increased consumer choice, the impact of multiple designations on the universal service fund, the unique advantages and disadvantages of the applicant's service offering, commitments made regarding the quality of the telephone service provided by the applicant, and the applicant's ability to provide the supported services throughout the designated service area within a reasonable time frame

In conclusion on this point, Staff believes that the administrative rules implemented since the *In Re GCC License Corp.* opinion require the Commission to conduct a public interest determination regardless of whether the applicant is seeking designation in a rural or non-rural area. Accordingly, Staff will discuss the elements of ARSD 20:10:32:43.07 in this memo.

Staff respectfully defers to the Commission the matter of public interest determination for this docket but provides information gathered in Staff's data requests and review of the docket for the Commission to weigh in the public interest determination as described in ARSD 20:10:32:43.07 below.

Benefits of Increased Customer Choice

The first item the Commission shall consider when determining whether the ETC designation is in the public interest is the benefits of increased customer choice.

Gen Mobile states in its Petition, page 18, that "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 these services more available and accessible, thereby supporting the goals of universal service."

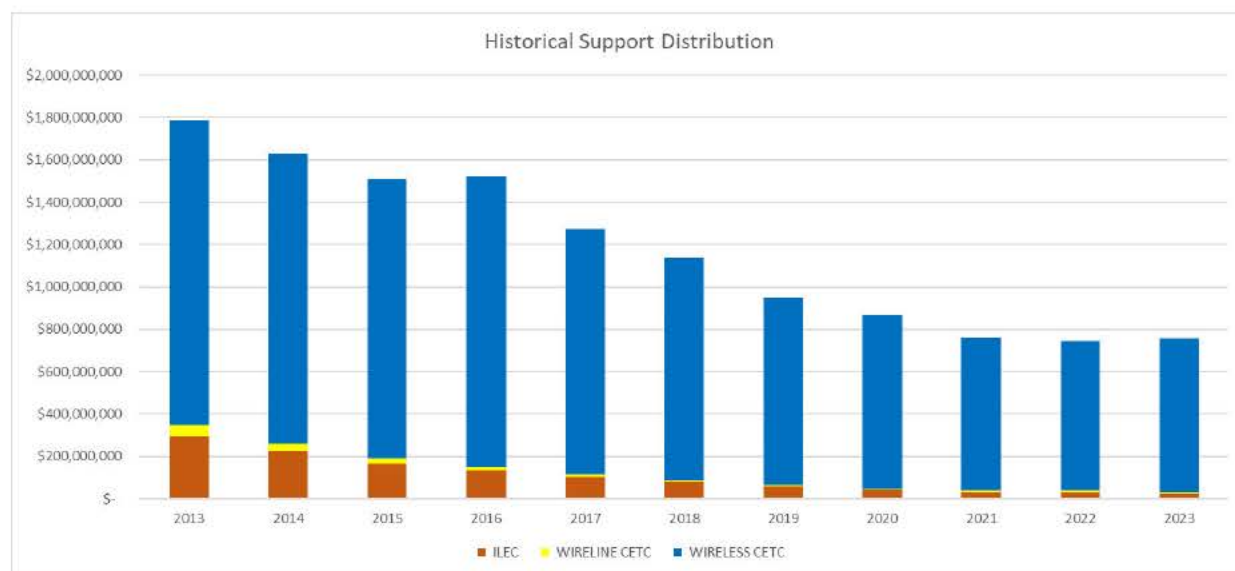
Allowing customers to have more than one option for service allows them to choose the offering that best suits their needs. Designating additional wireless ETCs provides these additional options and creates competition which should help incentivize companies to offer better services to customers in order to keep its customers.

Impacts on the Universal Service Fund (USF)

Since Lifeline does not use high-cost support, Staff's comments will relate to the Lifeline funding only.

In the past there have been multiple reports and studies detailing fraud, waste, and abuse taking place within the Lifeline Program. In January of 2014 the National Lifeline Accountability Database (NLAD) went into effect nationwide attempting to reduce the ability for a company or customer to commit fraud, waste, and abuse the Lifeline program.

