

Agenda Date: January 30, 2025

Item: A1

**Docket:** UT-230144

**Company:** DISH Wireless L.L.C d/b/a Gen Mobile

**Staff:** Jonathon Church, Regulatory Analyst  
Sean Bennett, Section Manager - Telecommunications  
Jing Roth, Deputy Director – Regulatory Services

### **Recommendation**

Issue an Order in Docket UT-230144:

1. Designating DISH Wireless L.L.C d/b/a Gen Mobile, as an Eligible Telecommunications Carrier for the purpose of receiving Lifeline support from the federal Universal Service Fund in service areas specified in Attachment 1 and subject to the conditions in Attachment 2; and,
2. Granting exemptions from Washington Administrative Code 480-123-030(1)(d), (f), and (g), which require the filing of a substantive investment plan, wireless network maps, and certification on backup power capabilities<sup>1</sup>, respectively.

### **Background**

On March 2, 2023, DISH Wireless L.L.C d/b/a Gen Mobile (DISH Wireless or Company) filed a petition with the Washington Utilities and Transportation Commission (Commission) requesting designation as an Eligible Telecommunications Carrier (ETC) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the Act), and Washington Administrative Code (WAC) 480-123-030. DISH Wireless seeks ETC designation in Washington for the purpose of receiving Lifeline (federal low income) support that subsidizes monthly charges for telecommunications service for qualified low-income households. Lifeline support is part of the Federal Universal Service Fund -. The Company utilizes its own 5G network and is a reseller of facility based wireless service. DISH Wireless also requests an exemption from Washington Administrative Code 480-123-030(1)(d), (f), and (g), which require ETC applicants to file a substantive investment plan, wireless network maps, and certification on backup power capabilities.

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<sup>1</sup> DISH Wireless is requesting an exemption from WAC 480-123-030(1)(g) only for the network components of its underlying carriers. DISH is not requesting an exemption from subsection (g) for its own network components.

On May 22, 2023, DISH Wireless submitted a revised Exhibit 2 and 3, Proposed Lifeline Plans and requested Washington Service Area by exchange, respectively. On September 18, 2023, Commission staff (Staff) hosted a Microsoft Teams Meeting with the Company to discuss their financial capability and the revised Exhibit 3. Additionally, during the meeting, the Company verbally agreed to be bound by recent conditions imposed on other Lifeline Only (LLO) ETCs, including allowing for free access to “988” minutes and messages. On December 7, 2023, DISH Wireless agreed to an additional condition regarding the Federal Communications Commission’s (FCC’s) required 5G Network “milestone report,” see condition No. 17 in Attachment 2. On March 1, 2024, DISH Wireless submitted the “First Amended Petition for Designation as a Lifeline-Only ETC” addressing Dish’s financial capability, revising Exhibit 3 to include exchanges, and adding Exhibit 7 “DISH’s Buildout Status Report.”

As it pertains to the Company’s own network, Staff became concerned that an exemption to WAC 480-123-030(1)(g)<sup>2</sup> would not be in public interest. On July 19, 2024, the Company submitted a “Second Amended Petition for Designation as a Lifeline-Only ETC” detailing how approving a waiver for their network components was in the public interest. Over the next few months Staff met with the Company to discuss the waiver request. On November 8, 2024, Staff hosted a Microsoft Teams Meeting with DISH Network technical experts<sup>3</sup> to discuss the Company’s backup power capabilities of its own network. With this meeting, Staff was able to confirm that the Company’s own cell sites and switches meet the requirements of WAC 480-123-030(1)(g).

On January 9, 2025, DISH Wireless submitted the “Third Amended Petition for Designation as a Lifeline-Only ETC.” This filing, a complete petition that supersedes all previous filings, addresses all of Staffs concerns from the previous petitions, including providing details of DISH Wireless backup power capabilities, as it pertains to its own network. The Third Amended Petition also requests an exemption from Washington Administrative Code 480-123-030(1)(d), (f), and (g). However, the request for subpart (g) clearly requests exemption only for its underlying carriers’ network.

The proposed Lifeline rate plans comply with the Federal Communications Commission’s (FCC) minimum service standards.<sup>4</sup> Plan includes:

- Free calls to Company Customer Service

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<sup>2</sup> WAC 480-123-030(1)(g) – This subsection of the rules requires ETC petitioners to file information that demonstrates its ability to remain functional in emergency situations. Historically, the Commission has granted exemptions to this subpart for carriers relying **solely** on its underlying carriers to provide Lifeline service.

<sup>3</sup> Staff Met with the Principal Production and Technical PM, Greg Ivey, and the National Manager, T.J. Thompson.

<sup>4</sup> See <https://www.usac.org/lifeline/rules-and-requirements/minimum-service-standards/>.

