

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

In the Matter of)	
)	
DISH Wireless L.L.C. d/b/a Gen Mobile)	Docket No. 2023-00079
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
Commonwealth of Kentucky for the Limited)	
Purpose of Offering Lifeline Service to)	
Qualified Households)	

**PETITION OF DISH WIRELESS L.L.C. d/b/a GEN MOBILE FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE
COMMONWEALTH OF KENTUCKY FOR THE LIMITED PURPOSE OF OFFERING
LIFELINE SERVICE TO QUALIFIED HOUSEHOLDS**

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I. INTRODUCTION

DISH Wireless L.L.C. dba Gen Mobile (“DISH Wireless” or the “Company”) and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (“FCC”),² and Kentucky Revised Statutes, Section 278.54611, hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in the Commonwealth of Kentucky. The Company seeks ETC designation for the limited purpose of providing Lifeline service under the Gen Mobile brand to qualifying Kentucky consumers.³

As demonstrated herein, and as certified in Exhibit 1 to this Petition, the Company meets all the statutory and regulatory requirements for designation as an ETC in the Commonwealth of

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101-54.207.

³ DISH Wireless will seek reimbursement from the federal Universal Service Fund (“USF”) and the Kentucky USF (“KUSF”). Given that DISH Wireless only seeks support from the low-income program and does not seek any high-cost support, ETC certification requirements for the high-cost program are not applicable to the Company.

Kentucky. 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 Kentucky residents as soon as possible. Accordingly, the Company respectfully requests that the Kentucky Public Service Commission (“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 AND LIFELINE SERVICE OFFERING

DISH Wireless 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 Kentucky and other states and territories of Washington DC and Puerto Rico, 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, Altiosstar, 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 territories of Washington DC and Puerto Rico, including plans bundling voice, text messaging, and broadband services. Available Gen Mobile plans include talk, text, and data at various data speeds under the ACP's monthly \$30 subsidy for eligible consumers.⁴ DISH Wireless has an application for ETC designation pending with the FCC for the states that rely upon the FCC to decide ETC designations (the "Non-Jurisdictional States"). DISH Wireless is currently designated as a wireless ETC in Colorado and New York, is authorized by the California Public Utilities Commission to provide California LifeLine service, and plans to file for ETC status in other states over time.

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).

DISH Wireless now seeks an ETC designation in Kentucky so that it can (i) serve low-income Kentucky 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's Lifeline-supported plans will be offered to prepaid 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 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 the Company as an ETC. The Commission has jurisdiction to grant this instant Petition, because the Company satisfies all of the statutory and regulatory requirements for ETC designation. Moreover, granting this Petition serves the public interest because ETC designation will facilitate connectivity for low-income and underserved residents of Kentucky who are on the wrong side of the digital divide. Designation of DISH as a Lifeline-only ETC

⁵ 47 U.S.C. § 214(e)(2).

would further competition for wireless Lifeline service and would offer eligible consumers an additional choice of providers for accessing telecommunications services, representing a significant step towards ensuring that all low-income consumers share in the many benefits associated with access to wireless services.

IV. THE COMPANY MEETS THE FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION IN THE COMMONWEALTH OF KENTUCKY

An application for ETC designation in Kentucky 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 Act. These include: (1) a certification that the applicant offers or intends to offer all services designated for support by the FCC pursuant to section 254(c) of the; (2) a certification that the applicant 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 applicant 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 applicant requests to be designated as an ETC; and (5) a certification that neither the applicant, 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, an applicant 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;

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).

(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 applicant's service offerings.⁹

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 Designated for Support Using a Combination of Its Own Facilities and Resale

DISH Wireless, through the Gen Mobile brand, offers the supported service—voice telephony service and broadband Internet access meeting the standards set in the FCC's rules.¹¹ DISH Wireless is currently providing and will provide mobile voice, text messaging and

⁷ 47 C.F.R. § 54.202(a).

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).

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 See 47 C.F.R. § 54.101(a). DISH Wireless's voice service provides voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; 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 toll limitation services to qualifying low-income consumers. *Id.*; see also 47 U.S.C. § 214(e)(1)(A).

broadband services to low-income consumers. The Lifeline service plans that will be available to qualifying low-income Kentucky residents 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 Kentucky residents 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 and currently offers service to more than 20 percent of the U.S. population.¹² In areas of Kentucky where service on DISH Wireless's own network is not yet available or where DISH Wireless 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 resale of another carrier's services. A complete description of the Gen Mobile terms, conditions and rates applicable for supported services can be found on its website, <https://www.genmobile.com/>. Because DISH Wireless is on track to offer facilities-based wireless voice and broadband service in Kentucky and other states, there is no need for DISH Wireless to obtain an approved FCC Compliance Plan in accordance with the *2012 Lifeline Reform Order*.¹³

¹² 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).

¹³ 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

C. 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, Washington DC, and Puerto Rico footprint where it currently offers ACP service – this includes the entire geographic boundary of the Commonwealth of Kentucky 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 list of wire centers in Kentucky in which the Company requests for ETC designation and coverage footprint by wire centers and zip code are attached hereto as Exhibit 3.

D. 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. 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. Sample advertisements, including online advertisements, are provided as Exhibit 4.

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, ¶ 368 (rel. Feb. 6, 2012) (“*2012 Lifeline Reform Order*”).

E. DISH Wireless Will Comply with Service Requirements Applicable to the Support It Receives and Will Be Able to Offer Service Within a Reasonable Time

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 Kentucky 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.

F. 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 application 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 to 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.

G. 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 applicant’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 complying with the CTIA Consumer Code.

H. 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’s 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.

I. 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.¹⁴ DISH Wireless satisfies these criteria.

DISH Wireless is financially stable and capable of honoring its service obligations to customers,¹⁵ 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

¹⁴ See *2012 Lifeline Reform Order*, ¶ 387; see also 47 C.F.R. § 202(a)(4).

¹⁵ Please refer to the 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>.

affiliate companies. The Company's financial resources position the Company to expand its operations to serve currently unserved/underserved eligible low-income Kentucky consumers 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 5 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.

J. 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 Kentucky. 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 in the event tethering is available.

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 Lifeline customers in Kentucky can receive 1,000 voice minutes, 1,000 text messages, and 6 GB of data per month at a net cost of \$0.00 after application of Lifeline and Kentucky 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 receive an upgraded handset at an additional charge or SIM card offer, as well as access to voice mail, caller ID, 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.

K. 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 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).¹⁶

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.¹⁷

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

By way of this Application, 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 provision of service contemplated by this Application, 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 from the federal Universal Service Fund (“USF”) and Kentucky USF (“KUSF”) to its qualified Lifeline customers.

¹⁶ *Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice, 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>).

¹⁷ 47 C.F.R. §§ 54.405(e), 54.410(f).

M. Prevention of Waste, Fraud and Abuse

The Company recognizes the importance of safeguarding the USF and KUSF, 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 and KUSF reimbursements 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 and KUSF, we contract 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.

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 Kentucky residents may face lack of affordable and available access. 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.

A. Advantages of Gen Mobile Lifeline Plans

Authorizing the Company as a Lifeline ETC in the Commonwealth of Kentucky will enable the Company to provide eligible low-income consumers 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 (or 6 GB of data with Kentucky support) available to all qualifying low-income Kentucky 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 Kentucky 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."¹⁸ In rural and high-cost areas, the FCC determined that "designation of competitive ETCs promotes competition and benefits consumers . . . by increasing customer choice, innovative services, and new technologies."¹⁹ 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 Kentucky will add affordable, innovative mobile wireless choices to the marketplace, and could spur other ETCs to expand and improve their own Lifeline service offerings.

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 Commonwealth of Kentucky accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

¹⁸ *Federal-State Joint Board on Universal Service, Cellco Partnership d/b/a Bell Atlantic Mobile, Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Memorandum, Opinion and Order, DA 00-2895, ¶ 14 (rel. Dec. 26, 2000).

¹⁹ *See Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, Docket No. 96-45, Memorandum Opinion and Order, ¶ 17 (rel. Dec. 26, 2000).

WHEREFORE, DISH Wireless respectfully requests that the Commission designate DISH Wireless as an ETC in the Commonwealth of Kentucky for the purpose of participating in the Lifeline program.

Respectfully submitted,

/s/ Randall L. Saunders

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March 6, 2023

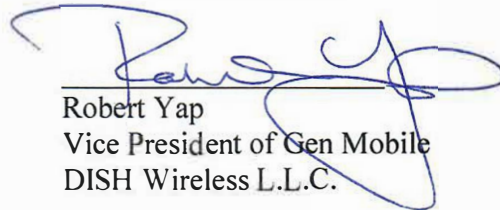
EXHIBIT 1: DECLARATION OF DISH WIRELESS d/b/a GEN MOBILE

I, Robert Yap, state as follows:

1. I am the Vice President of Gen Mobile for DISH Wireless L.L.C.
2. My business address is P.O. Box 1187, Gardena, CA, 90249.
3. In my capacity as Vice President of Gen Mobile for DISH Wireless L.L.C., I am an authorized representative and I have read the foregoing Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky for the Limited Purpose of Offering Lifeline to Qualified Households. I confirm that the information contained therein is true and correct to the best of my knowledge.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on February 23, 2023



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

EXHIBIT 2: PROPOSED LIFELINE PLANS

<u>Subsidy Amount</u> (<u>\$</u>)	<u>Subsidy Type</u>	<u>Gen Mobile Lifeline Plan Offering</u>
9.25	Lifeline (Federal)	1,000 minutes of talk, 1,000 text, and 4.5 GB of data
15.25	Lifeline (Federal and Kentucky)	1,000 minutes of talk, 1,000 text, and 6 GB of data
34.25	Lifeline (Federal and Tribal)	Unlimited talk & text, 11 GB of data

EXHIBIT 3: KENTUCKY ZIP CODES

40003	40059	40150	40218	40351
40004	40060	40152	40219	40353
40006	40062	40155	40220	40355
40007	40065	40157	40222	40356
40008	40067	40160	40223	40358
40009	40068	40161	40228	40359
40010	40069	40162	40229	40360
40011	40070	40165	40241	40361
40012	40071	40170	40242	40370
40013	40075	40171	40243	40371
40014	40076	40175	40245	40372
40019	40077	40176	40258	40374
40022	40078	40177	40272	40376
40023	40104	40178	40291	40379
40026	40107	40202	40299	40380
40031	40108	40203	40311	40383
40033	40109	40204	40312	40385
40036	40111	40205	40313	40387
40037	40115	40206	40316	40390
40040	40117	40207	40322	40391
40041	40118	40208	40324	40402
40045	40119	40209	40328	40403
40046	40121	40210	40330	40409
40047	40122	40211	40334	40419
40050	40140	40212	40336	40422
40051	40142	40213	40337	40437
40052	40143	40214	40342	40440
40055	40144	40215	40346	40442
40056	40145	40216	40347	40444
40057	40146	40217	40350	40445

40447	40701	40862	40983	41045
40456	40729	40863	40988	41046
40460	40734	40865	40995	41048
40461	40737	40868	40997	41049
40464	40740	40870	41001	41051
40468	40741	40873	41002	41052
40472	40744	40874	41003	41055
40475	40759	40902	41004	41056
40481	40763	40903	41005	41059
40484	40769	40906	41006	41063
40486	40771	40913	41007	41064
40489	40806	40914	41008	41071
40502	40808	40915	41010	41073
40503	40810	40921	41011	41074
40504	40813	40923	41014	41075
40505	40815	40927	41015	41076
40506	40816	40935	41016	41080
40507	40818	40939	41017	41083
40508	40819	40940	41018	41086
40509	40820	40943	41019	41091
40510	40823	40946	41030	41092
40511	40826	40949	41031	41093
40513	40827	40953	41033	41094
40514	40828	40958	41034	41095
40515	40830	40962	41035	41097
40516	40831	40964	41039	41098
40517	40840	40965	41040	41099
40526	40843	40972	41041	41101
40536	40845	40977	41042	41102
40601	40856	40979	41043	41121
40621	40858	40982	41044	41124

