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January 5, 2012

**VIA ECFS**

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

Re: Q LINK WIRELESS LLC  
Petition for Designation as an Eligible Telecommunications Carrier  
WC Docket No. 09-197

Dear Ms. Dortch:

Attached please find Q LINK WIRELESS LLC's Petition for Limited Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and the District of Columbia.

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,



Kasey Chow, Associate to  
Lance J.M. Steinhart  
Attorney for Q LINK WIRELESS LLC

cc: Issa Asad

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**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
)  
Federal-State Joint Board on Universal Service ) WC Docket No. 09-197  
)  
Q LINK WIRELESS LLC )  
)  
Petition for Limited Designation as an Eligible )  
Telecommunications Carrier in the States of )  
Alabama, Connecticut, Delaware, Florida, New )  
Hampshire, New York, North Carolina, )  
Tennessee, the Commonwealth of Virginia, )  
and the District of Columbia )

**PETITION FOR LIMITED DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE STATES OF ALABAMA,  
CONNECTICUT, DELAWARE, FLORIDA, NEW HAMPSHIRE, NEW YORK, NORTH  
CAROLINA, TENNESSEE, THE COMMONWEALTH OF VIRGINIA, AND THE  
DISTRICT OF COLUMBIA**

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January 5, 2012

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## SUMMARY

Q LINK WIRELESS LLC (“Q LINK”) is seeking limited designation as an Eligible Telecommunications Carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and the District of Columbia (collectively the “Non-Jurisdictional States”) pursuant to Section 214(e)(6) of the Communications Act, solely for purposes of offering services supported by the Universal Service Fund’s (“USF”) Low-Income program. Q LINK purchases wireless service on a wholesale basis from Sprint Nextel via Boomerang Wireless, LLC d/b/a Ready Mobile (“Ready Mobile”). The Commission may perform ETC designations for entities not subject to the jurisdiction of a state commission, and the Non-Jurisdictional States have each provided an affirmative statement that it does not exercise jurisdiction over wireless providers for purposes of ETC designation. Accordingly, pursuant to Section 214(e)(6), the Commission has the necessary authority to designate Q LINK as an ETC in the Non-Jurisdictional States.

Q LINK meets all of the necessary requirements under Section 214(e)(1) for the limited ETC designation requested herein. Section 214(e)(1)(A) of the Act requires an ETC to offer USF-supported services over its own facilities or a combination of its own facilities and the resale of another carrier’s services. Through a combination of its own facilities and contracts with underlying carriers, Q LINK has the ability to offer the services and functionalities supported by the USF and set forth in Section 54.101(a) of the Commission’s rules. Q LINK respectfully requests that the Commission promptly approve the instant request for limited ETC designation to enable Q LINK to rapidly provide Lifeline services to qualifying customers in the Non-Jurisdictional States.

Designating Q LINK as an ETC in the Non-Jurisdictional States will promote the public interest by providing qualifying low-income customers in the Non-Jurisdictional States with

lower prices and high-quality wireless services. Many low-income customers in the Non-Jurisdictional States have yet to reap the well-documented benefits of wireless service because of financial constraints, poor credit history, or sporadic employment. Q LINK's prepaid service offerings are ideally suited to provide these customers with reliable and cost-effective wireless services. As an ETC, Q LINK will be able to provide discounted and affordable services to these consumers, who are the intended beneficiaries of USF support. Q LINK's designation will specifically serve the public interest because of the aggressive pricing plans that Q LINK will provide (see Exhibit A).

Accordingly, designating Q LINK as an ETC for Lifeline service is consistent with precedent, will serve the public interest, and should be granted without delay.

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CAROLINA, TENNESSEE, THE COMMONWEALTH OF VIRGINIA, AND THE  
DISTRICT OF COLUMBIA**

**I. INTRODUCTION**

Q LINK WIRELESS LLC (“Q LINK”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”), and Section 54.201 of the rules of the Federal Communications Commission (“FCC” or “Commission”), hereby requests limited designation as an eligible telecommunications carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and the District of Columbia (collectively the “Non-Jurisdictional States”). Q LINK seeks ETC designation in the Non-Jurisdictional States only for purposes of participation in the Universal Service Fund’s (“USF”) Low-Income programs and does *not* seek to participate in the High-Cost support program.

