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**DISH WIRELESS, LLC ("DISH, WIRELESS"
OR THE "COMPANY"),**

Petitioner

**PETITION: FOR DESIGNATION AS
A LIFELINE ONLY ELIGIBLE
TELECOMMUNICATIONS
CARRIER**

DOCKET 25980

PROCEDURAL RULING GRANTING DESIGNATION AS A LIFELINE-ONLY ETC

I. Introduction and Background

By Petition filed on or about March 20, 2024, DISH Wireless, LLC ("DISH Wireless" or the "Company") seeks designation as an eligible telecommunications carrier ("ETC"), for the limited purpose of receiving federal universal service support to provide wireless services to low-income Alabama households as part of the Lifeline program under the brand name "Gen Mobile". The petition was filed pursuant to §214(e)(2) of the Communications Act of 1934, as amended (the "Act")¹, Sections 54.101-54.207 of the Rules of the Federal Communications Commission (the "FCC")² and the rules and regulations of the Alabama Public Service Commission (the "Commission"). DISH Wireless does not seek ETC designation for the purpose of receiving any other Universal Service Fund ("USF") programs, including high-cost support or Link-Up.

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,

¹ As amended by the *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56.

resold wireless telecommunications services operating in Alabama and other states, using the Gen Mobile brand name and other brand names.

DISH Network Corporation (“DISH Network”), which indirectly owns 100% of DISH Wireless and recently combined with EchoStar Corporation (“EchoStar”) in a pro forma transaction,⁵ is a connectivity company headquartered in Colorado that has served as a disruptive force in the pay-TV market since 1980. In 2020, DISH Wireless entered the retail wireless business by acquiring the Boost Mobile brand and in 2021, acquiring the Gen Mobile brand as well as other brands and customer assets. Now, using its own licensed wireless spectrum assets, DISH Wireless is building the nation’s first virtualized, cloud-native, Open RAN-based 5G broadband network. To facilitate the buildout, DISH Wireless has entered into multi-year agreements with over 30 partners, including Mavenir, Amazon, Dell, CISCO, VM Ware, IBM, Oracle, Nokia, Fujitsu, MTI, Intel, AltioStar, Samsung, and Qualcomm. Because DISH Wireless is actively constructing wireless facilities around the country, it is well positioned to identify opportunities to target buildouts in underserved areas. Even as the 5G network is under construction, DISH Wireless has already been competing in the retail wireless space and is an approved provider in the Federal Communications Commission’s Affordable Connectivity Program (“ACP”). Under the Gen Mobile and other brand names, DISH Wireless currently uses its own network and partner carriers’ 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.⁶ 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 Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina,

⁵ 47 CFR §§54.101-54.207

and the District of Columbia (the “Non-Jurisdictional States”). DISH Wireless is currently designated as a wireless ETC in Alaska, Colorado, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming and authorized by the California Public Utilities Commission to provide California LifeLine service and plans to file for ETC status in other states over time. DISH Wireless now seeks an ETC designation in Alabama so that it can (i) serve low-income Alabama 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.⁷ 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.

II. DISH Wireless’ Qualifications as a Lifeline ETC

DISH Wireless represents that it meets all the statutory and regulatory requirements necessary for designation as a wireless ETC in the state of Alabama, including the requirements outlined in the FCC’s *Lifeline Reform Order*³, *Lifeline Modernization Order*,⁴ and *Fifth Report*

³ *In the Matter of 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 No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of

and Order⁵. DISH Wireless also asserts that it meets the requirements of all applicable regulations promulgated by the FCC at 47 CFR §54. DISH Wireless maintains that launching its Gen Mobile Lifeline options in Alabama will add affordable, innovative mobile wireless choices to the marketplace, and could spur other ETCs to expand and improve their own Lifeline service offerings. DISH Wireless further maintains that granting its ETC designation will promote competition for the benefit of consumers, including those residing on Tribal lands, and will have desirable effects upon the Alabama market for Lifeline services by making these services more available and accessible, thereby supporting the goals of universal service.

III. The Jurisdiction of the Commission to Designate Wireless ETCs

Section 214(e)(2) of the Act provides state public utility commission with the “primary responsibility” for the designation of ETCs. Although Section 332(c)(3)(a) of the Act prohibits states from regulating the entry of or the rates charged by any provider of commercial mobile radio service or any private mobile service, this prohibition does not allow states to deny wireless carriers ETC status.⁶ 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).

Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Lifeline and Link Up Reform Order*”).

⁴ *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket No. 11-42, WC Docket No. 00-197, WC Docket No. 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (hereinafter, “*Third Report and Order*” or “*Lifeline Modernization Order*”).

⁵ *In the Matter of Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019_ (hereinafter, “*Fifth Report and Order*”).

⁶ *See Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) (“*USF Order*”).

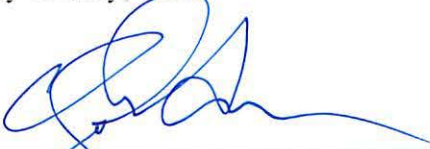
Pursuant to Alabama Legislative Act # 2023-469 ("Act 2023-469"), the Commission is now authorized to designate certain providers of commercial mobile radio services as eligible to offer and receive universal service support. Act 2023-469 specifically states as follows:

"Section 1. Notwithstanding any provision of Section 40-21-120(1) a. or (2) to the contrary, upon petition to the Alabama Public Service Commission, the commission may designate the petitioning commercial mobile radio service provider as an eligible telecommunications carrier to be eligible to offer and receive universal service support pursuant to 47 U.S.C. §§214(e) and 254."

Thus, the Alabama Public Service Commission now has jurisdiction over wireless ETC designation requests. Having reviewed the Petition of DISH Wireless as discussed herein, it appears DISH Wireless has met all necessary requirements and is hereby granted status as a Lifeline-only ETC for the entirety of the State of Alabama and may offer the services described herein under the brand name Gen Mobile.

IT IS SO RULED.

Done at Montgomery, Alabama this 15th day of May, 2024.



John A. Garner
Chief Administrative Law Judge

c: All parties of record