

**BEFORE THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

**APPLICATION OF ASSURANCE )  
WIRELESS USA, L.P., TO EXPAND ITS )  
ELIGIBLE TELECOMMUNICATIONS )  
CARRIER DESIGNATED SERVICE )  
AREA TO INCLUDE TRIBAL LANDS )**

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

**APPLICATION**

Andrew M. Carlson  
Nathan L. Buller  
Taft, Stettinius & Hollister LLP  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
612-977-8400  
acarlson@taftlaw.com  
nbuller@taftlaw.com

and

William A. Haas  
Managing Corporate Counsel  
T-Mobile  
P.O. Box 10076  
Cedar Rapids, IA 52410  
630-290-7615  
William.Haas@T-Mobile.com

*Attorneys for Assurance Wireless USA, L.P.*

May 5, 2025

## TABLE OF CONTENTS

	<b>Page</b>
I. Introduction.....	1
II. Background.....	2
III. Assurance has demonstrated that it Meets the Statutory and Regulatory Prerequisites for ETC Designation .....	5
A. Expanded Service Area.....	7
B. Lifeline Service Offering for Tribal Lands .....	8
C. Granting the Requested Service Area Expansion is in the Public Interest .....	8
IV. Conclusion .....	9

**BEFORE THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

**APPLICATION OF ASSURANCE )  
WIRELESS USA, L.P., TO EXPAND ITS )  
ELIGIBLE TELECOMMUNICATIONS )  
CARRIER DESIGNATED SERVICE )  
AREA TO INCLUDE TRIBAL LANDS )**

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

**I. INTRODUCTION**

Assurance Wireless USA, L.P. (“Assurance Wireless” or “Company”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934,<sup>1</sup> as amended, (the “Act”), 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> submits this Application to Expand its Eligible Telecommunications Carrier Designated Service Area to Include Tribal Lands in the State of South Dakota. In 2024, the Commission designated Assurance Wireless as a wireless Lifeline-only eligible telecommunications carrier (“ETC”) in a specified service area in South Dakota, eligible to receive federal Lifeline support. In this application, Assurance Wireless seeks to expand its ETC service area to include South Dakota’s Tribal Lands. The public interest would be served by

---

<sup>1</sup> 47 U.S.C. § 214(e)(2) and 47 U.S.C. § 254.

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

<sup>3</sup> Assurance Wireless’ Application is filed in accordance with rules adopted by the FCC in the 2012 Lifeline Reform Order. *See In the Matter of 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

granting this Application, thereby enabling Assurance Wireless to serve the needs of qualifying low-income consumers in South Dakota's Tribal Lands.

As demonstrated herein, and as certified in the attached Exhibit 1, Assurance Wireless meets all applicable statutory and regulatory requirements for expansion of its designated ETC area in South Dakota to include the identified Tribal Lands.<sup>6</sup>

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

Andrew M. Carlson (MN Atty No. 284828)  
Nathan L. Buller (MN Atty No. 0387605, SD Atty No. 3766)  
Taft Stettinius & Hollister LLP  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
612-977-8400  
acarlson@taftlaw.com  
nbuller@taftlaw.com

and

William A. Haas  
Managing Corporate Counsel  
T-Mobile  
P.O. Box 10076  
Cedar Rapids, IA 52410  
630-290-7615  
William.Haas@T-Mobile.com

## **II. BACKGROUND**

Assurance Wireless is a limited partnership registered with the South Dakota Secretary of State to operate in the state. Its principal offices are located in Bellevue, Washington. Assurance Wireless is a wholly owned subsidiary of T-Mobile USA, Inc. ("T-Mobile"), which is incorporated

---

<sup>6</sup> Consistent with its current Lifeline-only ETC designation, the Company is not seeking designation in the expanded service area to receive high-cost support from the Universal Service Fund.

under the laws of the State of Delaware and headquartered in Bellevue, Washington. T-Mobile is the second largest wireless carrier in the United States. As a national provider of wireless voice, messaging, data, and broadband services, T-Mobile's award-winning 5G network covers over 330 million Americans.