Since the Alabama Public Service Commission, the Connecticut Department of Public Utility Control, the Delaware Public Service Commission, the District of Columbia Public Service Commission, the Florida Public Service Commission, the New Hampshire Public Utilities Commission, the New York Public Service Commission, the North Carolina Utilities Commission, the Tennessee Regulatory Authority, and the Virginia State Corporation Commission (collectively, the “State Commissions”) lack jurisdiction to consider Q LINK’s request for designation as an ETC, the Commission, under Section 214(e)(6) of the Act, has the necessary jurisdictional authority to consider and grant this request.<sup>1</sup>

As more fully described below, and as certified in Exhibit L, Q LINK satisfies the requirements for designation as an ETC in the Non-Jurisdictional States and will offer all of the services and functionalities supported by the universal service program throughout its designated service areas in the Non-Jurisdictional States. Grant of Q LINK’s request, therefore, will promote the public interest by providing customers in the Non-Jurisdictional States with lower prices and higher quality wireless services.

## **II. BACKGROUND**

### **A. Q LINK Overview**

Q LINK is a Delaware Limited Liability Company with principal offices located at 499 Sheridan Street, Suite 300, Dania, Florida 33004.<sup>2</sup> Q LINK will provide prepaid wireless telecommunications services to consumers by using the Sprint Nextel (“Sprint”) network to offer nationwide service. Sprint is a nationwide carrier that provides wholesale capacity on its wireless network to Q LINK. Pursuant to an existing agreement in combination with its own facilities, Q

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<sup>1</sup> See 47 U.S.C. § 214(e)(6).

<sup>2</sup> Q Link was organized in the State of Delaware on August 25, 2011.

LINK will obtain from Sprint the network infrastructure and wireless transmission facilities to allow Q LINK to operate much like TracFone Wireless, Inc. (“TracFone”) and Virgin Mobile USA, L.P. (“Virgin Mobile”), both of whom have been granted ETC status by the Commission,<sup>3</sup> but with its own facilities capabilities to provide supported services. Q LINK will purchase wireless services from Sprint via Ready Mobile on a wholesale basis for calling and text messaging, package those services into Q LINK’s own service plans and pricing, and bundle the wireless service with Q LINK’s handset selection, mobile applications, marketing materials, web interface, and customer service to produce finished wireless service offerings to sell to end-user customers.

Q LINK’s prepaid wireless services are affordable, easy to use, and attractive to lower-income and lower-volume consumers. These services provide consumers with access to emergency services and a reliable means of communication that can be used at home and while traveling to remain in touch with friends and family, and for contacting prospective employers. By providing affordable wireless plans and quality customer service to consumers who are otherwise unable to afford them, or were previously ignored by traditional carriers, Q LINK will expand the availability of wireless services to many more consumers, which is the principal reason that Congress created the universal service program.

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<sup>3</sup> *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.C.S. §214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005); *Petition of Virgin Mobile USA, L.P. for Forbearance from 47 U.C.S. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 24 FCC Rcd 3381 (2009) (collectively, the “*Forbearance Orders*” or, individually, the “*TracFone Forbearance Order*,” or “*Virgin Mobile Forbearance Order*,” as applicable). The Commission had previously granted TracFone forbearance from the facilities requirement for ETC designation, permitting TracFone to offer the supported services via resale only. *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) (“*TracFone Forbearance Order*”). The *Virgin Mobile Order* contained both the forbearance analysis and ETC designation.

Q LINK will offer consumers a variety of simple and affordable prepaid calling plans, easy-to-use handsets, and high-quality customer service. Given its pricing and marketing strategy and the demographics of other, similar Mobile Virtual Network Operators' ("MVNO") customers, Q LINK anticipates that many of its customers will be from lower-income backgrounds and will not have previously enjoyed access to wireless service because of economic constraints, poor credit history, or sporadic employment. Q LINK will not conduct credit checks or require customers to enter into long-term service contracts as a prerequisite to obtaining wireless service. Q LINK will allow customers to choose a prepaid plan that best suits their needs.

