

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
ELECTRONICALLY FILED

In the Matter of the Application of)	
Q LINK WIRELESS LLC to Expand its)	
Eligible Telecommunications Carrier)	Case No. 2020-00356
Service Area)	

APPLICATION OF Q LINK WIRELESS TO EXPAND ITS
ELIGIBLE TELECOMMUNICATIONS CARRIER SERVICE AREA

I. INTRODUCTION

Q LINK WIRELESS LLC (“Q LINK” or the “Company”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (“FCC”),² and the Kentucky Public Service Commission’s (“Commission”) rules and regulations, hereby files this application to expand Q LINK’s Eligible Telecommunications Carrier (“ETC”) service area in the State of Kentucky (“Application”). Q LINK was designated as a Lifeline-only ETC by the Commission by Order entered March 8, 2013 in Case No. 2012-00473 (“ETC Designation Order”) for purposes of receiving both federal low-income Universal Service Fund (“USF”) and Kentucky Universal Service Fund (“KUSF”) support. Q LINK requests to expand its ETC service area solely to provide Lifeline service to additional qualifying Kentucky households. The Company does not seek access to USF support for the purpose of providing service to high-cost areas.³

¹ 47 U.S.C. § 214(e)(2)

² 47 C.F.R. §§ 54.101-54.207.

³ Given that Q LINK 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 Q LINK.

As demonstrated herein, and as certified by Exhibit 1 attached hereto, Q LINK continues to meet all statutory and regulatory requirements for designation as an ETC, including the requirements outlined in the FCC's *Lifeline Modernization Order*.⁴ Rapid grant of Q LINK's request would advance the public interest by enabling the Company to expand the availability of Lifeline service to many more low-income consumers in Kentucky, especially in light of the current national state of emergency. Accordingly, Q LINK respectfully requests that the Commission expeditiously approve this Application.

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

Matthew Malone
Attorney At Law
Hurt, Deckard & May, PLLC
127 W. Main Street
Lexington, Kentucky 40507
Direct Dial: (859) 254-0000
Direct Fax: (859) 254-4763
Web: mmalone@hdmfirm.com

With a copy to:

Lance J.M. Steinhart
Managing Attorney
Lance J.M. Steinhart, P.C.
Attorneys for *Q LINK WIRELESS, LLC*
1725 Windward Concourse, Suite 150
Alpharetta, Georgia 30005
(770) 232-9200 (Phone)
(770) 232-9208 (Fax)
E-Mail: lsteinhart@telecomcounsel.com

⁴ *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 00-197, 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*").

II. DESIGNATED SERVICE AREA

In the ETC Designation Order, the Commission designated Q LINK as an ETC to provide wireless Lifeline service “in the underlying carrier's licensed service area within the non-rural exchanges of BellSouth Telecommunications, LLC dba AT&T Kentucky, Cincinnati Bell Telephone Company and Windstream Kentucky East, LLC” (Ordering Paragraph No. 2). At the time of its ETC designation, Q LINK was utilizing Sprint Spectrum L.P. (“Sprint”) as its underlying carrier.

In order to best serve its customers and provide quality service and coverage throughout Kentucky, Q LINK has added T-Mobile USA, Inc. (“T-Mobile”) as an additional underlying carrier within the Company’s existing ETC-designated service area. Through its agreements with these underlying carriers, Q LINK customers benefit from Sprint and T-Mobile’s ability to remain functional in emergency situations, including access to a reasonable amount of back-up power to ensure functionality without an external power source, the ability to reroute traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

Q LINK seeks to revise its ETC designated service area to be statewide subject to the wireless network coverage of its underlying carriers, including as it may expand going forward. Q LINK’s ETC service area would thus include the following additional areas listed in attached Exhibit 2.

III. Q LINK MEETS APPLICABLE REQUIREMENTS

FCC rules, 47 C.F.R. §§ 54.201-54.202 (the “FCC ETC Rules”), set forth the information that must be contained in an application for designation as an ETC. In its initial ETC Application filed in Case No. 2012-00473 (“ETC Application”), incorporated herein by reference, Q LINK provided all of the information required by FCC ETC Rules in effect at the time, including those

set forth in the FCC's *Lifeline Reform Order*.⁵ The Commission found in its ETC Designation Order that Q LINK met the requirements for designation as an ETC. Q LINK has complied with the conditions of its ETC designation and will continue to do so. In accordance with 47 C.F.R. § 54.202(a)(1)(i) and by the attached certification, Q LINK certifies that it will comply with the service requirements applicable to the support that it receives. Q LINK hereby also provides additional and updated information as a result of the FCC's *Lifeline Modernization Order*, which was issued after the Company's ETC Designation Order.

A. Provision of Supported Services

Q LINK is able to provide all services supported by the universal service program, as detailed in Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)), throughout its requested service area in the State of Kentucky, including broadband Internet access service, a supported service as of December 2, 2016. Q LINK commits that its Lifeline-supported services will continue to meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as they change going forward. Further, Q LINK's Lifeline offering will meet any additional requirements to qualify for KUSF support. The Company's current Lifeline offering is attached hereto as Exhibit 3.⁶ Q LINK currently offers these Lifeline wireless plans throughout its existing service area in Kentucky.

B. Eligibility Verification

Q LINK determines eligibility of Lifeline subscribers in accordance with 47 C.F.R. § 54.410, utilizing the streamlined eligibility criteria implemented by the *Lifeline Modernization*

⁵ *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 Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) ("*Lifeline Reform Order*").

⁶ The Company's terms and conditions can be found at www.qlinkwireless.com.

Order (see 47 C.F.R. § 54.409). The FCC has taken steps to curb abuse in the Lifeline program by establishing the National Lifeline Eligibility Verifier (“National Verifier”) which transfers the responsibility of eligibility determination away from Lifeline providers.⁷ Q LINK will rely on the National Verifier to determine initial and ongoing eligibility of Kentucky Lifeline subscribers. The National Verifier queries the National Lifeline Accountability Database (“NLAD”) for every enrollment to determine whether a prospective subscriber is currently receiving a Lifeline service from Q LINK or any other ETC, and whether anyone else living at the prospective subscriber’s residential address is currently receiving Lifeline service. As such, Q LINK complies with the requirements of 47 C.F.R. §54.404.

C. Non-Usage Policy

Q LINK has updated its non-usage policy in compliance with changes in federal regulations. Q LINK will not seek reimbursement from the USF for inactive subscribers 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), Q LINK will provide the subscriber advanced notice, using clear, easily understood language, that the subscriber’s failure to use the Lifeline service within the notice period will result in service termination for non-usage.

⁷ See *Lifeline Modernization Order*, section III.C.

IV. EXPANSION OF Q LINK'S ETC SERVICE AREA WOULD PROMOTE THE PUBLIC INTEREST

In its ETC Designation Order, the Commission found that designation of Q LINK as an ETC would serve the public interest. Expansion of Q LINK's ETC service area will increase the number of low-income individuals that can benefit from the advantages offered by the Company's Lifeline service, ensuring they have access to wholly-supported or discounted wireless voice and broadband service, and will thus further the public interest by providing more low-income Kentucky consumers with low-priced and high-quality services. Q LINK's prepaid wireless plans enable consumers to enjoy the benefits of wireless telecommunication and mobile broadband access without being subject to extensive credit reviews and long-term service commitments, which historically have prevented many low-income Americans, including many Kentucky residents, from reaping the full benefits of the intensely competitive wireless market.

Q LINK offers a unique, easy to use, competitive, and highly affordable wireless telecommunications service, which benefits qualified consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of more traditional service. Q LINK's Lifeline offerings compare favorably with those of other competitive ETCs, and provide Lifeline customers with voice minutes, unlimited text messages, and a data allotment (with current plan options meeting the voice *and* broadband minimum service standards), at no net cost to the customer after application of Lifeline and KUSF support. In today's market, consumers, including qualified Lifeline customers, view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents wherever they may be, allows a person seeking employment greater ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers

regardless of location. Mobile service often also serves as a key bridge in closing the homework gap for students who live in rural areas with limited access to broadband.

Q LINK employs a state-of-the-art proprietary fraud prevention system and does not utilize agents or third-party representatives for Lifeline enrollment, and does not pay any commissions or sales incentives on Lifeline sign-ups. This model, which Q LINK has employed for almost the entirety of its Lifeline operations, was recently endorsed by the FCC which adopted an order to prevent Lifeline ETCs from paying commissions to agents.⁸ This direct-to-customer model utilizes technology to protect against waste, fraud and abuse. Q LINK recognized the value of this approach early and has a detailed, proven methodology that has and will continue to give it a competitive advantage over its competitors, demonstrating Q LINK's commitment to being a trusted steward with public resources. Q LINK's business model is unique in that the Company is able to reach unserved and underserved Lifeline-eligible consumers, including in less dense areas that have not been a focus of other Lifeline providers; in fact, on average, eighty percent (80%) of Q LINK's customers are *new* and have not previously participated in the Lifeline program.

With the comprehensive strength and experience of Q LINK's management team, the Company's proven technology-based business model, and Q LINK's solid history as a Lifeline provider, Q LINK is uniquely-positioned to meet the needs of Lifeline customers and Q LINK remains committed to careful stewardship of the Lifeline program. Without question, prepaid wireless services have become essential for low-income customers, providing them with value for their money, access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies or dependents. Providing Q LINK with the

⁸ See *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 Nos. 17-287, 11-42, 00-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, FCC 19-111, (rel. Nov. 14, 2019) ("*Fifth Report and Order*"), ¶68.

authority necessary to offer discounted Lifeline services to eligible residents in additional areas of Kentucky undoubtedly promotes the public interest.

V. CONCLUSION

Q LINK submits that the information contained herein, together with the information in the Company's ETC Application, incorporated herein by reference, demonstrates that Q LINK continues to meet the requirements for ETC designation and that expansion of Q LINK's ETC service area would promote the public interest.

WHEREFORE, Q LINK respectfully requests that the Commission promptly grant this Application and expand Q LINK's Lifeline-only ETC service area as requested herein.

Respectfully submitted,

s/ Matthew Malone

Matthew Malone
Attorney At Law
Hurt, Deckard & May, PLLC
127 W. Main Street
Lexington, Kentucky 40507
Direct Dial: (859) 254-0000
Direct Fax: (859) 254-4763
Web: mmalone@hdmfirm.com

Attorney for Q LINK WIRELESS LLC

October 28, 2020

EXHIBIT 1

CERTIFICATION

EXHIBIT 2

Coverage Area

Proposed ETC Service Area:

Statewide, subject to the wireless network coverage of Q LINK's underlying carriers, including as it may expand going forward

Covered ILECs

Existing:

(Non-Rural)

BELLSOUTH TELECOMM/AT&T
CINCINNATI BELL
WINDSTREAM KENTUCKY EAST

Additional:

BALLARD RURAL TELEPHONE COOP. CORP., INC.
BRANDENBURG TELEPHONE CO.
DUO COUNTY TELEPHONE COOPERATIVE, INC.
FOOTHILLS RURAL TELEPHONE COOPERATIVE CORP.
GEARHEART COMM. CO, INC. DBA COALFIELDS TELEPHONE
HIGHLAND TELEPHONE COOPERATIVE, INC. - KY
LESLIE COUNTY TELEPHONE CO.
LEWISPORT TELEPHONE CO., INC.
LOGAN TELEPHONE COOPERATIVE, INC.
MOUNTAIN RURAL TELEPHONE COOPERATIVE
PEOPLES RURAL TELEPHONE COOPERATIVE CORP.
SALEM TELEPHONE CO.
SOUTH CENTRAL RURAL TELEPHONE COOP. CORP, INC.
THACKER/GRIGSBY TELEPHONE CO.
WEST KENTUCKY RURAL TELEPHONE COOP. CORP., INC.
WINDSTREAM KENTUCKY WEST, INC.

EXHIBIT 3

Current Lifeline Offering

**Q LINK WIRELESS
KENTUCKY LIFELINE OFFERING
EFFECTIVE 7/10/2020**

KENTUCKY ENHANCED LIFELINE PLAN

Unlimited Minutes & 3 GB Data (Q LINK ALWAYS ON - KENTUCKY)

Unlimited anytime minutes per month

Unlimited text messaging

3 GB data per month (*no rollover*)

Net cost to Lifeline customer: **\$0**

Service includes:

- Free calls to Q LINK Customer Service
- Free calls to 911 emergency services
- Free access to Voicemail, Caller-ID, and Call Waiting features
- Voice minutes may be used for Domestic Long Distance at no extra charge

ADDITIONAL AIRTIME/DATA AVAILABLE FOR PURCHASE

Current rates published at <https://qlinkwireless.com/members/cart/quickpurchase.aspx>