Assurance Wireless provides wireless telecommunications services, in South Dakota and numerous other U.S. jurisdictions, using T-Mobile's wireless network. T-Mobile has deployed a robust network in South Dakota and is either directly or indirectly interconnected with incumbent local exchange carriers ("ILECs") and other telecommunications providers throughout the state.

Assurance Wireless' business model is to provide Lifeline service to low-income customers. Assurance Wireless' service plan generally includes 3,000 voice minutes that can be used for domestic local or long-distance calls, 4.5 GB of high-speed data, and unlimited texts, with \$0 upfront cost.<sup>7</sup> There are no bills, long-term contracts, or monthly service fees.<sup>8</sup> The customer can provide their own phone or purchase a discounted phone. Assurance Wireless does not offer service other than Lifeline service.

To provide Lifeline service, it is necessary to be designated as an ETC. In addition to its ETC designation in South Dakota (discussed in more detail below), Assurance Wireless is designated as a wireless ETC, providing Lifeline services, in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Hampshire,

---

<sup>7</sup> In a few locations, the amount of minutes or the amount of high-speed data included in the service plan varies.

<sup>8</sup> With the payment of additional fees, the customer can add additional data, international calling, and other add-on services.

New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Assurance Wireless applied for Lifeline-only ETC designation in South Dakota in January 2024. Thereafter, Assurance Wireless provided responses to several rounds of data requests from Staff, and through that process it clarified the geographic area where it sought Lifeline-only ETC designation. The Commission designated Assurance Wireless as a Lifeline-only ETC in South Dakota in an order dated May 15, 2024 (the “Designation Order”).<sup>9</sup> The Designation Order stated “Assurance has complied with the requirements for designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving federal Lifeline support in rural and nonrural areas, exclusive of tribal lands as shown on the map in green as filed as Attachment 1A – Map, and for the zip codes listed in Revised Exhibit 4, filed by Assurance on April 18, 2024.”<sup>10</sup> For ease of reference, the map and zip code list referred to in the Designation Order are attached as Exhibits 2 and 3.

Since May 2024, Assurance Wireless has provided Lifeline service to eligible South Dakota residents and has complied with applicable compliance requirements.

In its January 2024 Application, Assurance Wireless specifically noted that it did not seek designation in areas that are considered Tribal Lands. The provision of Lifeline on Tribal Lands is slightly different on Tribal Lands than elsewhere. On non-Tribal Lands, a Lifeline provider such as Assurance Wireless is reimbursed \$9.25/month, per subscriber, from the Universal Service

---

<sup>9</sup> *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*, Docket No. TC24-002, *Order Approving Joint Stipulation; Order Granting Petition for Designation as an Eligible Telecommunications Carrier* (May 15, 2024). Last year’s proceeding, culminating in Assurance Wireless’ ETC designation, is referred to herein as “Docket TC24-002.”

<sup>10</sup> *Id.* at 1.

Administrative Company (“USAC”). On Tribal Lands, there is “Enhanced Monthly Support”: low-income consumers who live on Tribal Lands are eligible for an additional subsidy of up to \$25 per month (for a total discount of up to \$34.25 per month).<sup>11</sup>

Recently, Assurance Wireless received the endorsement of the Coalition of Large Tribes (“COLT”) to provide Lifeline service on Tribal Lands. A copy of this endorsement is enclosed as Exhibit 4. With the receipt of this endorsement, Assurance Wireless now seeks Commission approval to expand its Lifeline-only ETC designation to include Tribal Lands. Service on Tribal Lands is especially important in South Dakota because Tribal Lands make up a significant portion of South Dakota’s geography and because many residents of South Dakota’s Tribal Lands are low-income and could thus benefit from the availability of Lifeline service from Assurance Wireless.

### **III. ASSURANCE WIRELESS HAS DEMONSTRATED THAT IT MEETS THE STATUTORY AND REGULATORY PREREQUISITES FOR ETC DESIGNATION**

A petition for ETC designation in South Dakota must meet specific federal statutory and regulatory requirements. Assurance Wireless meets the requirements for ETC designation pursuant to Section 214(e)(2) of the Communications Act, including the requirements outlined in the FCC’s *2012 Lifeline Reform Order* and *Lifeline Modernization Order*.<sup>12</sup>

By approving Assurance Wireless’ petition for designation as an ETC in South Dakota last year, the Commission has already determined that Assurance Wireless meets all of the relevant requirements. Rather than repeat facts and legal standards that supported the

---

<sup>11</sup> Low-income residents of Tribal Lands are also eligible for Tribal Link Up, which is a one-time discount of up to \$100 for the installation or initiation of service at the applicant’s primary residence.

