

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

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

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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 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 6

 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 8

 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 9

 H. Consumer Protection and Service Quality Standards 10

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

 J. DISH Wireless Is Financially and Technically Capable..... 10

 K. Terms and Conditions of Proposed Lifeline Offering 11

 L. Gen Mobile’s Offerings Will Comply with Lifeline Certification and Annual Re-certification Requirements 12

 M. DISH Wireless Will Comply With All Regulations Imposed by the Commission 13

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

 O. Request for Exemption from Certain Lifeline Requirements of WAC 480-123-030 15

V.	DESIGNATING DISH WIRELESS AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST.....	17
A.	Advantages of Gen Mobile Lifeline Plans.....	17
B.	Benefits of Competitive Choice.....	18
VI.	ANTI-DRUG ABUSE CERTIFICATION.....	19
VII.	CONCLUSION.....	19

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

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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”)¹ and Sections 54.101 through 54.207² of the Rules of the Federal Communications Commission (“FCC”),³ and the rules and regulations of the Washington Utilities and Transportation Commission (the “Commission”), including Section 480-123-030 of the Washington Administrative Code (“WAC”), hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Washington. The Company seeks ETC designation for the limited purpose of providing Lifeline service under the brand name “Gen Mobile” to qualifying Washington consumers, including those on federally recognized Tribal lands.

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101-54.207.

³ 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*”).

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 Washington. 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 Washington residents, including those 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:

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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 Washington 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 services.⁴ Available Gen Mobile branded 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 Washington so that it can (i) serve low-income Washington customers, (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-supported plans will be offered to prepaid

⁴ 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).

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 21st 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.⁵ 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 requirements to be designated as an ETC in Washington.

IV. THE COMPANY MEETS THE REQUIREMENTS FOR ETC DESIGNATION

A petition for ETC designation in Washington must meet specific federal 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 Communications Act; (2) a certification

⁵ 47 U.S.C. § 214(e)(2).

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 application, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.⁶

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.⁷

Finally, prior to designating a carrier as an ETC, the Commission must determine whether such designation is in the public interest.⁸ When making a public interest determination, the Commission considers the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner's service offerings.⁹

⁶ 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).

⁷ 47 CFR § 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.

⁸ 47 U.S.C. §214(e)(6); 47 C.F.R. § 54.202(b).

⁹ 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).

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.¹⁰ 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.¹¹ As defined in Section 8.1(b) of the FCC’s rules, DISH Wireless also provides broadband internet access service to consumers.¹²

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.¹³ DISH Wireless is currently providing and will provide mobile voice, text messaging, and

¹⁰ 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).

¹¹ 47 C.F.R. § 54.101(a); *see also* 47 U.S.C. § 214(e)(1)(A).

¹² See 47 C.F.R. § 8.1(b).

¹³ See 47 C.F.R. § 54.101(a); WAC 480-123-030(1)(b).

broadband services to low-income consumers. The various Lifeline service plans that will be available to qualifying low-income Washington residents, including those 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. 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 Washington 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 (including in Washington) and currently offers service to more than 20 percent of the U.S. population.¹⁴ In areas of Washington where service on DISH Wireless' own network is not yet available or where the Company does not yet offer Lifeline products on its own network, DISH Wireless will 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 services in Washington and other states, there is no need for DISH Wireless

¹⁴ 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).

to obtain an approved FCC Compliance Plan in accordance with the *2012 Lifeline Reform Order*.¹⁵

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 where it currently offers ACP service -- this includes the entire geographic boundary of the State of Washington subject to coverage limits of underlying carriers and DISH Wireless' own network. Further, pursuant to 47 C.F.R. § 54.202(a)(1)(i), 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 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 Washington coverage footprint or service area by current and proposed zip code are attached hereto as Exhibit 3.¹⁶

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.¹⁷ 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, including those residing on Tribal lands. The Company's

¹⁵ See *2012 Lifeline Reform Order*, ¶ 368.

¹⁶ See WAC 480-123-030(1)(a).

¹⁷ See WAC 480-123-030(1)(e).

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 Washington initially by reselling AT&T and/or T-Mobile service, and in the future will also 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 petitioner'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.¹⁸

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). DISH Wireless' 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. In addition, 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.¹⁹ DISH Wireless satisfies these criteria.