As you can see from the graph below based on Historical Support Distribution data from the Universal Service Administrative Co. (USAC) website, (https://www.usac.org/wp-content/uploads/lifeline/documents/Data/20230816_Lifeline-Data-and-Statistics.xlsx) there has been a decline in disbursements since 2013 almost every year and has leveled off since about 2021.



The graph above based on the USAC website data shows the breakdown of total disbursements between wireless competitive ETCs (CETCs), wireline CETCs, and incumbent local exchange carriers (ILECs). As you can see from this graph, wireless CETCs receive an overwhelming majority of disbursements each year. While the designation of Gen Mobile could have an effect on the support distribution, it is hard to quantify how much of an effect given the large number of wireless CETC disbursements because it is hard to predict if Gen Mobile will get customers from wireline CETCs or the ILEC, CenturyLink, to switch to the wireless option offered by Gen Mobile and drop their wireline product, if they currently have one, or if they will get other wireless CETC customers to switch to Gen Mobile's service. If they only get customers from other wireless CETCs, the disbursement percentages in the chart above would likely not change. And the fact that Lifeline support disbursements have dropped considerably since the implementation of the NLAD, chances for waste, fraud, and abuse appear to be very small and taken care of thanks to the measures in place to verify potential customers. Also, since disbursements have dropped significantly compared to 2013, it appears there are plenty of available Lifeline funds for more customers.

Furthermore, on page 14 of its Petition, Gen Mobile states that it "recognizes the importance of safeguarding the USF, and has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household." In addition to the National Verifier, the Company

contracts with third party vendors to backstop USAC's own processes and procedures and established a back-office real time review process to be completed before a Lifeline application is passed to the National Verifier to qualify a customer.

Advantages and Disadvantages of Gen Mobile's Lifeline Offering

The FCC has established the following minimum service standards for wireless ETCs: 1,000 minutes, 3G Speed, and 4.5 GB of data. A voice-only plan receives a \$5.25 discount and broadband or bundled plans receive a \$9.25 discount. Eligible subscribers on Tribal lands receive up to \$34.25 per month.

Many wireless ETCs provide a free service offering at these requirement minimum service standards. However, a free plan is not required, although at this time all approved wireless ETCs in South Dakota are offering a free Lifeline plan, to the best of Staff's knowledge. Gen Mobile also plans to offer a free Lifeline plan.

In past ETC dockets, Staff has provided a table comparing the proposed service offerings to those offered by existing ETCs. Given additional ETCs have been approved in South Dakota, providing a table comparing all the plans is no longer practical. However, Staff will provide a comparison of each wireless ETC's lowest priced plan. All of the plans below are free and offer speeds of 3G or better.

Staff will note that the Commission does not approve the rates/plan offerings. The plan in the tables below are current offerings⁹ and could change over time. This discussion simply compares Gen Mobile's proposed free Lifeline plan with other approved ETCs' current free Lifeline plans.

Non-Tribal Plan Offerings

	Gen Mobile	TruConnect	Infiniti	Assurance	enTouch
Network Provider	AT&T and T-Mobile; Gen Mobile's own 5G network where available.	Verizon & T-Mobile	AT&T, Verizon, and T-Mobile	T-Mobile	T-Mobile
Areas Offered	Non-Rural Areas	Rural and Non-Rural Areas	Non-Rural Areas	Certain rural and non-rural areas	Non-Rural Areas
Voice/Texting	1,000 minutes and 1,000 text	Unlimited minutes and Unlimited Text	3,000 minutes and unlimited text	1,000 minutes Unlimited Text	300 minutes and 300 text
Data	4.5 GB	4.5 GB	4.5 GB	4.5 GB	4.5 GB

⁹ The information provided in the tables is to the best of Staff's knowledge at the time this memo was prepared.