<sup>12</sup> *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 00-197, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (“*Lifeline Modernization Order*”).

Commission's finding last year, Assurance Wireless respectfully requests that the Commission take official notice of the record in Docket TC24-002 and use that record, as appropriate, to support findings that Assurance Wireless satisfies all relevant statutory and regulatory requirements for its expansion request. Specifically, Assurance Wireless requests that the Commission take notice that:

(a) Assurance Wireless is a common carrier and offers the services supported by federal universal service support mechanisms;<sup>13</sup>

(b) By means of its ownership by T-Mobile and its use of T-Mobile's facilities, Assurance Wireless is a facilities-based provider;<sup>14</sup>

(c) Assurance Wireless meets the Lifeline advertising and outreach requirements;<sup>15</sup>

(d) Assurance Wireless' ETC-designated service area need not conform to rural telephone companies' study areas;<sup>16</sup>

(e) Assurance Wireless has provided the information required by ARSD 20:10:32:43;<sup>17</sup>

(f) Assurance Wireless has committed to providing service to customers making a reasonable request for service;<sup>18</sup>

(g) The requirement to provide a two-year build-out plan is not applicable to Assurance Wireless, as a Lifeline-only ETC.<sup>19</sup>

(h) Assurance Wireless has the ability to remain functional in emergency situations;<sup>20</sup>

---

<sup>13</sup> Designation Order, p. 2.

<sup>14</sup> Designation Order, pp. 1-2.

<sup>15</sup> Designation Order, p. 2.

<sup>16</sup> Designation Order, p. 2.

<sup>17</sup> Designation Order, p. 2.

<sup>18</sup> Designation Order, p. 2.

<sup>19</sup> Designation Order, p. 2.

<sup>20</sup> Designation Order, p. 3.



(i) Assurance Wireless has demonstrated that it satisfies applicable consumer protection and service quality standards;<sup>21</sup>

(j) ARSD 20:10:32:43.05 and ARSD 20:10:32:34.06, relating to offering a local usage plan and to provision of equal access to long distance carriers, are not applicable to Assurance Wireless.<sup>22</sup>

(k) Designation of Assurance Wireless as a Lifeline-only ETC in South Dakota is in the public interest because it brings the benefits of increased consumer choice and offering a zero-cost option, and because Assurance Wireless has committed to providing quality services.<sup>23</sup>

(l) A creamskimming analysis is not relevant to a Lifeline-only ETC such as Assurance Wireless;<sup>24</sup>

(m) Assurance Wireless, as part of T-Mobile, is financially and technically capable of providing Lifeline service in South Dakota.<sup>25</sup>

In addition, Assurance Wireless hereby provides more detailed information about a few ETC designation requirements that the Commission may find especially pertinent as it considers Assurance Wireless' Application to expand its Lifeline-only ETC designation to South Dakota's Tribal Lands.

**A. Expanded Service Area**

The specific zip codes into which Assurance Wireless seeks to expand its Lifeline-only ETC designation in South Dakota are shown on Exhibit 5 and listed on Exhibit 6.<sup>26</sup> On Exhibit 5, the zip codes where Assurance Wireless was designated in 2024 are shown in green, the zip codes where Assurance seeks designation in this proceeding are shown in magenta, and the zip codes

---

<sup>21</sup> Designation Order, p. 3.

<sup>22</sup> Designation Order, p. 3.

<sup>23</sup> Designation Order, p. 3.

<sup>24</sup> Designation Order, p. 3.

<sup>25</sup> Designation Order, p. 3.

<sup>26</sup> Assurance Wireless is using zip codes to identify its proposed expanded service area, consistent with the approach that was found acceptable in Docket TC 24-002. Zip codes are useful because (a) customers know which zip code they live in; and (b) they have easily ascertainable boundaries.

shown in orange will remain areas where Assurance Wireless is not designated as an ETC. Although the boundaries of South Dakota's Tribal Lands and the boundaries of the zip codes identified on Exhibits 5 and 6 do not perfectly match, expansion of Assurance Wireless' ETC service area to include the new proposed zip codes will result in Assurance Wireless' ETC service area including more or less the entirety of South Dakota's Tribal Lands.

