

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** May 28, 2024

**TO:** Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

**FROM:** Sakina Deas, Public Utility Analyst III, Office of Industry Development and Market Analysis *S.D.*

**RE:** Docket No. 20240070-TP- Application for designation as an eligible telecommunications carrier in the State of Florida for the limited purpose of offering lifeline service to qualified households, by DISH Wireless L.L.C. d/b/a Gen Mobile.

Attached is Dish Wireless's response to staff's data request, which was sent via email. Please add to docket file.

If you have questions, please contact me at 850-413-6504.

RECEIVED-FPSC  
 2024 MAY 28 AM 10:52  
 COMMISSION  
 CLERK

## Sakina Deas

---

**From:** Sola Lee <sola.lee@dish.com>  
**Sent:** Friday, May 24, 2024 3:03 PM  
**To:** Sakina Deas  
**Subject:** Re: Docket 20240070-TP

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Yes, we are.

On Fri, May 24, 2024, 10:31 AM Sakina Deas <[SDEAS@psc.state.fl.us](mailto:SDEAS@psc.state.fl.us)> wrote:

**This message originated outside of DISH and was sent by: [sdeas@psc.state.fl.us](mailto:sdeas@psc.state.fl.us)**

Hi Sola,

One more clarification, Is Dish Wireless currently offering services anywhere in Florida using its own facilities?

*Sakina Deas*

*Florida Public Service Commission*

*Office of Industry Development and Market Analysis*

*2540 Shumard Oak Boulevard*

*Tallahassee, FL 32399*

*(850) 413-6504*

[sdeas@psc.state.fl.us](mailto:sdeas@psc.state.fl.us)

**From:** Sola Lee <[sola.lee@dish.com](mailto:sola.lee@dish.com)>

**Sent:** Friday, May 24, 2024 12:03 PM

**To:** Sakina Deas <[SDEAS@PSC.STATE.FL.US](mailto:SDEAS@PSC.STATE.FL.US)>

**Cc:** Alison Minea <[alison.minea@dish.com](mailto:alison.minea@dish.com)>; Adrian Johnson <[adrian.johnson@dish.com](mailto:adrian.johnson@dish.com)>; Susan Rodriguez <[susan1.rodriguez@dish.com](mailto:susan1.rodriguez@dish.com)>; Greg Fogleman <[GFoglema@PSC.STATE.FL.US](mailto:GFoglema@PSC.STATE.FL.US)>

**Subject:** Re: Docket 20240070-TP

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Sakina,

I apologize, I am having issues with my voicemail so I may not have received it. However, to answer your questions, DISH Wireless does not charge for porting in or out. Please LMK if there's anything else.

Kind Regards,

Sola Lee  
Senior Corporate Counsel, Gen Mobile Brand

Direct: (352) 623-9111 | Mobile: (352) 762-9111

Email: [sola.lee@dish.com](mailto:sola.lee@dish.com)  
[genmobile.com](http://genmobile.com) | [dishwireless.com](http://dishwireless.com)



© 2024 DISH Wireless. All rights reserved.

This email message and any attachments are confidential and may be protected by the attorney-client and other privileges.

On Fri. May 24. 2024 at 4:25 AM Sakina Deas <[SDEAS@psc.state.fl.us](mailto:SDEAS@psc.state.fl.us)> wrote:

This message originated outside of DISH and was sent by: [sdeas@psc.state.fl.us](mailto:sdeas@psc.state.fl.us)

Hi Sola,

I left a message earlier this week asking you to give me a call. We need some clarity regarding Dish's policy on not charging Lifeline customers for number porting. Is Dish agreeing not to charge Lifeline customers to port their number only when it's being ported in, or does this policy apply to both porting in or out?

*Sakina Deas*

*Florida Public Service Commission*

*Office of Industry Development and Market Analysis*

*2540 Shumard Oak Boulevard*

*Tallahassee, FL 32399*

*(850) 413-6504*

*[sdeas@psc.state.fl.us](mailto:sdeas@psc.state.fl.us)*

**From:** Sola Lee <[sola.lee@dish.com](mailto:sola.lee@dish.com)>

**Sent:** Thursday, May 23, 2024 4:03 PM

**To:** Sakina Deas <[SDEAS@PSC.STATE.FL.US](mailto:SDEAS@PSC.STATE.FL.US)>

**Cc:** Alison Minea <[alison.minea@dish.com](mailto:alison.minea@dish.com)>; Adrian Johnson <[adrian.johnson@dish.com](mailto:adrian.johnson@dish.com)>; Susan Rodriguez <[susan1.rodriguez@dish.com](mailto:susan1.rodriguez@dish.com)>; Greg Fogleman <[GFoglema@PSC.STATE.FL.US](mailto:GFoglema@PSC.STATE.FL.US)>

**Subject:** Re: Docket 20240070-TP

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Sakina,

Hope you've been well. I wanted to check in with you about our petition and to see if you had any other questions or concerns.

