

**BEFORE THE  
STATE CORPORATION COMMISSION OF THE STATE OF KANSAS**

DISH Wireless L.L.C. )  
Application for Designation as an Eligible )  
Telecommunications Carrier in the State of )  
Kansas for the Limited Purpose of Providing ) Docket No. 23- DWLZ- 676 - ETC  
Lifeline Service to Qualifying Customers )  
)  
)

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

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March 19, 2023

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**I. INTRODUCTION**

1. 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”)<sup>1</sup> and Sections 54.101 through 54.207<sup>2</sup> of the Rules of the Federal Communications Commission (“FCC”),<sup>3</sup> and the rules and regulations of the State Corporation Commission of the State of Kansas (the “Commission”), including Section 66-2008(b) of the Kansas Statute Annotated, hereby submits this Application for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Kansas. The Company seeks ETC designation for the limited purpose of providing Lifeline service under the brand name “Gen

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

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

<sup>3</sup> DISH Wireless files this Application 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*”).

Mobile” to qualifying Kansas consumers, including those consumers residing on federally recognized Tribal lands.<sup>4</sup>

2. As demonstrated herein, and as certified in Exhibit 1 to this Application, the Company meets all the federal and state statutory and regulatory requirements for designation as an ETC in Kansas. Grant of this Application, moreover, would advance the public interest because it would enable the Company to commence much needed Lifeline services to low-income Kansas residents as soon as possible. Accordingly, the Company respectfully requests that the Commission expeditiously approve this Application.

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

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## **II. COMPANY OVERVIEW**

4. 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 Kansas and other states, using the Gen Mobile brand name and other brand names.

5. 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-

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<sup>4</sup> DISH Wireless will seek reimbursement from the federal Universal Service Fund (“USF”) and the Kansas 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.

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.

6. 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.<sup>5</sup> 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,

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<sup>5</sup> 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).

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.

7. DISH Wireless now seeks an ETC designation in Kansas so that it can (i) serve low-income Kansas customers, including those residing on Tribal lands, (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 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 21<sup>st</sup> 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**

8. Section 214(e)(2) of the Act provides state public utility commissions with the primary responsibility for the designation of ETCs.<sup>6</sup> 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 Kansas.

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<sup>6</sup> 47 U.S.C. § 214(e)(2).

#### **IV. THE COMPANY MEETS THE REQUIREMENTS FOR ETC DESIGNATION**

9. An application for ETC designation in Kansas 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 applicant 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 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.<sup>7</sup>

10. 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; (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.<sup>8</sup>

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<sup>7</sup> 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).

<sup>8</sup> 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 Application, it is building out its 5G network in accordance with certain FCC-approved construction deadlines as described below.



11. Finally, prior to designating a carrier as an ETC, the Commission must determine whether such designation is in the public interest.<sup>9</sup> 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.<sup>10</sup>

**A. DISH Wireless Is a Common Carrier**

12. DISH Wireless provides, among other things, commercial mobile radio services (CMRS) that are regulated pursuant to the common carrier requirements of the Communications Act.<sup>11</sup> 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**

13. 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.<sup>12</sup> As defined in Section 8.1(b) of the FCC's rules, DISH Wireless also provides broadband internet access service to consumers.<sup>13</sup>

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<sup>9</sup> 47 U.S.C. §214(e)(6); 47 C.F.R. § 54.202(b).

<sup>10</sup> 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).

<sup>11</sup> 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).

<sup>12</sup> 47 C.F.R. § 54.101(a); see also 47 U.S.C. § 214(e)(1)(A).

<sup>13</sup> See 47 C.F.R. § 8.1(b).

**C. DISH Wireless Will Offer the Services Designated for Support Using a Combination of Its Own Facilities and Resale**

14. 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.<sup>14</sup> DISH Wireless is currently providing and will provide mobile voice, text messaging, and broadband services to low-income consumers. The various Lifeline service plans that will be available to qualifying low-income Kansas residents, including those residing on Tribal lands, are described in Exhibit 2.

15. 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, including those residing on Tribal lands. 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 Kansas consumers as soon as the Commission approves this Application. 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 Kansas) and currently offers service to more than 20 percent of the U.S. population.<sup>15</sup> In areas of Kansas 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

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<sup>14</sup> See 47 C.F.R. § 54.101(a).

<sup>15</sup> 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).

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 Kansas 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*.<sup>16</sup>

**D. DISH Wireless Will Provide Gen Mobile-Branded Service Throughout Its Designated Service Area**

16. 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 Kansas 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 Kansas coverage footprint by zip code is attached hereto as Exhibit 3.

**E. The Company Will Advertise the Availability of Gen Mobile Services and Charges Using Media of General Distribution**

17. 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

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<sup>16</sup> See *2012 Lifeline Reform Order*, ¶ 368.