- Free calls to 911 emergency services
- Free access to Voicemail, Caller-ID, and Call Waiting features
- Voice minutes may be used for Domestic Long Distance at no extra cost
- Data on LTE or 5G Network

Customers can purchase additional voice minutes and data from the Company. This can be done through the free MyGenMobile App, by calling Customer Care at (833) 528-1380, or by going to an authorized DISH Wireless store.<sup>5</sup>

The details of DISH Wireless's proposed rate plans are as follows:

Plan Type	Monthly Minutes	Monthly Text Messages	Monthly Data Usage Allowances	Net Cost to Qualifying Customers
Basic Lifeline	1,000	1,000	4.5GB	\$0.00
Tribal Lifeline	Unlimited	Unlimited	11GB	\$0.00

DISH Wireless has been designated as an ETC in 35 states and authorized to provide California Lifeline Service. The Company currently has an application pending at the FCC for ETC designation in five other states and the District of Columbia. Additionally, the Company currently has applications pending with five other state commissions.

### **Discussion**

The Commission has jurisdiction over ETC petitions in Washington state. Section 214(e) of the Act authorizes state regulatory commissions to designate a qualified common carrier as an ETC for the purpose of receiving Federal Universal Service Funds. Under WAC 480-123-040, the commission has authority to approve petitions from carriers requesting ETC designation. The commission's authority to grant or deny petitions for ETC designation includes the authority to impose conditions.

Staff finds that DISH Wireless should qualify for ETC designation with the proposed conditions in Attachment 2. Under 47 U.S.C. § 214(e)(2), state commissions may designate more than one carrier as an ETC in an area if such designation is "consistent with the public interest, convenience, and necessity" and the carrier seeking designation as an ETC meets the following two requirements of 47 U.S.C. § 214(e)(1):

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<sup>5</sup> For more information on the additional "Top-up" services DISH Wireless offers please see "Proposed Revised Exhibit List" in Docket UT-230144 filed on May 5, 2023.

- (A) offer the services that are supported by federal universal service support mechanisms under section 254(c), 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
- (B) advertise the availability of such services and the charges therefore using media of general distribution.

DISH Wireless is a common carrier. The Company is capable of providing services supported by federal universal service mechanisms, as defined in 47 C.F.R. § 54.101(a) by combination of its own 5G network and reselling its underlying network carrier's services. The Company commits that it will advertise the availability of Lifeline services.

The Company meets the requirements of the Washington rule on ETC designation, WAC 480-123-030, except subsections (1)(d), (f) and (g):

- WAC 480-123-030(1)(d) requires an ETC petitioner to provide a “substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers.” DISH Wireless requests an exemption from the requirement because the Company seeks only Lifeline support, not federal High-Cost support. It does not have an obligation to use federal USF for infrastructure investment.
- WAC 480-123-030(1)(f) requires a wireless ETC petitioner to provide “a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals.” DISH Wireless requests an exemption from the requirement because it has not completed its 5G buildout and relies on the underlying wireless carriers to provide comprehensive coverage in the service area. Additionally, DISH Wireless also committed to the condition number 17 in attachment 2, which requires the Company to submit a copy of the FCC's required 5G Network “milestone report” within 14 days of filing with the FCC.
- WAC 480-123-030(1)(g) requires a wireless ETC to provide “information that demonstrates that, when commercial power is not available, it has a reasonable amount of backup power (fixed, portable or other backup power source) for its cell sites, and backup power for its switches as prescribed in WAC 480-120-411(3) for LEC central offices.” DISH wireless requests an exemption from this requirement solely for its underlying carriers networks, because it does not have control over their emergency power backup facilities.

Staff supports the Company's request for exemptions from the three requirements under WAC 480-123-030. Granting the request is consistent with the public interest, the underlying regulation, and applicable statutes. The Commission granted these exemptions in its orders designating Lifeline-only ETC's such as TracFone Wireless, Inc., Sage Telecom, Global Connections Inc. of America, IM Telecom, LLC and TruConnect Communications, Inc.

Staff reviewed the Company's technical and financial capabilities to provide the supported Lifeline service and carefully considered relevant factors suggested in the FCC's Lifeline and Link Up Reform Order. Based on the Company's operational history and Company financial statements Staff concludes that the Company is technically and financially capable of providing the supported Lifeline service in compliance with the low-income program rules.

The FCC's National Lifeline Accountability Database and the National Lifeline Eligibility Database (aka the National Verifier or NV) are fully functional. As such, Staff recommends that the Commission set conditions consistent with its most recent Orders designating IM Telecom and TruConnect Communications, Inc. as ETCs.

The specific conditions for DISH Wireless are listed in Attachment 2. There is one notable change. Staff added condition 17 requiring DISH Wireless to submit a copy of the Construction of Facilities and Buildout Commitments of its 5G network within 14 calendar days of the date the report is provided to the FCC. This condition is intended to keep the Commission informed of the progress of DISH Wireless's 5G Network deployment.

### **Conclusion**

Staff believes that designating DISH Wireless as a Lifeline-only ETC will deliver benefits and additional choices to low-income households in Washington and is therefore in the public interest.

Staff recommends the Commission a.) enter an order designating DISH Wireless L.L.C d/b/a Gen Mobile as an Eligible Telecommunications Carrier for the purpose of receiving Lifeline support from the Federal Universal Service Fund in the service areas specified in Attachment 1; and, subject to the conditions specified in Attachment 2. Staff also recommends that the Commission b.) grant exemptions from WAC 480-123-030(1)(d), (f) and (g) as requested in the "Third Amended Petition."

Attachments (2)