

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Q Link Wireless LLC
Designated Eligible Carrier
Application

Case No. PU-22-196

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **28th day of July 2022** she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

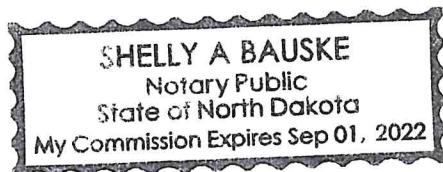
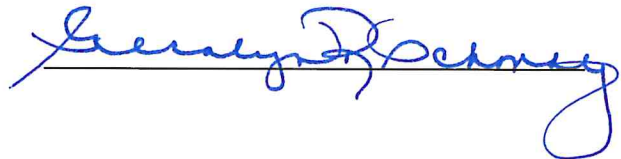
- **Order on Eligible Telecommunications Carrier Designation**

The envelope was addressed as follows:

Lance J. M. Steinhart, Esq.
Attorney for Q Link Wireless LLC
1725 Windward Concourse Suite 150
Alpharetta, Georgia 30005
Cert. No. 7020 1290 0001 6150 6206

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **28th day of July 2022**.




Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Q Link Wireless, LLC
Designated Eligible Carrier
Application**

Case No. PU-22-196

ORDER ON ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

July 27, 2022

Preliminary Statement

On May 17, 2022, Q Link Wireless, LLC (Q Link), a Delaware limited liability company with its principal offices located at 499 East Sheridan Street, Suite 400, Dania Beach, FL 33004, filed an application for designation as an eligible telecommunications carrier (ETC) for the purpose of receiving federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E. This designation is also known as Lifeline-only ETC designation. Q Link proposes to provide Lifeline universal services to eligible low-income customers as a commercial mobile radio service (CMRS) carrier throughout every telephone exchange in North Dakota.

On June 8, 2022, the Commission issued a Notice of Opportunity for Hearing (Notice) providing until July 18, 2022, for comments and requests for hearing. No comments or requests for hearing were received. The Notice identified the issues to be considered in this matter are:

1. Is the applicant qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding?
2. What ETC universal service support area should be designated?
3. Is designation of the applicant as an ETC in the public interest?

The Notice stated that the Commission can determine the matter without a formal hearing.

On May 17, 2022, Q Link filed a signed Certification Relating to Order Provisions with its application.

On July 13, 2022, the Commission held an Informal Hearing to discuss the issues with Q Link.

ETC Designation

The Telecommunications Act of 1996 provides financial support for universal services to common carriers that have been designated as ETCs and that (1) offer the universal services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services and (2) advertise the universal services, advertise the availability of such services, and advertise the charges for such services, using media of general distribution.

In its *Report and Order and Further Notice of Proposed Rulemaking* released February 6, 2012, in Docket No. FCC 12-11 at paragraph 368, the Federal Communications Commission found that it would forbear from the "own-facilities" requirement contained in section 214(e)(1)(A) for carriers that seek to become, Lifeline-only ETCs, subject to the following conditions: (1) the carrier must comply with certain 911 requirements and (2) the carrier must file, and the FCC must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement Lifeline service obligations as well as further safeguards against waste, fraud and abuse the FCC may deem necessary.

Under 47 CFR 54.201, a carrier seeking Lifeline-only ETC designation must demonstrate that it is financially and technically capable of providing Lifeline service in compliance with 47 CFR Subpart E. Q Link is seeking Lifeline-only ETC designation.

Both federal law and state law give the Commission the authority to designate a common carrier as an ETC. In areas served by a rural telephone company, the Commission must find that ETC designation is in the public interest.

Q Link, was organized and incorporated in the state of Delaware on August 25, 2011. Q Link is a common carrier and reseller of commercial mobile radio service, and will offer all of the services and functionalities detailed in Section 54.101(a) of the FCC Rules. Q Link generates revenues from non-Lifeline services and has access to capital from its investors; and currently provides services to approximately 769,429 customers. Therefore, Q Link is not solely dependent on reimbursements from the Universal Service Fund. Q Link proposes to provide services to customers by using the underlying networks for Sprint Spectrum, L.P. and/or T-Mobile USA, Inc. on a wholesale basis in order to provide the best coverage and service available for subscribers. Q Link is currently authorized as a wireless ETC in the states of Arizona, Arkansas, Colorado, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, West Virginia and Wisconsin. Q Link has not been subject to any enforcement action at the FCC or in any state.