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. The Company's 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**

18. 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 Kansas 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**

19. 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 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**

20. 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 fully complying with the CTIA Consumer Code.

## **I. Ability to Remain Functional During Emergencies**

21. 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 once the construction is complete. Currently, 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**

22. 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.<sup>17</sup> DISH Wireless satisfies these criteria.

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<sup>17</sup> See *2012 Lifeline Reform Order*, ¶ 387; see also 47 C.F.R. § 54.202(a)(4).

23. 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 Kansas consumers and increase competition, including those residing on Tribal lands.

24. 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**

25. 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 Kansas. 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.

26. 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 5 gigabytes (GB) of data per month at a net cost of \$0.00 after application of Lifeline and KUSF support and customers residing on federally recognized Tribal lands can receive unlimited voice minutes and text messages and 16 GB of data per month at a net cost of \$0.00 after application of Lifeline Tribal and KUSF 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**

27. 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).<sup>18</sup>

28. 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.

29. 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.<sup>19</sup>

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

30. 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

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<sup>18</sup> *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>).

<sup>19</sup> 47 C.F.R. §§ 54.405(e), 54.410(f).



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 USF and KUSF to its qualified Lifeline customers.

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

31. 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.

32. 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.

33. 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.

**V. DESIGNATING DISH WIRELESS AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST**

34. 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 Kansas consumers in particular are suffering from the 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**

35. Authorizing the Company as a Lifeline ETC in the State of Kansas 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.

36. 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 5 GB of data available to all qualifying low-income Kansas consumers for no cost, and a plan with unlimited voice minutes, unlimited texts and 16 GB of data available to residents of Tribal lands for no cost. Qualified Kansas consumers will have the choice to apply their Lifeline discount to existing Gen Mobile plans.

37. 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**

38. 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."<sup>20</sup> 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."<sup>21</sup> 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 Kansas 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, including those residing on Tribal lands, and will have desirable effects upon the Kansas market for Lifeline services by making these services more available and accessible, thereby supporting the goals of universal service.

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<sup>20</sup> *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).

<sup>21</sup> *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).

## **VI. ANTI-DRUG ABUSE CERTIFICATION**

39. In accordance with section 5301 of the Anti-Drug Abuse Act of 1988, DISH Wireless certifies that no party to the Application is subject to denial of federal benefits, including FCC benefits.

## **VII. CONCLUSION**

40. Based on the foregoing, designation of DISH Wireless as an ETC in the State of Kansas accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

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

Respectfully submitted,



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Mark P. Johnson KS Bar #22289  
Dentons US LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
(816) 460-2424  
mark.johnson@dentons.com

**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 Application for Designation as an Eligible Telecommunications Carrier in the State of Kansas. 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.

3/17/23  
Date

**DISH Wireless L.L.C.**



Name: Robert Yap  
Title: 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>
14.25	Lifeline (Federal and State)	1,000 minutes of talk/voice, 1,000 text, and 5 GB of data
39.25	Lifeline (Federal, State and Tribal)	Unlimited talk & text, 16 GB of data



**EXHIBIT 3: KANSAS SERVICE AREA**

66002	66045	66088	66212	66417
66006	66046	66090	66213	66418
66007	66047	66091	66214	66419
66008	66048	66092	66215	66422
66010	66049	66093	66216	66423
66012	66050	66094	66217	66424
66013	66052	66095	66218	66425
66014	66053	66097	66219	66427
66015	66054	66101	66220	66428
66016	66056	66102	66221	66429
66017	66058	66103	66223	66431
66018	66060	66104	66224	66432
66020	66061	66105	66226	66434
66021	66062	66106	66227	66436
66023	66064	66109	66250	66438
66024	66066	66111	66251	66439
66025	66067	66112	66401	66440
66026	66070	66115	66402	66441
66027	66071	66118	66403	66442
66030	66072	66160	66404	66449
66031	66073	66202	66406	66451
66032	66075	66203	66407	66501
66033	66076	66204	66408	66502
66035	66078	66205	66409	66503
66039	66079	66206	66411	66506
66040	66080	66207	66412	66507
66041	66083	66208	66413	66508
66042	66085	66209	66414	66509
66043	66086	66210	66415	66510
66044	66087	66211	66416	66512