**B. Lifeline Service Offering for Tribal Lands**

Assurance Wireless plans to offer an improved service plan on Tribal Lands in South Dakota: the plan will include 3,000 voice minutes that can be used for local or domestic long-distance calls, 6 GB of high-speed data, and unlimited texts, with \$0 upfront cost.

In coordination with COLT, Assurance Wireless plans to work with a third-party vendor that will employ Tribal land residents to market services on Tribal Lands. Assurance Wireless is also working with COLT to explore additional outreach strategies to market Lifeline services to tribal residents.

**C. Granting the Requested Service Area Expansion is in the Public Interest**

Designation of Assurance Wireless as a Lifeline-only ETC in the requested expanded service area will make no-cost prepaid wireless voice and data services available to low-income consumers. This will further the public interest because it will increase consumer choice in underserved areas and provide quality service.

As noted above, the Commission has already considered the public interest benefits of Assurance Wireless' designation as a Lifeline-only ETC in South Dakota. These benefits include the convenience, portability and security afforded by mobile telephone service at no charge to the customer; the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge; the opportunity for customers to receive both the minimum service standards for voice *and* broadband usage within the same rate plan; the ability of users to send and receive

unlimited “SMS” or text messages; the ability for customers to purchase additional usage at flexible and affordable amounts in the event that included usage has been exhausted; and access to 911 and E911 (where available) service in accordance with current FCC requirements. In addition, the FCC has long acknowledged the benefits to consumers of being able to choose from among a variety of telecommunications service providers.

Expansion of Assurance Wireless’ ETC-designated service area to include South Dakota’s Tribal Lands will bring these benefits to additional residents of South Dakota. Assurance Wireless recognizes and is respectful of the unique aspects of providing service on Tribal Lands. Assurance Wireless believes that making its Lifeline service available in South Dakota’s Tribal Lands will be a step toward closing the digital divide. In addition, Assurance Wireless’ entry into the market as an additional wireless ETC provider in South Dakota’s Tribal Lands will afford Tribal Lands’ residents a wider choice of providers and available services, thus spurring other carriers to target low-income consumers with higher-value service offerings tailored to their needs, resulting in improved services to consumers. Increasing the competitive marketplace of providers has the potential to effectively increase the penetration rate and reduce the number of individuals not connected to the PSTN.

#### **IV. CONCLUSION**

Assurance Wireless has now successfully provided Lifeline service in South Dakota for approximately a year. Assurance Wireless has demonstrated that it has met all of the applicable requirements for expansion of its ETC service area in South Dakota to include Tribal Lands, and that such expansion is in the public interest. Accordingly, Assurance Wireless respectfully requests that the Commission expeditiously approve this Application.

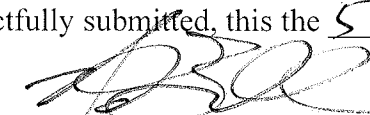
WHEREFORE, Assurance respectfully requests that the Commission promptly grant this application and specifically:

A. Designate Assurance Wireless USA, L.P. as an ETC in the additional service area identified on Exhibits 5 and 6 for purposes of receiving federal universal service support for Lifeline in the State of South Dakota.

B. Direct appropriate Commission staff to send the appropriate notice of the order expanding Assurance Wireless's expanded ETC service area in South Dakota to the FCC and USAC; and

C. Order such other relief as may be appropriate.

Respectfully submitted, this the 5 day of May, 2025.



---

Andrew M. Carlson (MN Atty No. 284828)  
Nathan L. Buller (MN Atty No. 0387605, SD Atty No. 3766)  
Taft, Stettinius & Hollister LLP  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
612-977-8400  
acarlson@taftlaw.com  
nbuller@taftlaw.com

and

William A. Haas  
Managing Corporate Counsel  
T-Mobile  
P.O. Box 10076  
Cedar Rapids, IA 52410  
630-290-7615  
William.Haas@T-Mobile.com

*Attorneys for Assurance Wireless USA, L.P.*