Kind Regards,

Sola Lee  
Senior Corporate Counsel, Gen Mobile Brand

10000 North Central Expressway, Suite 1000, Dallas, TX 75203

Direct: [sola.lee@dish.com](mailto:sola.lee@dish.com)  
[genmobile.com](http://genmobile.com) | [dishwireless.com](http://dishwireless.com)



a dish wireless brand

This email message and any attachments are confidential and may be protected by the attorney-client and other privileges.

On Wed, May 15, 2024 at 11:57 AM Sola Lee <[sola.lee@dish.com](mailto:sola.lee@dish.com)> wrote:

Hi Sakina

Please see my responses below in CAPS. Let us know if you have any more questions.

On Wed, May 15, 2024, 7:39 AM Sakina Deas <[SDEAS@psc.state.fl.us](mailto:SDEAS@psc.state.fl.us)> wrote:

**This message originated outside of DISH and was sent by: [sdeas@psc.state.fl.us](mailto:sdeas@psc.state.fl.us)**

Hi Sola,

We have a few more questions regarding Dish wireless' ETC petition:

1. Which underlying carriers will Dish Wireless be using in Florida? AT&T AND T-MOBILE
2. Pursuant to 47 CFR § 54.401(e), is Dish Wireless agreeing not to charge Lifeline customers a number portability fee to port their numbers? YFS, DISH WIRELESS AGREES NOT TO CHARGE FOR PORT-INS BY LIFELINE CUSTOMERS

Feel free to contact us if you have questions. Thank you.

*Sakina Deas*

*Florida Public Service Commission*

*Office of Industry Development and Market Analysis*

*2540 Shumard Oak Boulevard*

*Tallahassee, FL 32399*

*(850) 413-6504*

*[sdeas@psc.state.fl.us](mailto:sdeas@psc.state.fl.us)*

**From:** Sola Lee <[sola.lee@dish.com](mailto:sola.lee@dish.com)>

**Sent:** Friday, May 03, 2024 4:01 PM

**To:** Sakina Deas <[SDEAS@PSC.STATE.FL.US](mailto:SDEAS@PSC.STATE.FL.US)>

**Cc:** Alison Minea <[alison.minea@dish.com](mailto:alison.minea@dish.com)>; Adrian Johnson <[adrian.johnson@dish.com](mailto:adrian.johnson@dish.com)>; Susan Rodriguez <[susan1.rodriguez@dish.com](mailto:susan1.rodriguez@dish.com)>

**Subject:** Re: Docket 20240070-TP

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Sakina,

Please find attached DISH Wireless' response to your email questions. Let us know if you have any questions/concerns.

Have a great weekend!

Kind Regards,

Sola Lee  
Senior Corporate Counsel, Gen Mobile Brand

Cell Number: (813) 375-7623 | Mobile: (323) 762-9411

Email: [sola.lee@dish.com](mailto:sola.lee@dish.com)  
[genmobile.com](http://genmobile.com) | [dishwireless.com](http://dishwireless.com)



© 2024 Dish Wireless Brand

This email message and any attachments are confidential and may be protected by the attorney-client and other privileges.

On Tue, Apr 23, 2024 at 10:03 AM Alison Minea <[alison.minea@dish.com](mailto:alison.minea@dish.com)> wrote:

Good afternoon. We will answer all of your questions ASAP. I have added members of my team to this email.

Sincerely,

Alison Minea



Alison Minea

This email message and any attachments are confidential and may be protected by the attorney-client and other privileges.

On Tue, Apr 23, 2024 at 10:55 AM Sakina Deas <[SDEAS@psc.state.fl.us](mailto:SDEAS@psc.state.fl.us)> wrote:

**This message originated outside of DISH and was sent by: [sdeas@psc.state.fl.us](mailto:sdeas@psc.state.fl.us)**

Hi Alison,

We've received Dish Wireless L.L.C.'s petition for ETC designation in Florida and have a few follow-up questions.



- Will the company offer Transitional Lifeline service as required by Section 364.105, Florida Statutes?
- Does the company commit to participating in the Lifeline Promotion Process per Florida administrative code 25-4.0665(3)?
- Has the company filed for bankruptcy? If yes, please identify the chapter and filing date.
- Has the company been involved in any FCC or USAC enforcement actions? If yes, please provide details.
- Please provide company contacts for customer complaints and for the Florida PSC annual data request for the Lifeline Legislative report.
- The petition states Dish Wireless L.L.C. will be doing business as "Gen Mobile". We were not able to verify this as a fictitious name with the Florida Department of State. Please provide documentation.