Q LINK intends to be a leader in the prepaid wireless marketplace by offering consumers exceptional value and competitive amounts of voice usage at all price points. Attached hereto as Exhibit A is a table of Q LINK's rate plans, showing that Q LINK will provide customers with a minimum of 68 free minutes and a free handset in its Lifeline service offering.<sup>4</sup> Q LINK's Lifeline rate plans will provide customers with the same features and functionalities enjoyed by all other Q LINK prepaid customers, with one notable exception: prepaid Lifeline services will be free of charge. As Exhibit A demonstrates, Q LINK will provide customers the choice of one of the following three (3) Lifeline Plans:

- a. Plan 1: 68 Monthly Minutes. Under Plan 1, eligible customers enjoy 68 anytime minutes that rollover and free international long distance.<sup>5</sup> Text messaging is at the rate of one-third of one minute (3 texts = 1 minute).

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<sup>4</sup> Q LINK expects that the Company's Lifeline service offering may change as the wireless market evolves. As such, the Company requests that the Commission's grant of ETC designation provide it with the requisite authority to modify the parameters of the offerings as marketplace conditions develop.

<sup>5</sup> If you are on Plan 1, there is no additional charge for international long distance to countries designated at [www.qlinkwireless.com](http://www.qlinkwireless.com).

- b. Plan 2: 125 Monthly Minutes. Under Plan 2, eligible customers enjoy 125 anytime minutes that rollover. Text messaging is at the rate of one minute (1 text = 1 minute).
- c. Plan 3: 250 Monthly Minutes. Under Plan 3, eligible customers enjoy 250 anytime minutes. Minutes do not rollover. Text messaging is at the rate of one minute (1 text = 1 minute).

Customers have the capability of purchasing additional bundles of minutes in denominations as low as \$9.99, \$19.99, \$29.99, and \$59.99.<sup>6</sup> Airtime replenishment cards will be made available at retail outlets frequented by low-income customers throughout the Company's Service Area. In addition to free voice services, all of Q LINK's Lifeline plans will include a free handset and the following Custom Calling features: Caller ID, Call Waiting, and Voicemail. Customers may use their minutes to place domestic long distance calls at no additional charge. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes, and calls to Q LINK customer service are also free.

Customers can change their plan on their monthly plan date, without penalty, should they determine that another plan better meets their needs or should their needs change. As mentioned before, Q LINK does not impose burdensome credit checks, long-term service contracts, or roaming charges.

Q LINK's Lifeline offerings will not only allow feature-rich mobile connectivity for qualifying subscribers *at no cost to the subscriber*, but will also bring more variety of rate plans into the reach of Lifeline customers that are comparable in minutes and features to those available to post-paid wireless subscribers, just with low Lifeline rates. Q LINK's prepaid

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<sup>6</sup> \$9.99 = 50 minutes, \$19.99 = 120 minutes, \$29.99 = 200 minutes, and \$59.99 = 450 minutes.

offerings will be an attractive alternative for consumers who need the mobility, security, and convenience of a wireless phone, but who are concerned about usage charges or long-term contracts.

## **B. Lifeline Program**

Universal service has been a fundamental component of U.S. telecommunications policy since adoption of the Communications Act over 70 years ago. Section 254 embodies the Commission's historical commitment to the concept of universal service, particularly for low-income consumers. Section 254(b) sets forth the principles upon which the Commission shall base its policies for the promotion and advancement of universal service. These principles require the Commission to ensure that all consumers, including and especially low-income consumers, have access to telecommunications services at affordable and reasonably comparable rates.<sup>7</sup> The Low-Income program was designed to assist low-income individuals obtain quality telecommunications services through the Lifeline and Link-Up programs.<sup>8</sup> Lifeline support helps defray the monthly costs of telecommunications services for lower-income consumers by providing them with discounts off the monthly cost of telephone service, with additional discounts available for individuals living on tribal lands.<sup>9</sup> Link-Up provides qualifying low-income consumers with discounts for initial activation costs.<sup>10</sup>

While generally praising the Low-Income program's success, the Commission has noted that "there is more that we can do to make telephone service affordable for more low-income

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<sup>7</sup> See 47 U.S.C. § 254. Section 254(b)(3) of the Act requires the Commission to determine whether "consumers in all regions of the Nation, *including low-income consumers* and those in rural, insular, and high cost areas...have access to telecommunications [services] ...". 47 U.S.C. § 254(b)(3) (emphasis added).