41129	41230	41364	41544	41630
41132	41231	41365	41547	41631
41135	41232	41366	41548	41632
41139	41234	41367	41553	41635
41141	41238	41385	41554	41636
41143	41240	41386	41555	41640
41144	41250	41390	41557	41642
41146	41254	41397	41558	41643
41149	41255	41408	41559	41645
41159	41256	41421	41560	41647
41160	41257	41425	41562	41649
41164	41260	41464	41563	41650
41166	41262	41465	41564	41651
41168	41263	41472	41566	41653
41169	41264	41501	41567	41655
41171	41265	41503	41568	41659
41174	41267	41512	41571	41660
41175	41268	41513	41572	41663
41179	41271	41514	41601	41666
41180	41274	41519	41602	41667
41183	41301	41522	41603	41669
41189	41310	41524	41604	41701
41201	41311	41527	41605	41712
41203	41314	41528	41606	41714
41204	41317	41531	41607	41719
41214	41332	41534	41612	41721
41216	41339	41535	41615	41722
41219	41348	41537	41616	41723
41222	41351	41539	41619	41727
41224	41352	41540	41621	41729
41226	41360	41543	41622	41731

41735	41832	42035	42088	42206
41740	41833	42036	42101	42207
41745	41834	42038	42103	42210
41746	41835	42039	42104	42211
41749	41836	42040	42120	42214
41751	41837	42041	42122	42215
41754	41838	42044	42123	42217
41759	41839	42045	42124	42220
41760	41840	42047	42127	42223
41762	41843	42048	42129	42232
41763	41844	42049	42130	42234
41764	41845	42050	42131	42236
41766	41847	42051	42133	42240
41772	41848	42053	42134	42252
41773	41855	42054	42140	42254
41774	41858	42055	42141	42256
41775	41859	42056	42151	42259
41776	41861	42058	42153	42261
41777	41862	42064	42154	42262
41804	42001	42066	42156	42265
41812	42003	42069	42157	42266
41815	42020	42071	42159	42273
41817	42021	42076	42160	42274
41819	42023	42078	42163	42275
41821	42024	42079	42164	42276
41822	42025	42081	42166	42280
41824	42027	42082	42167	42285
41825	42028	42083	42170	42286
41826	42029	42085	42171	42301
41828	42031	42086	42202	42303
41831	42032	42087	42204	42320

42321	42371	42464	42715	42788
42323	42372	42501	42716	40025
42324	42376	42503	42717	40048
42325	42378	42516	42718	40049
42326	42404	42518	42721	40110
42327	42406	42519	42722	40310
42328	42408	42528	42724	40348
42330	42409	42533	42726	40357
42333	42410	42539	42728	40363
42337	42411	42541	42729	40801
42338	42413	42544	42732	40807
42339	42420	42553	42733	40824
42343	42431	42565	42740	40829
42344	42436	42566	42741	40844
42345	42437	42567	42742	40854
42347	42441	42602	42743	40855
42348	42442	42603	42746	40955
42349	42445	42629	42748	41085
42350	42450	42633	42749	41538
42351	42451	42634	42753	41725
42352	42452	42635	42754	41739
42354	42453	42642	42757	41743
42355	42455	42647	42762	41778
42361	42456	42649	42764	41849
42366	42458	42653	42765	42356
42367	42459	42701	42776	42370
42368	42461	42712	42782	42440
42369	42462	42713	42784	42758

EXHIBIT 4: PROPOSED LIFELINE ADVERTISEMENTS AND WEBPAGE COPY

Buckslips 3.5" by 9.5"



The advertisement is a vertical rectangular buckslip with a red and white color scheme. At the top, the Gen Mobile logo is displayed in white on a red background. Below the logo, the text "FREE MOBILE SERVICE" is written in large, bold, red capital letters. Underneath this, the text "See if you qualify for the Lifeline Program with Gen Mobile!" is written in a smaller, black font. In the center, there is a black smartphone with the Gen Mobile logo on its screen. To the right of the smartphone, the text "Apply Today" is written in large, white, sans-serif font. At the bottom of the buckslip, there is a small block of fine print text.

genmobile™

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 at 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. It is subject 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 located in the United States of America. This service is subject to certain restrictions and is provided on a non-transferable basis. To qualify, the customer must be enrolled in a federal government program (Medicaid or SNAP) or have a household annual gross income that is at or below 135% of the Federal Poverty Guidelines. The Lifeline is administered by the National Service Administrative Company ("NSA"). We 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 Lifeline program details, and enrollment process.

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: 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 Commonwealth of Kentucky 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's 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, Kentucky. Mr. Buongiovanni is in charge of the sales operations for ACP and Lifeline program for the Gen Mobile brand at DISH Wireless.