Feel free to contact us if you have any questions.

*Sakina Deas*

*Florida Public Service Commission*

*Office of Industry Development and Market Analysis*

*2540 Shumard Oak Boulevard*

*Tallahassee, FL 32399*

*(850) 413-6504*

*sdeas@psc.state.fl.us*

Pursuant to the emailed questions (the "Questions") from the Florida Public Service Commission Staff ("Staff") to DISH Wireless L.L.C. dba Gen Mobile ("Company" or "DISH Wireless") received on April 23, 2024 in Docket 20240070-TP, Company responds to the Questions as provided below. DISH Wireless reserves the right to amend, revise, and/or supplement any of the original answers it provides hereunder should there be any relevant change in circumstances.

#### GENERAL OBJECTIONS

The Company objects to the Questions to the extent it seeks production of materials or information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, doctrine, or protection from disclosure. The Company further objects to the Questions to the extent it seeks production of materials or information that the Company is not lawfully permitted to disclose to any third parties, including, but not limited to, materials that may not be disclosed to any third parties pursuant to terms of a contract, a federal or state law, or a directive from a federal or state government agency. Any inadvertent production of any document shall not be deemed or construed to constitute a waiver of any privilege or right, and DISH Wireless reserves the right to demand that the Staff return any such document and all copies thereof.

1. Will the company offer Transitional Lifeline service as required by Section 364.105, Florida Statutes?
  - a. Company Response: Yes.
2. Does the company commit to participating in the Lifeline Promotion Process per Florida administrative code 25-4.0665(3)?
  - a. Company Response: Yes.
3. Has the company filed for bankruptcy? If yes, please identify the chapter and filing date.
  - a. Company Response: No.
4. Has the company been involved in any FCC or USAC enforcement actions? If yes, please provide details.
  - a. Company Response: DISH Wireless refers to and incorporates by reference its General Objections, including without limitation its objection to the production of materials or information that DISH Wireless is not lawfully permitted to disclose to any third parties. The Company has not been involved in any FCC or USAC enforcement actions related to the Lifeline program. DISH Wireless has received audit requests and other inquiries (collectively, the "Inquiries") from the Federal Communications Commission, Office of Inspector General, and Universal Service Administration Company (USAC) that are non-public and which relate to the Emergency Broadband Program (EBBP), Affordable Connectivity Program (ACP) and the Lifeline program (collectively, the "Government Programs"). Such Inquiries review the compliance of the respective programs and include but are not limited to USAC Program Integrity Audits. In addition,

USAC has issued Notices of Determination of Amounts Owed and Intent to Recoup and/or Offset Funds (the "NODs") to DISH Wireless and similarly situated service providers in connection with the Government Programs, including an NOD alleging overpayments of EBBP funds received by providers of services provided to subscribers that the government had found qualified for the EBBP under the free and reduced price school lunch program and/or school breakfast program and related inquiries. DISH Wireless has since appealed<sup>1</sup> and to the best of its knowledge that matter is open/pending. To the best of DISH's knowledge, USAC issued substantially similar letters to other EBB service providers, including at least AT&T Mobility, LLC, which has appealed USAC's action to the Commission.<sup>2</sup> DISH Wireless is happy to answer questions about this matter under confidential treatment.

5. Please provide company contacts for customer complaints and for the Florida PSC annual data request for the Lifeline Legislative report.
  - a. Company Response:
    - i. Customer Complaints for the Gen Mobile brand: Hugo Sanchez, (800) 378-7127 ext. 714, P.O. Box 1187, Gardena, CA 90249, and [genmobilecare@dish.com](mailto:genmobilecare@dish.com)
    - ii. Florida PSC annual data request for the Lifeline Legislative report: Sola Lee, (800) 378-7127 ext. 707, P.O. Box 1187, Gardena, CA 90249, and [genmobilelegal@dish.com](mailto:genmobilelegal@dish.com)
6. The petition states Dish Wireless L.L.C. will be doing business as "Gen Mobile". We were not able to verify this as a fictitious name with the Florida Department of State. Please provide documentation.
  - a. Company Response: The Company is in the process of filing the fictitious name with the Florida Department of State and will provide a conformed copy as soon as possible.

---

<sup>1</sup> See *Request for Review by DISH Wireless L.L.C. of the Decision of the Universal Service Administrator*, WC Docket No. 20-445, December 11, 2023, available at <https://www.fcc.gov/ecfs/search/search-filings/filing/12122762822449> (public redacted version and request for confidential treatment).

<sup>2</sup> See *Request for Confidential Treatment and Request for Review by AT&T of a Decision of the Universal Service Administrator*, WC Docket No. 20-445, December 5, 2023, available at <https://www.fcc.gov/ecfs/search/search-filings/filing/120680254762> (public redacted version).