<sup>8</sup> 47 C.F.R. §§ 54.401 and 54.411.

<sup>9</sup> 47 C.F.R. §§ 54.400 and 54.401.

<sup>10</sup> 47 C.F.R. § 54.411(a)(1).

households,” and has specifically targeted the low Lifeline participation rate as one area for improvement.<sup>11</sup> Commission concerns regarding the underutilization of the Lifeline program have existed since its inception.<sup>12</sup> According to the most recent estimates issued by the USAC in 2010, only five (5) states had more than 50 percent of eligible low-income households subscribe to the program, while almost half the states had a participation rate of less than 20 percent.<sup>13</sup> To increase awareness of the program, the Commission has expanded the qualifying criteria and adopted broader outreach guidelines, requiring carriers to better advertise the availability of Lifeline services. Through these actions, the Commission has sought to increase Lifeline participation because “improve[d] participation in the Lifeline program...would increase telephone subscribership and/or make rates more affordable for low-income households.”<sup>14</sup>

### **III. THE COMMISSION HAS AUTHORITY TO PERFORM THE ETC DESIGNATION**

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific universal service support.”<sup>15</sup> The Act reserves the authority to designate entities as ETCs to state public utility commissions (“PUCs”). Pursuant to Section 214(e)(6), however, the Commission may designate as an ETC “a common carrier providing telephone exchange service and exchange access that is not subject to

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<sup>11</sup> See *Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302, 8305 ¶ 1 (2004) (“*Lifeline Order*”). According to the Commission’s own statistics, only one-third of households eligible for Lifeline assistance actually participated in the program just a few years ago. *Id.*

<sup>12</sup> See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8972 ¶ 370 (1997) (subsequent history omitted) (“*Universal Service First Report and Order*”).

<sup>13</sup> See Exhibit N for map of Lifeline Participation Rates. Information available at: <http://www.usac.org/li/about/participation-rate-information.aspx>.

<sup>14</sup> See *Lifeline Order*, 19 FCC Rcd at 8312 ¶ 13.

<sup>15</sup> 47 U.S.C. § 254(e).

the jurisdiction of a state commission.”<sup>16</sup> The Commission has established that a carrier must demonstrate that it “is not subject to the jurisdiction of a state commission” before it may consider an application for ETC designation.<sup>17</sup> The Commission also has stated that any carrier seeking ETC designation from it must provide the Commission with an “affirmative statement” from the state PUC that it lacks jurisdiction to perform the ETC designation.”<sup>18</sup>

a) The Alabama Public Service Commission has concluded that it “has no jurisdiction to take action” on ETC petitions, and that “wireless providers seeking ETC status should pursue their ETC designation request with the FCC.” A copy of the Alabama Public Service Commission’s order is attached as Exhibit B.

b) The Connecticut Department of Public Utility Control has provided a letter clarifying that it lacks jurisdiction to entertain Q LINK’s ETC petition. The letter is attached as Exhibit C.

c) The Delaware Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain Q LINK’s ETC petition. The letter is attached as Exhibit D.

d) The District of Columbia Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain Q LINK’s ETC petition. The letter is attached as Exhibit E.

e) The Florida Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain Q LINK’s ETC petition. The letter is attached as Exhibit F.

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<sup>16</sup> See 47 U.S.C. § 214(e)(6).

<sup>17</sup> See *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public Notice, 12 FCC Rcd 22947, 22948 (1997).

<sup>18</sup> See *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscriberhip in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 ¶ 113 (2000).

f) The New Hampshire Public Utilities Commission has provided a letter clarifying that it lacks jurisdiction to entertain Q LINK's ETC petition. The letter is attached as Exhibit G.

g) The New York Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain Q LINK's ETC petition. The letter is attached as Exhibit H.

h) The North Carolina Utilities Commission has concluded that "the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC." A copy of the North Carolina Utilities Commission's Order is attached as Exhibit I.

i) The Tennessee Regulatory Authority has concluded that its statutory "lack of jurisdiction over CMRS providers" precludes it from processing ETC petitions. A copy of the Tennessee Regulatory Authority's order is attached as Exhibit J.

j) The Virginia Corporation Commission has concluded that "§ 214(e)(6) of the Act is applicable" to wireless ETC petitions "because [the Virginia Commission] has not asserted jurisdiction over CMRS carriers," and that wireless ETC applicants "should apply to the Federal Communications Commission." A copy of the Virginia Commission's Order is attached as Exhibit K.

Accordingly, for each of the Non-Jurisdictional States, Q LINK requests that the Commission exercise its authority under Section 214(e)(6) and determine that Q LINK is "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission."<sup>19</sup>

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<sup>19</sup> 47 U.S.C. § 214(e)(6).

#### **IV. Q LINK REQUESTS ETC DESIGNATION IN ITS SERVICE AREAS IN THE NON-JURISDICTIONAL STATES FOR PARTICIPATION IN THE LIFELINE PROGRAM**

##### **A. Q LINK Requests ETC Designation in its Existing Service Area**

Consistent with prior orders granting other MVNOs ETC status,<sup>20</sup> Q LINK requests ETC designation for its entire service area in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia (i.e. the area served by the facilities-based carriers from whom it obtains wholesale service), but excluding any Tribal Areas. Q LINK understands that its service area may overlap with several rural carriers' service areas but maintains that the public interest factors described below justify its designation in these service areas, especially since it only seeks ETC designation for purposes of participation in the Lifeline program.<sup>21</sup> Q LINK does not seek ETC status in any Tribal Areas.

##### **B. Q LINK's Limited ETC Designation Request Only Seeks Authority to Participate in the Lifeline Program**

Q LINK requests ETC designation in the Non-Jurisdictional States for the sole purpose of participating in the Lifeline program. Q LINK does not seek eligibility to receive support from the High Cost support program. As demonstrated herein, the instant request to participate in the Lifeline program is consistent with the Commission's requirements for ETC designation, and would promote the goals of universal service by offering the many benefits of supported services to low-income customers in the Non-Jurisdictional States. As discussed above, Q LINK's Lifeline offerings will include many features specifically designed for qualifying low-income

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<sup>20</sup> See *TracFone ETC Order* and *Virgin Mobile Order*, *supra* note 3.

<sup>21</sup> See Exhibit O for a list of the study areas in the Non-Jurisdictional States. Please be advised that the list for Florida is not currently available at this time.

customers, who currently lack appealing and affordable options for wireless services, many of whom are therefore unable to subscribe to wireless services.

**C. The Limited Designation Request is Consistent with Recent Precedent**

Q LINK's request for designation to participate in the Lifeline program is consistent with the Commission's decisions conditionally designating TracFone Wireless and Virgin Mobile as ETCs in several states.<sup>22</sup> In its decisions, the Commission determined that the requests of TracFone and Virgin Mobile satisfied all of the necessary eligibility requirements and that designation would serve the public interest.<sup>23</sup> The Commission specifically noted in the *TracFone* and *Virgin Mobile Orders* that designation of prepaid wireless providers as ETCs will provide a variety of benefits to low-income consumers, including increased consumer choice, high-quality service offerings and mobile access to emergency services on wireless devices.<sup>24</sup>

Q LINK requests that the Commission expeditiously process its pending ETC applications so that it can quickly join TracFone and Virgin Mobile in providing qualifying lower-income customers with affordable USF-supported wireless services. Designation of prepaid wireless providers such as TracFone, Virgin Mobile, and Q LINK as ETCs is a significant step towards ensuring that all customers, particularly low-income customers, share in the many benefits associated with access to affordable wireless telecommunications services. During an economic downturn, many existing wireless customers have to forego wireless services because they can no longer afford them. Designation of ETC status to prepaid wireless carriers like TracFone, Virgin Mobile, and Q LINK would help to close the widening gap for

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<sup>22</sup> See *supra* note 3.

<sup>23</sup> See *TracFone ETC Order*, 23 FCC Rcd at 6212-13 ¶ 15; *Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38.

<sup>24</sup> See *Id.*

wireless services and provide low-income customers with the significant advantages associated with access to wireless services. As noted in a study sponsored by the Massachusetts Institute of Technology's Legatum Center for Development and Entrepreneurship and New Millennium Research Council, low-income customers receive significant economic and social benefits from wireless services, including enhanced productivity, increased economic opportunity, and broader access to emergency and safety services.<sup>25</sup>

## **V. Q LINK SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC**

Section 214(e)(1) of the Act and Section 54.201(d) of the Commission's rules provide that applicants for ETC designation must be common carriers that will offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services. Applicants also must commit to advertise the availability and rates of such services.<sup>26</sup> As detailed below, Q LINK satisfies each of the requirements.

### **A. Q LINK is a Common Carrier**

CMRS providers like Q LINK are treated as common carriers for regulatory purposes.<sup>27</sup>

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<sup>25</sup> Nicholas P. Sullivan, New Millennium Research, *Cell Phones Provide Significant Economic Gains for Low-Income American Households: A Review of Literature and Data from Two New Surveys*, (April 2008), available at [http://newmillenniumresearch.org/archive/Sullivan\\_Report\\_032608.pdf](http://newmillenniumresearch.org/archive/Sullivan_Report_032608.pdf).

<sup>26</sup> See 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

<sup>27</sup> *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 ¶ 37, 1454-55 ¶ 102 (1994) (wireless resellers are included in the statutory "mobile services" category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. § 332(c)(1)(A) ("mobile services" providers are common carriers); see also *PCIA Petition for Forbearance for Broadband PCS*, WT Docket No. 98-100, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 16857, 16911 ¶ 111 (1998) ("We concluded [in the *Second Report and Order*] that CMRS also includes the following common carrier services: cellular service, ... all mobile telephone services and resellers of such services.") (emphasis added).

**B. Q LINK Will Provide the Supported Services Through a Combination of Its Own Facilities and Resale**

Q LINK, in its provision of wireless services, will rely on a combination of resold services which the Company will obtain from underlying wireless providers that currently operate their own networks, as well as Company-owned facilities, thus allowing Q LINK to meet the FCC's test that requires an ETC to provide services, at least in part, through a "combination of its own facilities and resale of another carrier's services".<sup>28</sup> Q LINK's facilities provide the Company the ability to route local traffic, international traffic, interexchange services, operator services and directory assistance services.

The FCC stated in its Universal Service Order, 12 FCC Rcd 8853, FCC 97-157 ("USF Order"), at para. 169 that:

*We adopt the Joint Board's analysis and conclusion that a carrier need not offer universal service wholly over its own facilities in order to be designated as eligible because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale. Although the Joint Board did not reach this issue, we find that the statute does not dictate that a carrier use a specific level of its "own facilities" in providing the services designated for universal service support given that the statute provides only that a carrier may use a "combination of its own facilities and resale" and does not qualify the term "own facilities" with respect to the amount of facilities a carrier must use. For the same reasons, we find that the statute does not require a carrier to use its own facilities to provide each of the designated services but, instead, permits a carrier to use its own facilities to provide at least one of the supported services.*

In affirming its own decisions, the FCC chose to continue to define the term "own facilities" as "any physical components of the telecommunications network that are used in the transmission of the services that are designated for support"<sup>29</sup> (emphasis added). The Communications Act's definition of "network element" matches that of the FCC and defines a

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<sup>28</sup> See 47 U.S.C. § 214(e)(1)(A).

<sup>29</sup> See 47 C.F.R. § 54.101; 47 C.F.R. § 54.201(e).

“network element” as “a facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.”<sup>30</sup> All facilities-based carriers have and use network elements.<sup>31</sup> Therefore, Q LINK is eligible to be designated as an ETC for purposes of participation in the Universal Service Fund’s (“USF”) Lifeline program.

### **C. Q LINK Offers All of the Required Services and Functionalities**

Through its own facilities and wholesale arrangements with Sprint, Q LINK is able to provide all of the services and functionalities supported by the universal service program under Section 54.101 of the Commission’s rules in the Non-Jurisdictional States. Q LINK will make these services and functionalities available to qualifying Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia customers.

#### **1. Voice Grade Access to the Public Switched Telephone Network**

Q LINK provides voice grade access to the public switched telephone network (“PSTN”) through the use of its own switch facilities and the purchase of wholesale CMRS services from Sprint. Bandwidth for this voice-grade access is at minimum between 300 and 3,000 MHz as required by the Commission’s rules.<sup>32</sup>

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<sup>30</sup> See 47 U.S.C. § 153(29).

<sup>31</sup> Only ILEC network elements can be designated as “unbundled” under 47 U.S.C. § 251(c)(3) using the criteria in 47 U.S.C. § 251(d)(2), but all facility-based carriers, including nondominant wireline and wireless carriers also have “network elements.”

<sup>32</sup> See 47 U.S.C. § 54.101(a)(1).

## **2. Local Usage**

As part of the voice grade access to the PSTN, an ETC must provide local calling services to its customers. The FCC has determined that a carrier satisfies the local usage requirements when it offers customers rate plans containing varying amounts of local usage.<sup>33</sup> Q LINK offers a variety of rate plans that provide its customers with local usage capabilities in the form of monthly plans, unlimited plans or pay-per-use plans.

## **3. Access to Emergency Services**

Q LINK provides nationwide access to 911 and E911 emergency services for all of its customers. Q LINK also complies with the Commission's regulations governing the deployment and availability of enhanced 911 compatible handsets.

## **4. Toll Limitation for Qualifying Low-Income Consumers**

Toll limitation allows customers to block the completion of outgoing long distance calls to prevent them from incurring significant long distance charges and risking disconnection. As described above, Q LINK provides its wireless service on a prepaid, or pay-as-you-go, basis. Q LINK's service, moreover, is not offered on a distance-sensitive basis and minutes are not charged separately for local or domestic long distance services. Customers also must specifically authorize access for international services, for which additional charges may apply. As the Commission found in the *Virgin Mobile Order*, "the prepaid nature of [a prepaid wireless service provider's] service offering works as an effective toll control."<sup>34</sup> The nature of Q LINK's

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<sup>33</sup> See e.g., *Farmers Cellular, Inc.*, CC Docket No. 96-45, Memorandum Opinion and Order, 18 FCC Rcd 3848, 3852 ¶ 9 (2003); *Pine Belt Cellular, Inc. and Pine Belt PCS, Inc.*, CC Docket No. 96-45, Memorandum Opinion and Order, 17 FCC Rcd 9589, 9593 ¶ 10 (2002); *Western Wireless Corp., Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd 48, 52 ¶ 10 (2000).

<sup>34</sup> See *Virgin Mobile Order*, 24 FCC Rcd at 3394 ¶ 34.

service, therefore, mitigates any concerns that low-income customers will incur significant charges for long distance calls resulting in disconnection of their service.

**5. Dual Tone Multi-Frequency Signaling or its Functional Equivalent**

While no longer required, Q LINK provides dual tone multi-frequency (“DTMF”) signaling to expedite the transmission of call set up and call detail information throughout the network. All wireless handsets offered for sale by the company are DTMF-capable.

**6. Single-Party Service or its Functional Equivalent**

While no longer required, “single-party service” means that only one party will be served by a subscriber loop or access line during a telephone transmission. Q LINK provides single party service to its customers for the duration of each telephone call, and does not provide multi-party (or “party-line”) services.

**7. Access to Interexchange Services**

While no longer required, Q LINK’s service provides its customers with the ability to make interexchange, or long distance, telephone calls. In fact, interexchange calls are included in Q LINK’s service with no additional charge.

**8. Access to Operator Services**

While no longer required, Q LINK provides all of its customers with access to operator services.

**9. Access to Directory Assistance**

While no longer required, all Q LINK customers are able to dial “411” to reach directory assistance services from their wireless handsets.

**D. Advertising of Supported Services**

Q LINK will broadly advertise the availability and rates for the services described above using media of general distribution as required by Section 54.201(d)(2) of the Commission’s

regulations.<sup>35</sup> The Company will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline services, using media of general distribution that may include advertisements via television, newspapers, radio, and the internet.<sup>36</sup> These advertising campaigns will be specifically targeted to reach low-income consumers and promote the availability of cost-effective wireless services to this neglected consumer segment.

In addition, Q LINK will utilize its network of retail partners to help promote the availability of its Lifeline plans, especially those retail outlets that are frequented by lower income consumers. Q LINK will provide retail vendors with signage to be displayed where Q LINK products are sold, and with printed materials describing Q LINK's Lifeline program. Q LINK expects to be able to inform consumers of the availability of Lifeline service in a manner that will result in significantly higher participation in the Lifeline program by qualified consumers than has been the case in the past. Q LINK believes that its advertising and outreach efforts will result in increased participation in the Lifeline program.