¹⁸ See WAC 480-123-030(1)(h).

¹⁹ See *2012 Lifeline Reform Order*, ¶ 387; see also 47 C.F.R. § 54.202(a)(4).

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 Washington consumers, including those 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 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 Washington, including Tribal lands. 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.²⁰

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 or 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

²⁰ See WAC 480-123-030(1)(c).

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).²¹

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 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 Sections 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.²²

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

²¹ *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>).

²² 47 C.F.R. §§ 54.405(e), 54.410(f).

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 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.

O. Request for Exemption from Certain Lifeline Requirements of WAC 480-123-030

DISH Wireless requests that the Commission exempt it from the requirements set forth in WAC 480-123-030(1)(d), (f), and (g). Subsection (d) of WAC 480-123-030(1) requires ETCs to provide a substantive plan of the investments to be made with initial federal support and how the expenditures will benefit customers. This requirement does not apply to DISH Wireless as it is not a carrier that seeks high-cost support to fund investments to the networks but seeks ETC

designation only for the purpose of receiving reimbursement for provision of subsidized low-income support services to qualified households. As stated in Section II of the Petition, DISH Wireless has made significant progress in building out the nation's first virtualized, cloud-native Open RAN-based 5G broadband network. In addition to this buildout, DISH Wireless is an approved provider in the ACP; as such, the Company is already providing investments to benefit customers. Therefore, DISH Wireless does not have any basis for filing a substantive investment plan and requests to be exempt from this requirement.

Subsection (f) of WAC 480-123-030(1) requires the petitioners to submit 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. The Company's service coverage area is defined by its underlying wireless carriers, AT&T and T-Mobile. As DISH Wireless has not completed its 5G buildout, the Company will continue to utilize the underlying wireless carriers to provide comprehensive coverage in the service area. Therefore, DISH Wireless requests exemption from this requirement. Instead, DISH Wireless submits its current and proposed zip codes as the service area the Company seeks ETC designation for the purpose of providing Lifeline to qualified residents of Washington.²³

Subsection (g) of WAC 480-123-030(1) state that the petition must contain information that demonstrates its ability to remain functional in emergency situation including information, including start generators and power capabilities. As stated above in Section VI, DISH Wireless has the ability to remain functional in emergency situations through the underlying wireless

²³ Service area coverage is adjusted and expanded from time to time and DISH Wireless will provide updated service area as applicable.

carriers. In addition, DISH Wireless does not own, control, or operate its underlying wireless carrier cell sites. Therefore, DISH Wireless requests to be exempt from this requirement to demonstrate reserve battery capacity or start generators.

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 Washington consumers in particular are suffering from the lack of affordable and available access, including those on Tribal lands. 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, including Tribal lands.

A. Advantages of Gen Mobile Lifeline Plans

Authorizing the Company as a Lifeline ETC in the State of Washington will enable the Company to provide eligible low-income consumers, including those residing on Tribal lands, 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 Washington 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 Washington 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."²⁴ In rural and high-

²⁴ *Federal-State Joint Board on Universal Service, Celco 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).

cost areas, the FCC determined that “designation of competitive ETCs promotes competition and benefits consumers . . . by increasing customer choice, innovative services, and new technologies.”²⁵ 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 Washington 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 and will have desirable effects upon the Washington 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 Washington accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

²⁵ 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 Washington 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.

EXHIBIT 1: CERTIFICATION

I, Robert Yap, Vice President of Gen Mobile for DISH Wireless L.L.C., have reviewed and am familiar with the foregoing Petition for Designation as an Eligible Telecommunications Carrier in the State of Washington. The statements in the foregoing document are true of my own knowledge, except as to matters which are herein stated on information and belief, and as to those matters, I believe them to be true.

DISH Wireless L.L.C.

2/28/23
Date

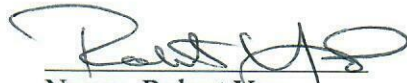

Name: Robert Yap
Title: Vice President of Gen Mobile
DISH Wireless L.L.C.

