

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

DISH WIRELESS L.L.C d/b/a GEN
MOBILE,

Seeking Designation as an Eligible
Telecommunications Carrier on a Wireless
Basis

DOCKET UT-230144

ORDER 01

GRANTING PETITION FOR
DESIGNATION AS ELIGIBLE
TELECOMMUNICATIONS
CARRIER DESIGNATION AND
EXEMPTIONS FROM WAC CODE
480-123-030(1)(d), (f), AND (g)

BACKGROUND

1 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.

2 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.”

3 As it pertains to the Company’s own network, Staff became concerned that an exemption to WAC 480-123-030(1)(g)¹ 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 experts² 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).

4 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.

5 The proposed Lifeline rate plans comply with the FCC’s minimum service standards.³ The plans include:

- Free calls to Company Customer Service
- 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

¹ 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.

² Staff Met with the Principal Production and Technical Project Manager, Greg Ivey, and the National Manager, T.J. Thompson.

³ See <https://www.usac.org/lifeline/rules-and-requirements/minimum-service-standards/>.

6 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.⁴

7 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

8 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.

9 Commission Staff (Staff) agrees with DISH Wireless that the Company meets the requirements of the Washington rule on ETC designation, WAC 480-123-030, except subsections (1)(d), (f) and (g).

10 Staff also agrees with and recommends granting DISH Wireless’s request for exemptions from the filing requirements of WAC 480-123-030(1)(d), (f), and (g).

11 Staff notes that the FCC’s National Lifeline Accountability Database and the National Lifeline Eligibility Database (aka the National Verifier or “NV”) are now fully functional. As such, Staff recommends that the Commission set conditions consistent with its past Orders designating ETCs.

12 This matter came before the Commission at its January 30, 2025, Open Meeting. The Commission heard comments from Staff, who reiterated its recommendations set forth in its memo.

⁴ 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.

DISCUSSION

- 13 Common carriers receiving designation as ETCs under 47 U.S.C. § 214 are eligible to receive funds from the federal USF for Lifeline services. State utility commissions are responsible for designating common carriers as ETCs for the purpose of receiving such funds, and may impose conditions on a common carrier so designated.⁵ The Commission will approve petitions from carriers requesting ETC designation if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.⁶
- 14 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):
- (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 therefor using media of general distribution.⁷
- 15 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

⁵ *In the Matter of the Petition of TracFone Wireless, Inc. for Exemption from WAC 480-123-030(1)(d),(f) and (g); and Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Lifeline Support from the Federal Universal Service Fund*, Order 03 (June 24, 2010), UT-093012, ¶ 78.

⁶ WAC 480-123-040.

⁷ 47 U.S.C. § 214(e)(1).

services. The Company commits that it will advertise the availability of Lifeline services.⁸

- 16 Staff recommends that DISH Wireless should qualify for ETC designation with the proposed conditions in Attachment 2. 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.
- 17 We accept Staff's review and recommendation that DISH Wireless has the technical and financial capabilities to provide the supported Lifeline service.
- 18 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 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

⁸ Third Amended Petition at 8.

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 have “at least four hours of back up battery power at each cell site, backup generators at each microwave hub, and at least five hours back up battery power and backup generators at each switch.” 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.

19 We agree with Staff’s recommendation to grant the Company’s request for exemptions from the three requirements under WAC 480-123-030 listed above. Granting the request is consistent with the public interest, the purposes underlying regulation, and applicable statutes.⁹

20 The FCC’s National Lifeline Accountability Database and the National Lifeline Eligibility Database (aka the National Verifier or NV) are fully functional. We accept Staff’s recommendation that the Commission set conditions consistent with past Orders designating ETCs.¹⁰

21 Staff is correct that certain additional conditions should be imposed on DISH Wireless as we have done when designating other similarly situated ETCs in Washington. Attachment 2 to this order provides the Company specific guidance on our expectations for regulatory compliance, customer service, consumer protection, and various reporting

⁹ The Commission granted these exemptions in other orders designating Lifeline-only ETCs. *See supra* fn. 10.

¹⁰ *In the Matter of the Petition of SAGE TELECOM COMMUNICATIONS, LLC, d/b/a TRUCONNECT, Petitioner, Seeking Designation as an Eligible Telecommunications Carrier in the state of Washington pursuant to 47 U.S.C. § 214(e)(2) (Low Income Only)*, Order 01 (May 7, 202), Docket UT-190744 at 8; *Granting Eligible Telecommunications Carrier Designation With Conditions and Exemption From Rule Order 01* at 8 (May 7, 2020); *In the Matter of the Petition of AIR VOICE WIRELESS, LLC, d/b/a AIRTALK WIRELESS, Seeking Designation as an Eligible Telecommunications Carrier in the state of Washington pursuant to 47 U.S.C. § 214(e)(2) (Low Income Only)*, Order 01 (September 29, 2022), Docket UT-220276 at 7.

requirements that will ensure Staff can monitor DISH Wireless's operations for strict adherence to all ETC requirements.¹¹

FINDINGS AND CONCLUSIONS

- 22 (1) The Commission has jurisdiction over the subject matter of this order and is authorized to designate Eligible Telecommunications Carriers in Washington under 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.201(b)-(c), and WAC 480-123.
- 23 (2) DISH Wireless is a telecommunications company seeking to do business in the state of Washington. DISH Wireless meets the requirements for designation as an ETC because the company provides services supported by federal universal support mechanisms and because DISH Wireless has committed to advertise the availability of its services and the charges therefor using media of general distribution. DISH Wireless's designation as an ETC will advance the purpose of universal service because DISH Wireless will offer voice telephony services and broadband services, which facilitate universal service. DISH Wireless has also demonstrated that its designation as an ETC is in the public interest.
- 24 (3) The Commission may grant an exemption from any of its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes. DISH Wireless has demonstrated that the requirements of WAC 480-123-030(1)(d), (f), and (g) should not apply to the Company and that granting the requested exemption is in the public interest and consistent with applicable laws, rules, and orders.
- 25 (4) This matter came before the Commission at its regularly scheduled meeting on January 30, 2025.

¹¹ 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.

ORDER

THE COMMISSION ORDERS:

- 26 (1) DISH Wireless Telecom, LLC d/b/a Gen Mobile's Third Amended Petition is GRANTED such that DISH shall be designated as an Eligible Telecommunications Carrier ETC 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.
- 27 (2) DISH Wireless Telecom, LLC d/b/a Gen Mobile's request for exemptions from WAC 480-123-030(1)(d), (f), and (g), as described in Dish's Third Amended Petition, is hereby GRANTED.
- 28 (3) The Commission retains jurisdiction over this matter for purposes of effectuating this order.

DATED at Lacey, Washington, and effective January 30, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner