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October 12, 2016

Accepted / Filed

OCT 12 2016

Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY AND ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: **Request for Confidential Treatment Pursuant to 47 C.F.R. §§ 0.457 and 0.459;**
Q LINK WIRELESS LLC
Supplemental Information re: Petition for Designation as an LBP
WC Docket No. 09-197

Dear Ms. Dortch:

Q LINK WIRELESS LLC ("Q LINK") hereby submits supplemental information with respect to its pending Petition for Designation as a Lifeline Broadband Provider. One original and one copy of the letter and exhibits are attached in both confidential and redacted form.

Q LINK requests pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, that the Commission withhold from any future public inspection and accord confidential treatment to the highly confidential, business sensitive information contained in the letter (the "Confidential Information"). All of the Confidential Information has been redacted from the version of the letter filed electronically.

The Confidential Information constitutes highly sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA"). Exemption 4 of FOIA provides that the public disclosure requirement of the statute "does not apply to matters that are ... (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). Because Q LINK is providing commercial information "of a kind that would not customarily be released to the public" in accordance with the application requirements in Section 64.606 of the Commission's rules, this information is "confidential" under Exemption 4 of FOIA. *See Critical Mass Energy Project* v. *NRC,* 975 F.2d 871, 879 (D.C. Cir. 1992). Because this is a voluntary filing, if the Commission denies this

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request for confidential treatment, Q LINK requests for its Confidential Information to be returned.

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, Q LINK hereby states as follows:

1. Identification of the Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))

Q LINK seeks confidential treatment with respect to the Confidential Information—all of which has been redacted from the version of the letter filed electronically on the Electronic Comment Filing System.

2. Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

Q LINK is submitting supplemental information with respect to its pending Petition for Designation as a Lifeline Broadband Provider.

3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))

The information described above is protected from disclosure because the Confidential Information constitutes highly sensitive information about Q LINK's subscribership, finances, and coverage at a granular level. This information constitutes highly sensitive commercial information "which would customarily be guarded from competitors." 47 C.F.R. § 0.457.

4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

Q LINK provides prepaid wireless telecommunications for both Lifeline and non-Lifeline customers, and the market for such services is highly competitive.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

Disclosure of the Confidential Information would provide Q LINK's competitors with sensitive insights related to Q LINK's subscribership and finances, which would work to Q LINK's competitive disadvantage.

6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))

Q LINK does not make the Confidential Information publicly available. This information would not be disclosed without a non-disclosure agreement or equivalent confidentiality obligation.

7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))

Q LINK has not made the Confidential Information publicly available.

8. Justification of the Period During Which the Submitting Party Asserts That Material Should Not Be Available for Public Disclosure (Section 0.459(b)(8))

Q LINK requests that the information remain confidential for three years, because its disclosure during that time could give Q LINK's competitors insights into how to compete with Q LINK or prejudice it in transactions.

9. Any Other Information That the Party Seeking Confidential Treatment Believes May Be Useful in Assessing Whether Its Request for Confidentiality Should Be Granted (Section 0.459(b)(9))

Data subject to this request also would qualify for Exemption 4 of the Freedom of Information Act. Exemption 4 protects information that is (i) commercial or financial; (ii) obtained by a person outside of the government; and (iii) privileged or confidential. 5 U.S.C. § 552(b)(4).

Respectfully submitted,

/s/ LANCE STEINHART

Lance J.M. Steinhart, Esq.
Managing Attorney
Lance J.M. Steinhart, P.C.
Attorneys for Q LINK WIRELESS LLC

Attachments

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Re: Q LINK WIRELESS LLC
Supplemental Information re: Petition for Designation as an LBP
WC Docket No. 09-197

Dear Ms. Dortch:

By this letter, and in light of the Public Notice released September 30, 2016 by the Wireline Competition Bureau ("Bureau") (DA 16-1118, "LBP Guidance"), Q LINK WIRELESS LLC ("Q LINK") provides the following additional information with respect to its pending Petition for Designation as a Lifeline Broadband Provider ("LBP").

1. Q LINK's number of non-Lifeline voice telephony and/or broadband Internet access service ("BIAS") subscribers as of September 30, 2016 (*see* Attachment A).

2. Q LINK understands that if it obtains designation as an LBP in the same geographic area in which Q LINK is already designated as a Lifeline-only ETC, Q LINK is still obligated to offer Lifeline-supported voice service under its Lifeline-only ETC designation (and Q LINK has already committed to do so).

3. Q LINK has already certified that it will comply with the service requirements applicable to the support that it receives, including any applicable minimum service standards. Q LINK understands that all ETCs, including LBPs, must continue to comply with any future additions to or amendments of the Lifeline program rules unless a provider has relinquished its relevant designation(s) pursuant to section 214(e)(4) of the Act. As an LBP, Q LINK will continue to offer plans that include qualifying BIAS throughout its designated service areas even as the minimum service standards for qualifying BIAS are updated annually.

4. Q LINK has already described its ability to remain functional in emergency situations. In further support thereof, Q LINK provides certifications from its underlying carriers (Sprint and T-Mobile) regarding emergency capability (*see* Attachment B, attached hereto).