EXHIBIT 2: PROPOSED LIFELINE PLANS

<u>Subsidy Amount (\$)</u>	<u>Subsidy Type</u>	<u>Gen Mobile Lifeline Plan Offering</u>
9.25	Lifeline (Federal)	1,000 minutes of talk/voice, 1,000 text, and 4.5 GB of data
34.25	Lifeline (Federal and Tribal)	Unlimited talk & text, 11 GB of data

EXHIBIT 3: WASHINGTON SERVICE AREA

98001	98039	98107	98181	98245
98002	98040	98108	98188	98247
98003	98042	98109	98195	98248
98004	98043	98110	98198	98249
98005	98045	98112	98199	98250
98006	98047	98115	98201	98251
98007	98050	98116	98203	98252
98008	98051	98117	98204	98253
98010	98052	98118	98207	98255
98011	98053	98119	98208	98256
98012	98055	98121	98220	98257
98014	98056	98122	98221	98258
98019	98057	98125	98222	98260
98020	98058	98126	98223	98261
98021	98059	98133	98224	98262
98022	98065	98134	98225	98263
98023	98068	98136	98226	98264
98024	98070	98144	98229	98266
98026	98072	98146	98230	98267
98027	98074	98148	98232	98270
98028	98075	98154	98233	98271
98029	98077	98155	98235	98272
98030	98087	98158	98236	98273
98031	98092	98161	98237	98274
98032	98101	98164	98238	98275
98033	98102	98166	98239	98276
98034	98103	98168	98240	98277
98036	98104	98174	98241	98278
98037	98105	98177	98243	98279
98038	98106	98178	98244	98280

98281	98332	98372	98424	98533
98282	98333	98373	98430	98535
98283	98335	98374	98431	98536
98284	98336	98375	98433	98537
98286	98337	98376	98438	98538
98287	98338	98377	98439	98539
98288	98339	98380	98443	98541
98290	98340	98381	98444	98542
98292	98342	98382	98445	98546
98294	98345	98383	98446	98547
98295	98346	98385	98465	98548
98296	98349	98387	98466	98550
98297	98350	98388	98467	98552
98303	98351	98390	98498	98555
98304	98354	98391	98499	98557
98305	98355	98392	98501	98558
98310	98356	98394	98502	98560
98311	98357	98396	98503	98562
98312	98358	98402	98505	98563
98314	98359	98403	98506	98564
98315	98360	98404	98512	98565
98320	98361	98405	98513	98566
98321	98362	98406	98516	98568
98323	98363	98407	98520	98569
98325	98364	98408	98524	98570
98326	98365	98409	98526	98571
98327	98366	98413	98527	98572
98328	98367	98416	98528	98575
98329	98368	98418	98530	98576
98330	98370	98421	98531	98577
98331	98371	98422	98532	98579

98580	98617	98670	98834	98930
98581	98619	98671	98836	98932
98582	98620	98672	98837	98933
98583	98621	98673	98840	98934
98584	98624	98674	98841	98935
98585	98625	98675	98843	98936
98586	98626	98682	98844	98937
98587	98628	98683	98845	98938
98588	98629	98684	98846	98939
98589	98631	98685	98847	98940
98590	98632	98686	98848	98941
98591	98635	98801	98849	98942
98592	98638	98802	98850	98943
98593	98639	98812	98851	98944
98595	98640	98813	98853	98946
98596	98641	98814	98855	98947
98597	98642	98815	98856	98948
98601	98643	98816	98857	98950
98602	98644	98817	98858	98951
98603	98645	98819	98859	98952
98604	98647	98821	98860	98953
98605	98648	98822	98862	99001
98606	98649	98823	98901	99003
98607	98650	98826	98902	99004
98609	98651	98827	98903	99005
98610	98660	98828	98908	99006
98611	98661	98829	98921	99008
98612	98662	98830	98922	99009
98613	98663	98831	98923	99011
98614	98664	98832	98925	99012
98616	98665	98833	98926	99013

