

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Telecommunications Carriers Eligible for
Universal Service Support

WC Docket No. 09-197

Lifeline and Link Up Reform and
Modernization

WC Docket No. 11-42

Connect America Fund

WC Docket No. 10-90

EMERGENCY PETITION FOR TEMPORARY WAIVER

Q Link Wireless LLC (“Q Link”) by its attorneys, pursuant to Section 1.3 of the Commission’s rules,¹ respectfully petitions the Commission for temporary waiver of the Commission’s Lifeline rules governing de-enrollment for non-usage and requiring annual recertification of Lifeline eligibility on each enrolled Lifeline consumer’s service anniversary date. The applicable rules included in this waiver request are Sections 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), and 54.410(f).² Because the Commission has already granted similar waivers to all eligible telecommunications carriers (“ETCs”) operating in Puerto Rico, the waivers requested herein are limited to Q Link’s Lifeline service in Texas and Louisiana.

As the Commission is well aware, Hurricanes Harvey and Irma caused significant devastation and dislocation in, inter alia, Texas, Louisiana and Puerto Rico. Individuals and families have been forced to move from their homes, and some homes have been destroyed. For

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. §§ 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), and 54.410(f).

these households, their wireless phone has literally become their communications lifeline to family, friends, relief agencies, insurers and local, state and federal governments. For this reason, Q Link has taken the extraordinary step of providing all its nearly 300,000 Lifeline customers in Texas, Louisiana and Puerto Rico with unlimited usage through the end of September 2017.³

Recognizing the difficulties posed by the devastation from Hurricane Irma, on September 7, 2017, in response to a petition filed by Telrite Corporation, the Wireline Competition Bureau (“Bureau”) has already granted a temporary 90-day waiver of 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), and 54.410(f) of the Commission’s rules for all ETCs serving Lifeline subscribers residing in the U.S. Virgin Islands or Puerto Rico.⁴ Similarly, on September 8, 2017, in response to a petition filed by i-wireless, LLC, the Bureau granted a temporary 90-day waiver of the same rules for all ETCs providing service to Lifeline customers residing in Florida. The Commission has not yet granted similar waivers with respect to Texas and Louisiana with respect to the devastation wrought by Hurricane Harvey.

The Commission’s rules may be waived for good cause shown.⁵ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁶ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an

³ Letter from Issa Asad, CEO of Q Link Wireless to Ajit Pai, FCC Chairman and Commissioners at 2, WC Docket No. 11-42 (Sept. 6, 2017).

⁴ Lifeline and Link Up Reform and Modernization, et al., Order, DA 17-860 (rel. Sept. 7, 2017) (“Telrite Order”).

⁵ 47 CFR § 1.3.

⁶ See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

overall basis.⁷ Waiver of the Commission's rules is therefore appropriate if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest. Those criteria are met under the exceptional circumstances of these twin disasters.

Granting a temporary 90-day waiver of sections 54.405(e)(3) and 54.407(c)(2) of the Commission's rules for Q Link's nearly 300,000 Lifeline customers in Texas and Louisiana would be in the public interest. A waiver would promote the maintenance and rebuilding of communities affected by Hurricane Harvey, and facilitate continued access to telecommunications services for disaster victims.⁸ Under the relevant rules, ETCs must de-enroll Lifeline subscribers who do not pay a monthly fee for their Lifeline-supported service and do not use that service for 30 consecutive days.⁹ Waiver of these rules will help low-income consumers retain access to emergency communications services during this natural disaster, and will allow ETCs to continue providing Lifeline service to disaster victims in the affected areas without requiring those subscribers to de-enroll and re-enroll in the program as they are rebuilding from the devastation of a hurricane. At the expiration of the waiver period, Lifeline subscribers who are subject to the non-usage rule would have 30 days to use their Lifeline service for the purposes of section 54.405(e)(3) of the Commission's rules.¹⁰

Waiver of sections 54.405(e)(4) and 54.410(f) of the Commission's rules for ETCs with subscribers whose service anniversary dates fall within the next 90 days is also in the public

⁷ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular* at 1166.

⁸ See Telrite Order ¶ 5; Lifeline and Link Up Reform and Modernization et al., Order, DA 17-864, ¶ 5 (rel. Sept. 8, 2017) ("i-wireless Order").

⁹ Telrite Order ¶ 5; i-wireless Order ¶ 5.

¹⁰ Telrite Order ¶ 5; i-wireless Order ¶ 5.

interest.¹¹ Waiver of these rules will allow ETCs serving Lifeline subscribers in Texas and Louisiana additional time to complete the recertification process for those subscribers whose service anniversary dates fall within the next 90 days. Disruptions to telephone and Internet service resulting from Hurricanes Harvey could make it difficult, if not impossible, for Lifeline subscribers to receive and respond to recertification requests and reminders, and in the near future Texas' eligibility database, which ETCs use to conduct automated eligibility reverifications, has been disrupted.¹² At the expiration of the waiver period, subscribers whose service anniversary dates fell during the waiver period would have 60 days to respond to their ETC's recertification efforts.¹³

Accordingly, Q Link respectfully requests that the Commission or Bureau grant it a temporary 90-day waiver of 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), and 54.410(f) for Texas and Louisiana.

Respectfully submitted,



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¹¹ Telrite Order ¶ 6; i-wireless Order ¶ 6.

¹² See Telrite Order ¶ 6; i-wireless Order ¶ 6.

¹³ Telrite Order ¶ 6; i-wireless Order ¶ 6.