5. Q LINK has already committed to satisfy applicable consumer protection and service quality standards, with a specific commitment to comply with the Cellular

Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Code"). Q LINK hereby clarifies and certifies that it will also comply with any amendments to the CTIA Code.

6. Q LINK hereby submits financial statements (Attachment C) to further support Q LINK's financial capability. The financial statements are confidential and proprietary, and will be filed subject to a request for confidential treatment pursuant to sections 0.457 and 0.459 of the Commission's rules. In addition, Q LINK corrects the estimate of its non-Lifeline revenues on page 8 of its LBP Application; approximately 30% of its revenues come from non-Lifeline services.

7. Q LINK's application already describes the plans it will offer. All plans proposed in Q LINK's LBP petition which were indicated to qualify for reimbursement under the LBP designation (i.e. all except Bundled Plan #5, which Q LINK will offer under its ETC designations) meet the minimum requirements of 500 MB of data at 3G or better service levels, and do not permit a customer to decrement data usage below that level.

8. Q LINK further describes its proposed LBP designated service area by the attached U.S. postal zip code list (*see* Attachment D). Q LINK has limited the service area to zip codes in which Q LINK is able to offer Lifeline-discounted BIAS service over its underlying carrier network(s) to 100% of the addresses in each respective zip code.

9. Finally, Q LINK acknowledges that, as a category of eligible telecommunications carriers (ETCs), LBPs are also subject to the Lifeline program rules, including rules regarding subscriber eligibility verification, certification and recordkeeping, and auditing requirements. As an ETC, Q LINK has a history of compliance with Lifeline program rules, and hereby certifies its commitment to comply with all Lifeline program rules applicable to its LBP designation. Q LINK already uses state eligibility verifiers, and will utilize the National Verifier once that system is up and running. As described in its application, Q LINK already conducts multiple database checks against NLAD, USPS, Melissa, Lexis/Nexis, and CGM databases to verify the identity of a potential customer and to ensure that the customer's household would not be receiving duplicative Lifeline service.

Q LINK reiterates that, as the fourth largest Lifeline provider with a proven track record of providing Lifeline service while maintaining strict eligibility safeguards, Q LINK is ideally positioned to deliver Lifeline-supported broadband Internet access services to qualified low-income Americans, including those outside of the urban core. Therefore, designating Q LINK as an LBP will advance the Commission's goal of making broadband service more affordable and accessible to those who can least afford it, and will serve the public interest.

If you have any questions or if I may provide you with additional information, please do not hesitate to contact me. Thank you for your assistance.

Respectfully submitted,

/s/ LANCE STEINHART

Lance J.M. Steinhart, Esq.
Managing Attorney
Lance J.M. Steinhart, P.C.
Attorneys for Q LINK WIRELESS LLC

Attachments
cc: Issa Asad
John Nakahata
Christian Hoefly (Christian.Hoefly@fcc.gov)

ATTACHMENT A

Number of Non-Lifeline Voice Telephony and/or BIAS Subscribers as of September 30, 2016

Attachment Redacted In Its Entirety

ATTACHMENT B

Emergency Capability Certifications

Sprint – Wholesale Wireless Solutions
Mailstop: KSOPHE0406 - 4B753
6360 Sprint Parkway
Overland Park, KS 66251

VIA E-MAIL DELIVERY

November 27, 2012

Q Link Wireless, LLC
Attn: Vice President
499 East Sheridan Street, Suite 300
Dania, Florida 33004

Re: Private Label Services Agreement between Sprint Spectrum L.P. ("Sprint") and Q Link Wireless, LLC ("Q Link") with an Effective Date of March 7, 2012 (the "Agreement") – Emergency Power Capability

Dear Vice President:

You have asked about the emergency power capabilities of the Sprint network. The Sprint wireless network has reasonable amounts of back-up power and the ability to reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations. Each cell site in the Sprint network is equipped with two to four hours of battery back-up power. Many cell sites in the Sprint network provide overlapping coverage for neighboring areas, ensuring that coverage continues in the event of damage to a particular facility. These neighboring cell sites can be adjusted to provide coverage to a wider service area in the event of an emergency. To the extent that Q Link is a MVNO of Sprint, these capabilities will benefit Q Link customers.

Sincerely,

Scott Kalinoski

Scott Kalinoski
Director – Cable Markets

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T-Mobile

August 15, 2014

Q Link Wireless, LLC
Attn: Vice President
499 East Sheridan Street, Suite 300
Dania, Florida 33004

Dear Vice President:

Please accept this correspondence in response to your request that T-Mobile USA, Inc. ('T-Mobile") provide information to further enable Q Link Wireless, LLC ("Q-Link") and or an affiliate in its efforts to seek and receive approvals to be deemed an eligible telecommunications carrier for Lifeline Only purposes.

You have asked specifically about the ability of the T-Mobile network to operate in an emergency within our existing network footprint. Accordingly, please be advised that T-Mobile has a reasonable amount of back-up power to ensure functionality without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. To the extent that Q Link is a MVNO relying upon the T-Mobile network, these capabilities will benefit Q Link customers.

Sincerely,

Jay Naillon
Director, Engineering & Operations

ATTACHMENT C

Financial Statements

Attachment Redacted In Its Entirety

ATTACHMENT D

Coverage Area – Zip Code List

Attachment Redacted In Its Entirety