99014	99110	99143	99180	99329
99016	99111	99144	99181	99330
99017	99113	99146	99185	99333
99018	99114	99147	99201	99336
99019	99115	99148	99202	99337
99020	99116	99149	99203	99338
99021	99117	99150	99204	99341
99022	99118	99151	99205	99343
99023	99119	99152	99206	99344
99025	99121	99153	99207	99345
99026	99122	99154	99208	99346
99027	99123	99155	99212	99347
99029	99124	99156	99216	99348
99030	99125	99157	99217	99349
99031	99126	99158	99218	99350
99032	99128	99159	99223	99352
99033	99129	99160	99224	99353
99034	99130	99161	99252	99354
99036	99131	99163	99258	99356
99037	99133	99164	99260	99357
99039	99134	99166	99301	99360
99040	99135	99167	99320	99361
99101	99136	99169	99321	99362
99102	99137	99170	99322	99363
99103	99138	99171	99323	99371
99104	99139	99173	99324	99401
99105	99140	99176	99326	99402
99109	99141	99179	99328	99403

EXHIBIT 4: SAMPLE ADVERTISEMENT

Buckslips 3.5” by 9.5”



FREE MOBILE SERVICE

See if you qualify for the Lifeline
Program with Gen Mobile!



Apply Today

DISH Wireless LLC is authorized to provide Lifeline service under the Gen Mobile brand. The Lifeline Program ("Lifeline") is a government assistance program that provides discounted telephone services to eligible households funded by the Federal Universal Service Fund. A household means adults and children who are living together at the same address as one economic unit. An economic unit includes all adults (persons of least 18 years old unless emancipated) contributing to and sharing the household's income and expenses. Only one discount per eligible household is permitted and is nontransferable to another person. The discount is tied to a single, primary residential address. Any household that violates the one discount per household rule or knowingly or willingly provides false information to obtain the Lifeline discount will lose its discount or will be banned from Lifeline and may be prosecuted by the government. There are two ways to qualify for the Lifeline discount: Program-Based or Income-Based. Program-Based qualification requires someone in the household to be enrolled in a public assistance program such as Medicaid, SNAP, Supplemental Security Income (SSI), or other qualifying government programs. Income-Based qualification requires the household's total annual gross income is at or less 135% of the Federal Poverty Guidelines. The National Verifier administered by the Universal Service Administrative Company (USAC) will determine whether the household meets the eligibility requirements to participate in Lifeline. Many factors beyond Gen Mobile's control (such as network problems or congestion, signal strength, structures, weather, geography, etc.) may affect the customer's ability to make and receive calls on the customer's wireless device, the quality of those calls, and the speed of the customer's service. As a result, the customer's service, including calls or attempted calls to emergency services like 911, may be interrupted, may fail, or result in dropped or blocked connections, become unavailable, service speeds are slow, or call quality at times may be poor. Go to genmobile.com for Gen Mobile's terms & conditions, including the full restrictions for Lifeline, and wireless service plans.

Banners 2' by 5'

genmobile™

FREE MOBILE SERVICE

See if you qualify for the Lifeline Program with Gen Mobile!

Apply Today

©2018 Wireless LLC. is authorized to provide Lifeline service under the Gen Mobile brand. The Lifeline Program ("Lifeline") is a government assistance program that provides discounted wireless services to eligible households funded by the Federal Universal Service Fund. Only one discounted service is permitted and is non-transferable to another person. To verify the customer must be enrolled in an eligible government program (Medicaid or SNAP) or have a household annual gross income that is at or less than 135% of the Federal Poverty Guidelines. The National Verifier, administered by the Universal Service Administrative Company ("USAC") will determine whether the household meets the eligibility requirements to participate in Lifeline. Go to genmobile.com for Gen Mobile terms & conditions, including the full restrictions for Lifeline, and enrollment page.

Webpage Copy

genmobile [Return to Gen Mobile Main Site](#) [My Benefit Status](#) [Support](#) [Why Us?](#) [Español](#)

FREE MOBILE SERVICE

See if you qualify for the Lifeline Program to receive free mobile service from Gen Mobile!



Apply now in just 5 minutes!

Enter your zip code to start the application.

EXHIBIT 5: FINANCIAL STATEMENT (LINK TO 10-K)

Form 10-K of DISH Network Corporation, DISH Wireless's parent company, <https://ir.dish.com/sec-filings/sec-filing/10-k/0001558370-22-001816>.

EXHIBIT 6: KEY PERSONNEL BIOS

Robert Yap, VP of Gen Mobile, a DISH Wireless L.L.C. brand, has over 20 years of telecommunication experience. Mr. Yap was an executive at several telecommunications companies (wireless, CLEC, and calling cards), including at Gen Mobile, Inc. where he was a founder, and was a corporate attorney at McDermott, Will & Emory. From 2015 to 2017, he was the President of TruConnect Communications, Inc., a nationwide wireless Lifeline Provider with over 500,000 customers during his tenure. In 2018, Mr. Yap and his fellow executives founded Gen Mobile, Inc. (later acquired by DISH Wireless L.L.C.), to provide consumers affordable wireless service options and to help bridge the digital divide for the 30% of Americans that have limited access to the internet. He hopes to provide the same in the State of Washington with Gen Mobile as the head of the brand under DISH Wireless.

Mr. Yap also has served on several nonprofit boards including as chairman of the Asian Pacific Community Fund (“APCF”), a non-profit that has raised over \$5,000,000 for distribution to non-profits that serve communities in Los Angeles, and as a current board member of Center for Asian Americans United for Self-Empowerment (“CAUSE”), a non-profit dedicated to politically empowering the Asian Pacific American community. He also held leadership positions at Project by Project and the National Asian Pacific American Bar Association, and served in AmeriCorps at Public Allies Chicago.

Mr. Yap received his B.A. in Economics from Northwestern University and his J.D., with honors, from George Washington University School of Law.

Anthony Lombardo, Director and Head of Finance for Gen Mobile, is an experienced Finance and M&A professional. Prior to joining Gen Mobile, he worked with various early stage and venture backed start-ups as well as servicing private equity and strategic clients with buy-side and sell-side transaction support. He has experience supporting clients with needs in the CFO suite and finance operations and started his career at PricewaterhouseCoopers where he spent 13 years in both the audit and transaction support groups. Mr. Lombardo served as CFO at Gen Mobile, Inc. and is now the head of finance for the Gen Mobile brand.

Mr. Lombardo received his Bachelor of Science in Economics from The Wharton School at the University of Pennsylvania and his Master of Business Administration from the UCLA Anderson School of Management. Mr. Lombardo is also a licensed CPA (inactive) in the state of California.

Jennifer Lin, Head of Marketing, Gen Mobile, is a marketing and market research professional. She previously worked in market research at Farmers Insurance and was part of the team that launched online health insurance broker, HealthInsurance.com. Mr. Lombardo served as CFO at Gen Mobile, Inc. and is now the head of finance for the Gen Mobile brand.

Ms. Lin received her Bachelor’s degree from the University of California, Los Angeles and her M.P.H. from Boston University.

Jose Andrade, Head of Operations, Gen Mobile, has over 15 years of operational management experience at wireless telecommunications companies including from 2015-2018 as Director of Operations at TruConnect, a wireless Lifeline Provider with over 500,000 customers and from 2018-2021 as Director of Operations at Gen Mobile, Inc. His experience includes PMO leadership, customer service management, business optimization, data analysis, and leadership development. Mr. Andrade is responsible for day-to-day operations at Gen Mobile.

Mr. Andrade received his Business degree from the California State University-Los Angeles.

Sola Lee, Senior Corporate Counsel, Gen Mobile, has over 10 years of legal experience including as Counsel from 2015 to 2017 at TruConnect, a wireless Lifeline Provider with over 500,000 customers and from 2018-2021 at Gen Mobile, Inc. She was responsible for legal, regulatory, and compliance functions at TruConnect and Gen Mobile. Ms. Lee is the lead counsel for the Gen Mobile brand.

Ms. Lee graduated with a Bachelor's degree from the University of California, Davis and with a J.D. from the University of Oregon.

Vincent Buongiovanni, Head of Sales Operations – ACP/Lifeline, Gen Mobile, has over 10 years of experience in the wireless telecommunications industry, including managing the sales, operations, and compliance of Assurance Wireless' Affordable Connectivity Program and Lifeline Program nationwide, specifically managing the field agents used by the service provider. He also served as interim Director of Wireless at Assurance during the acquisition of Sprint by T-Mobile and is part-time police officer in Hi-Nella, New Jersey. Mr. Buongiovanni is in charge of the sales operations for ACP and Lifeline program for the Gen Mobile brand at DISH Wireless.