66514	66550	66713	66763	66853
66515	66552	66714	66767	66854
66516	66554	66716	66769	66855
66517	66603	66717	66770	66856
66518	66604	66720	66771	66857
66520	66605	66724	66772	66858
66521	66606	66725	66773	66859
66522	66607	66732	66775	66860
66523	66608	66733	66776	66861
66524	66609	66734	66777	66862
66526	66610	66735	66779	66863
66527	66611	66736	66780	66864
66528	66612	66738	66781	66865
66531	66614	66739	66782	66866
66532	66615	66740	66783	66868
66533	66616	66741	66801	66869
66534	66617	66742	66830	66870
66535	66618	66743	66833	66871
66536	66619	66746	66834	66872
66537	66620	66748	66835	66873
66538	66621	66749	66838	66901
66539	66622	66751	66839	66930
66540	66624	66753	66840	66932
66541	66629	66754	66842	66933
66542	66630	66755	66843	66935
66543	66636	66756	66845	66936
66544	66683	66757	66846	66937
66546	66701	66758	66849	66938
66547	66710	66760	66850	66939
66548	66711	66761	66851	66940
66549	66712	66762	66852	66941

66942	67012	67054	67114	67203
66943	67013	67055	67117	67204
66944	67016	67056	67118	67205
66945	67017	67057	67119	67206
66946	67018	67058	67120	67207
66948	67019	67059	67122	67208
66949	67020	67060	67123	67209
66951	67021	67061	67124	67210
66952	67022	67062	67127	67211
66953	67023	67063	67131	67212
66955	67024	67065	67132	67213
66956	67025	67066	67133	67214
66958	67026	67067	67134	67215
66959	67028	67068	67135	67216
66960	67029	67070	67137	67217
66961	67030	67071	67138	67218
66962	67031	67072	67140	67219
66963	67035	67073	67142	67220
66964	67036	67074	67143	67221
66966	67037	67101	67144	67223
66967	67038	67102	67146	67226
66968	67039	67103	67147	67227
66970	67041	67104	67149	67228
67001	67042	67105	67150	67230
67002	67045	67106	67151	67232
67003	67047	67107	67152	67235
67004	67049	67108	67154	67260
67005	67050	67109	67155	67301
67008	67051	67110	67156	67330
67009	67052	67111	67159	67332
67010	67053	67112	67202	67333

67334	67425	67467	67521	67573
67335	67427	67468	67522	67574
67336	67428	67470	67523	67575
67337	67430	67473	67524	67576
67340	67431	67474	67525	67578
67341	67432	67475	67526	67579
67342	67436	67476	67529	67581
67344	67437	67478	67530	67583
67345	67438	67480	67543	67584
67346	67439	67481	67544	67601
67347	67441	67482	67545	67621
67349	67442	67483	67546	67622
67351	67443	67484	67547	67623
67352	67444	67485	67548	67625
67353	67445	67487	67550	67626
67354	67446	67490	67552	67627
67355	67447	67491	67553	67628
67356	67448	67492	67554	67629
67357	67449	67501	67556	67631
67360	67450	67502	67557	67632
67361	67451	67505	67559	67634
67363	67452	67510	67560	67635
67364	67454	67511	67561	67637
67401	67455	67512	67563	67638
67410	67456	67513	67564	67639
67416	67457	67514	67565	67640
67417	67458	67515	67566	67642
67418	67459	67516	67567	67643
67420	67460	67518	67568	67644
67422	67464	67519	67570	67645
67423	67466	67520	67572	67646

67647	67673	67748	67841	67868
67648	67674	67749	67842	67869
67649	67675	67751	67843	67870
67650	67701	67752	67844	67871
67651	67730	67753	67846	67876
67653	67731	67756	67849	67877
67654	67732	67757	67850	67878
67656	67733	67758	67851	67879
67657	67734	67761	67853	67880
67658	67735	67762	67854	67882
67659	67736	67764	67855	67901
67660	67737	67801	67857	67950
67661	67738	67831	67859	67951
67663	67739	67834	67860	67952
67664	67740	67835	67861	67953
67665	67741	67836	67862	67954
67667	67743	67837	67863	
67669	67744	67838	67864	
67671	67745	67839	67865	
67672	67747	67840	67867	

## 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 legal 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 non-transferable 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 willfully 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 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. 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](http://genmobile.com) for Gen Mobile's terms & conditions, including the full restrictions for Lifeline, and service 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 211, LLC. All rights reserved. Lifeline service is available for those who qualify for the Lifeline Program. The Lifeline Program is a government-sponsored program that provides discounted wireless service to eligible households. Service is provided by Wireless 211, LLC. Only one device per household is eligible for Lifeline service. To qualify, you must be on a government assistance program (Medicaid or SNAP) or have a household income that is at or below 135% of the Federal Poverty Guidelines. The Lifeline Program is administered by the National Telecommunications and Information Administration (NTIA). Wireless 211, LLC will not be responsible for any service interruptions or delays in service. For more information, visit [www.genmobile.com/lifeline](http://www.genmobile.com/lifeline).

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# 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/static-files/b48793f3-57ce-40ca-8a0d-3aaa37a6deed>.



## 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 Kansas 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.