Q Link will offer telecommunications services primarily to eligible low-income subscribers.

Q Link will offer plan options including 1000 anytime prepaid minutes, unlimited text messages and 4.5GB data at a net cost to an eligible non-tribal Lifeline customer of \$0 per month. Q Link will also offer a tribal option with unlimited anytime minutes, unlimited text messages and unlimited data at a net cost to an eligible tribal Lifeline customer of \$0 per month. Q Link will offer to all customers a free or discounted handset or SIM card, custom calling features at no charge including 911, Caller ID, Call Waiting, Voicemail and the ability to use voice minutes for domestic long distance.

Q Link seeks only Lifeline support from the low-income mechanism of the federal Universal Service Fund and does not seek support from the high-cost support mechanism. This program is designed to reduce the monthly cost of telecommunication services for eligible consumers, is distributed on a per-customer basis, and is directly reflected in the price that the eligible customer pays. Because Q Link does not seek support from the high-cost support mechanism, designation of Q Link as a Lifeline-only ETC will not pose any adverse effect on the growth in the high-cost portions of the Universal Service Fund (USF), nor will it create or contribute to an erosion of high-cost funding from any rural or nonrural telephone company. Increasing the number of designated Lifeline-only ETCs in North Dakota will provide the opportunity for increased participation by eligible consumers in the Lifeline program.

NDAC § 69-09-05-12(6)(a) requires a full description of available services in the ETC's official telephone directory. Since Q Link is a CMRS provider, it does not have an official telephone directory in North Dakota and requests a waiver from this requirement pursuant to NDAC §§ 69-09-05-12(2)(c) and (d).

The FCC approved Q Link's Compliance Plan on August 8, 2012, and thereby granted Q Link forbearance from the statutory requirement that Q Link provide service using its own facilities in order to be designated as a Lifeline-only ETC.

The Certification Relating to Order Provisions as signed by Issa Asad, CEO of Q Link and filed on May 17, 2022, is incorporated by reference and attached to this order.

Consumers eligible for the Lifeline discounts offered by Q Link will receive the benefits of nationwide calling areas and the convenience and security of mobile telephone service. Q Link will bring increased customer choice and the benefits of competition.

Universal Service Support Area

The Commission must establish a geographic area (service area) for the purpose of determining universal service obligations and support mechanisms for the designated ETC. 47 U.S.C. § 214(e)(5).

The Act defines service area:

SERVICE AREA DEFINED-- The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In its *Memorandum Opinion and Order*, FCC 13-44, released April 15, 2013, the Federal Communications Commission determined that carriers may be designated as a Lifeline-only ETC in partial rural service areas.

In this proceeding, Q Link is requesting ETC designation in all North Dakota telephone exchanges.

Q Link has demonstrated that it is financially and technically capable of providing Lifeline service in compliance with 47 CFR Subpart E.

Based on the evidence in this proceeding, Q Link is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E.

It is in the public interest that Q Link be designated as a Lifeline-only ETC in all North Dakota telephone exchanges.

Q Link is registered with the Commission to provide commercial mobile radio and long-distance services.

Q Link Wireless, LLC is registered with the Secretary of State of North Dakota and Q Link Wireless, LLC is in good standing.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

Order

The Commission orders:

1. Q Link Wireless, LLC is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E. The designated service area in this proceeding consists of all study areas in North Dakota.
2. Q Link Wireless, LLC shall comply with the applicable annual reporting requirements set forth in North Dakota Administrative Code §69-09-05-12.1.
3. Under North Dakota Administrative Code §69-09-05-12(2)(c) and (d), Q Link Wireless, LLC is granted a waiver of the requirements of North Dakota Administrative Code § 69-09-05-12(6)(a) regarding the publication of a full description of its services in an official telephone directory.
4. The April 25, 2022, Certification Relating to Order Provisions is incorporated by reference and attached to this Order.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Sheri Haugen-Hoffart
Commissioner

**BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION**

Application of Q LINK WIRELESS LLC)
for Designation as an Eligible)
Telecommunications Carrier)

Case No. PU-22-196

Certification Relating to Order Provisions

I, Issa Asad, CEO of Q LINK WIRELESS LLC (“Q LINK”), have the authority to bind Q LINK and hereby certify that Q LINK will comply with the service requirements applicable to the low-income support it receives, and further certify as follows:

1. Q LINK is seeking designation as a Lifeline-Only Eligible Telecommunications Carrier (Lifeline-Only ETC) for all non-rural telephone company wire centers within the state of North Dakota, all rural telephone company study areas within the state of North Dakota, and all Tribal areas within the non-rural and rural telephone company areas within the state of North Dakota, which is the entire state of North Dakota.
2. For the telephone exchanges enumerated, Q LINK understands and agrees to the conditions and criteria set forth in Chapter 49-21 of the North Dakota Century Code and Chapter 69-09-05 of the North Dakota Administrative Code that pertain to Wireless Lifeline Only Eligible Telecommunications Carriers (Lifeline-Only ETC), and Q LINK will be responsible for compliance with this Certification, the Public Service Commission's order in this proceeding, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Lifeline-Only ETCs.

The provision in Chapter 69-09-05 of the North Dakota Administrative Code requiring the ETC to describe services in the “carrier’s official telephone directory” is not applicable because Q LINK has no such directory.

3. Q LINK agrees to comply with all statements, processes and procedures set forth in its Application for designation as a Lifeline-Only ETC in the enumerated telephone exchanges. Q LINK agrees that all statements made and matters set forth in its Application are true and correct to the best of Q LINK’s knowledge, information, and belief.
4. Q LINK will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.
5. Q LINK meets all of the prerequisites to be designated as a Lifeline-Only ETC throughout the proposed ETC Designated Area in this proceeding.

6. Q LINK provides each of the services supported by federal universal service support mechanisms, specified in Federal Communications Commission's (FCC's) rules, 47 C.F.R. 54.101, and will offer these supported services in North Dakota upon designation as a Lifeline-Only ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.
7. Q LINK will provide service on a timely basis to requesting customers within Q LINK's proposed designated service area where Q LINK's network already passes the customer's premises.
8. Q LINK will provide service within a reasonable period of time, if the potential customer is within Q LINK's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (a) Modifying or replacing the requesting customer's equipment;
 - (d) Adjusting network or customer facilities; or
 - (e) Reselling services from another carrier's facilities to provide service.
9. Q LINK will not seek Universal Service Fund high-cost support for any telephone exchanges in its designated service area in North Dakota.
10. Q LINK will use all available means to ensure customers are eligible for the Lifeline program at the time of sign-up and recertification in accordance with the federal eligibility criteria in 47 C.F.R. § 54.409 and the relevant proof documentation specified in 47 C.F.R. § 54.410. Q LINK will reply upon the FCC's National Lifeline Eligibility Verifier and National Lifeline Accountability Database to prevent duplication and determine eligibility.
11. Q LINK has taken, and will continue to take, steps to work with its underlying carriers to remain functional in emergency situations by: (1) maintaining a reasonable amount of backup power to ensure functionality without an external power source; (2) maintaining the ability to re-route traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and (3) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services.
12. Q LINK will meet or exceed applicable consumer protection and quality standards and will comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.
13. Q LINK will advertise the availability of the supported services detailed in its Application, and the corresponding rates and charges, in a manner designed to inform the general public within North Dakota. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.
14. Q LINK will offer the services described in its Application.

15. Q LINK understands and agrees that if Q LINK has not advertised its Lifeline services or signed up any North Dakota customers within 12 months of the effective date of Q LINK's designation as a Lifeline-only ETC, the Public Service Commission may revoke Q LINK's Lifeline-only ETC designation and Q LINK may reapply to be designated as a Lifeline-only ETC in North Dakota.
16. Q LINK will comply with all applicable annual reporting requirements associated with being an ETC in North Dakota including filing with the Public Service Commission a copy of each annual ETC report filed with the FCC, within 30 days of filing with the FCC.
17. Q LINK understands and agrees that its ability to offer service is subject to suspension or revocation for failure to comply with the Public Service Commission's orders, or applicable statutes, rules, regulations, standards, and other authorizations.
18. Q LINK agrees to maintain the records to demonstrate that Q LINK has complied with the requirements of the Public Service Commission's order(s) and that Q LINK will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
19. Q LINK understands and agrees that, to the extent there are any conflicts or inconsistencies between Q LINK's Application and the provisions in this Certification, the Certification provisions control.

Dated: 4/25/2022



Issa Asad, CEO
Q LINK WIRELESS LLC