Tribal Plan Offerings

	Gen Mobile	TruConnect	Infiniti	enTouch
Network Provider	AT&T and T-Mobile; Gen Mobile's own 5G network where available.	Verizon & T-Mobile	AT&T, Verizon, and T-Mobile	T-Mobile
Areas Offered	Non-Rural Areas	Rural and Non-Rural Areas	Non-Rural Areas	Non-Rural Areas
Voice/Texting	Unlimited minutes and unlimited text	Unlimited minutes and Unlimited Text	3,000 minutes and unlimited text	Unlimited minutes and unlimited text
Data	11 GB	4.5 GB	6 GB	4.5 GB

It is Staff's understanding that for wireline providers, a customer can choose any eligible plan offered by the wireline provider and reduce it by the amount the FCC allows depending on if it's on tribal or non-tribal land¹⁰. Wireline providers must provide 1,280 GB of data and a speed of 25/3 Mbps.

Another key advantage of Gen Mobile's offering, and as with all wireless companies, over wireline companies is the mobility aspect.

One disadvantage, when compared to a wireline company, is the data caps. Wireline companies are required to offer 1,280 GB of data and wireless only have to offer 4.5 GB of data according to the USAC website.

Another primary disadvantage with all wireless service is, when the wireless device leaves the household, everyone left in the household will be without phone or internet service if this Lifeline product is their only phone or internet source.

Commitment to Provide Quality Telephone Services

In the petition on page 10, Gen Mobile commits to comply with all applicable consumer protection and service quality standards. Gen Mobile commits to fully comply with the Cellular Telecommunication and Internet Association's Consumer Code for Wireless Service (CTIA Consumer Code).

¹⁰ \$9.25 Lifeline Discount and \$34.25 Tribal Lifeline Discount.

Gen Mobile's Ability to Provide Supported Services throughout the Designated Service Area

On pages 8 and 9 of the Petition, Gen Mobile 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.

In response to Staff Data Request 3-1, the Company addressed its ability to provide supported services in areas with limited coverage and described the process in place to determine whether services can be provided to a customer making a request. Gen Mobile provided a detailed map which outlines the CenturyLink areas where it has coverage either via its own networks and/or the networks of the underlying carriers.

Detrimental Effect on the Provisioning of Universal Service by the ILEC

The final portion to consider under ARSD 20:10:32:43.07 is whether designation of Gen Mobile as an ETC will have a detrimental effect on the provisioning of universal service on the ILEC. As previously noted, Gen Mobile has agreed to only serve in CenturyLink areas and therefore this designation will have no impact on SDTA companies. One thing to note is that CenturyLink, the ILEC in the territory covered by the remaining non-rural portion of the request, did not petition to intervene in this docket and as of the date of this memo has not filed any comments in this docket. By CenturyLink's decision not to intervene or comment, we can infer that they do not believe this designation would have a detrimental impact to them or they are not concerned about the effect designation may have. Based on that fact, Staff does not believe that designating Gen Mobile as an ETC in the CenturyLink territories as described in the Petition will have a detrimental impact on the ILEC given the fact that competition is already allowed within the CenturyLink areas and wireless ETCs already serve in CenturyLink areas.

Creamskimming Analysis

ARSD 20:10:32:43.07 requires the Commission to conduct a creamskimming analysis if an applicant seeks designation in the study area of a rural telephone company. Because Gen Mobile is not seeking to provide service in areas served by a rural telephone company, a creamskimming analysis is not necessary here.

Conclusion

As previously stated, this memo was meant to outline the South Dakota rules and the FCC requirements placed on Gen Mobile's application for designation as a Lifeline-only ETC. Staff believes Gen Mobile has complied with the applicable laws for ETC applications in South Dakota, although Staff does not make a recommendation on whether or not this ETC designation is in the public interest. Staff respectfully defers to the Commission's decision on whether designating Gen Mobile as an ETC is in accordance with the public interest, convenience, and necessity of South Dakota.