

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
<b>DISH WIRELESS L.L.C.</b> , for designation as an	)	
eligible telecommunications carrier for the	)	Case No. U-21382
state of Michigan.	)	
_____	)	

At the September 28, 2023 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair  
Hon. Katherine L. Peretick, Commissioner  
Hon. Alessandra R. Carreon, Commissioner

**ORDER**

On February 28, 2023, DISH Wireless L.L.C. (DISH) filed an application (February 28 application) pursuant to Section 214(e)(2) of the federal Communications Act of 1934, 47 USC 214(e)(2), for designation as an eligible telecommunications carrier (ETC) for access to universal service fund (USF) support for the purpose of expanding and enhancing its rural broadband network. DISH filed an amended application on May 26, 2023 (May 26 amended application). DISH requests that the Commission enter an order designating it as a Lifeline ETC throughout the zip codes and rate centers listed in Exhibit 3 of the May 26 amended application. DISH is not seeking a High Cost designation at this time. DISH has informed the Commission Staff (Staff) that the requested service area includes the 12 federally recognized Tribal Lands located throughout the state of Michigan.

DISH states that it provides resold wireless telecommunications services operating in Michigan and other states, using the Gen Mobile brand name. DISH currently uses AT&T and T-Mobile wireless facilities to provide services, along with its own leased facilities. Therefore, DISH will offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's service, and there is no need to obtain an approved Federal Communications Commission (FCC) compliance plan. DISH states that it is actively constructing wireless facilities around the country. However, it has informed the Staff that all of its facilities in Michigan are leased. DISH states that it will offer the services supported by the Federal Universal Service including: (1) voice-grade access to the public switched network, (2) minutes of use for local service at no additional charge to end users, (3) access to emergency services provided by local government, and (4) toll limitation services to qualifying low-income consumers. DISH further affirms that its Lifeline supported voice and broadband services will meet all minimum requirements as set forth by the FCC. *See*, May 26 amended application.

DISH states that it is committed to compliance with all applicable consumer protection and service quality standards for universal service programs. DISH also states that it will be managerially and legally responsible for handling and responding to customer issues. DISH further indicates that its services are able to remain functional in emergency situations. DISH relies on mobile virtual network operator 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. *Id.*, p. 10.

Further, DISH states that it will meet all minimum requirements of advertising its Gen Mobile brand such as direct mail, email, community outreach events, and online advertising. DISH has

included an example of its Michigan-specific Lifeline advertisement as Exhibit 4 to the May 26 amended application.

Finally, DISH declares that it will comply with all the rules and regulations that the Commission may lawfully impose, including any reporting requirements set by the Commission. May 26 amended application, p. 13.

After reviewing DISH's application, the Commission finds that the ETC designation, limited to wireless Lifeline only throughout the exchanges listed in Exhibit 3 of the May 26 amended application, should be conditionally granted. The Commission is persuaded that ETC designation for DISH promotes the availability of universal service and is in the public interest. The Commission finds that the application, as amended, demonstrates that DISH meets the requirements for designation as an ETC. *See*, 47 USC 214(e)(1). The February 28 application, as amended, for ETC designation is granted on condition that DISH: (1) comply with the service requirements contained in the *USF/ICC Transformation Order*<sup>1</sup> and subsequent related federal and state rulings, the *Lifeline Reform Order*,<sup>2</sup> and the December 20, 2012 and January 17, 2013 orders in Case Nos. U-14535 and U-16959; (2) advertise its Lifeline product in media of general distribution including newspaper, radio, its own website, and other direct advertising methods; (3) include the Commission's customer complaint telephone number on its public web page; (4) by October 26, 2023, submit a certification letter to each county 9-1-1 coordinator in Michigan

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<sup>1</sup> *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Final Rule, announcement of effective date. *See*, <https://www.federalregister.gov/documents/2022/07/25/2022-15585/rural-digital-opportunity-fund-connect-america-fund> (accessed September 27, 2023).

<sup>2</sup> *In the Matter of Lifeline and Link Up Reform and Modernization et al.*, WC Docket No.11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 12-11, *rel'd* February 6, 2012 (*Lifeline Reform Order*). *See*, <https://www.fcc.gov/document/fcc-reforms-modernizes-lifeline-program-low-income-americans> (accessed September 27, 2023).

explaining the Lifeline service, with information on DISH's product and service specifications, stating that it will be providing 9-1-1 service to DISH's customers and no later than November 16, 2023, file in this docket a proof of service reflecting timely service of each letter; (5) submit information, on a quarterly basis based on the calendar year in this docket, on the number of Lifeline customers it is serving, and the amounts paid to individual counties and the State of Michigan for 9-1-1 surcharges; and (6) shall promptly notify the Commission of any future changes to its rates, terms, and conditions regarding its low-income offerings in this docket.

DISH shall be required to file all annual forms with the Commission in accordance with Commission and FCC requirements, to retain its ETC designation.

THEREFORE, IT IS ORDERED that the February 28, 2023 application, as amended, filed by DISH Wireless L.L.C. for designation as an eligible telecommunications carrier for purposes of universal service fund support for Lifeline only in the areas listed in Exhibit 3 of the May 26, 2023 amended application is approved as modified by this order.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12). To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) and to the Michigan Department of Attorney General - Public Service Division at [pungpl@michigan.gov](mailto:pungpl@michigan.gov). In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

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Daniel C. Scripps, Chair

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Katherine L. Peretick, Commissioner

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Alessandra R. Carreon, Commissioner

By its action of September 28, 2023.

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Lisa Felice, Executive Secretary


# PROOF OF SERVICE

STATE OF MICHIGAN )

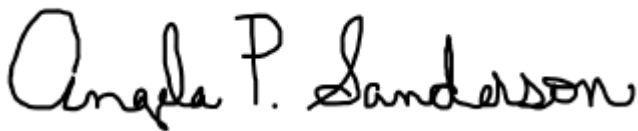
Case No. U-21382

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on September 28, 2023 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).

  
Brianna Brown

Subscribed and sworn to before me  
this 28<sup>th</sup> day of September 2023.



Angela P. Sanderson  
Notary Public, Shiawassee County, Michigan  
As acting in Eaton County  
My Commission Expires: May 21, 2024

**Service List for Case: U-21382**

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Name	On Behalf of	Email Address
Alison Minea	DISH Wireless, LLC	alison.minea@dish.com
DISH Wireless, LLC	DISH Wireless, LLC	jeff.mcschooler@dish.com