## **VI. DESIGNATION OF Q LINK AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST**

### **A. Goals of the Communications Act**

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is “to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies” to all citizens, regardless of geographic location or income.<sup>37</sup> There is no question that designation of Q LINK as an ETC in the Non-Jurisdictional States will promote the public interest by providing

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<sup>35</sup> See 47 C.F.R. § 54.201.

<sup>36</sup> See Exhibit M for sample advertisements.

<sup>37</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

low-income consumers in the Non-Jurisdictional States with more affordable and higher quality wireless services. Many lower-income consumers have yet to reap the full benefits of the wireless marketplace. Whether because of financial constraints, poor credit or sporadic employment, these consumers often lack access to the benefits that wireless services bring to other consumers.<sup>38</sup> Designating Q LINK as an ETC in the Non-Jurisdictional States will enable it to expand the availability of affordable telecommunications services to qualifying consumers, leading to lower prices and increased choice.<sup>39</sup>

The instant request for limited ETC designation must be examined in light of the Act's goal of providing low-income consumers with access to telecommunications services. The primary purpose of universal service is to ensure that consumers, particularly low-income consumers, receive affordable and comparable telecommunications services. Given this context, designating Q LINK as an ETC would significantly benefit low-income consumers eligible for Lifeline services in the Non-Jurisdictional States. The company's participation in the Lifeline program would undoubtedly increase opportunities to serve these consumers with low cost, high quality wireless services.

Q LINK's Lifeline customers will receive the same high-quality wireless services and exceptional customer service provided to all the Company's customers. Q LINK's Lifeline rate plans will not only allow feature-rich mobile connectivity for qualifying subscribers *at no cost to the subscriber*, but also will bring a variety of rate plans into the reach of Lifeline customers that are comparable in minutes and features to those available to post-paid wireless subscribers. By

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<sup>38</sup> See *supra* note 25.

<sup>39</sup> See *TracFone ETC Order*, 23 FCC Rcd at 6212 ¶ 15; *Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38; *Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934*, CC Docket No. 96-61, Second Report and Order, 11 FCC Rcd 20730, 20760 ¶ 52 (1996).

allowing customers to choose the Lifeline rate plan that best meets their individual needs, Q LINK presents a benefit to low-income consumers and establishes itself as a pioneer in the prepaid wireless marketplace.

Low-income consumers will further benefit from Q LINK's service because Q LINK's Lifeline service will provide low-income residents with the convenience and security offered by wireless services — even if their financial position deteriorates. ETC designation in the Non-Jurisdictional States would enable Q LINK to offer attractive and affordable service offerings to low-income customers to ensure that they are able to afford wireless services on a consistent and uninterrupted basis. Without question, prepaid wireless services have become essential for lower-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 authority necessary to offer discounted Lifeline services to those most in danger of losing wireless service altogether undoubtedly promotes the public interest.

In sum, ETC designation in the Non-Jurisdictional States would enable Q LINK to provide all of the public benefits cited by the Commission in its analysis in the *TracFone* and *Virgin Mobile Orders*. Namely, Q LINK would provide “increased consumer choice, high-quality service offerings, and mobility,”<sup>40</sup> as well as the safety and security of effective 911 and E911 services.<sup>41</sup>

## **B. The Benefits of Competitive Choice**

The benefits to consumers of being able to choose from among a variety of

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<sup>40</sup> See *Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38; *TracFone ETC Order*, 23 FCC Rcd at 6212 ¶ 15.

<sup>41</sup> See *Virgin Mobile Order*, 24 FCC Rcd at 3391 ¶ 23.

telecommunications service providers have been acknowledged by the FCC for more than three decades.<sup>42</sup> Designation of Q LINK as an ETC will promote competition and innovation, and spur other carriers to target low-income consumers with service offerings tailored to their needs and to improve their existing networks to remain competitive, resulting in improved services to consumers. Designation of Q LINK as an ETC will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act.<sup>43</sup> Designation of Q LINK as an ETC would offer Lifeline-eligible consumers an additional choice of providers for accessing telecommunications services, representing a significant step towards ensuring that all low-income consumers share in the many benefits associated with access to wireless services.

### **C. Impact on the Universal Service Fund**

Q LINK’s request for designation as an ETC solely for Lifeline purposes would not unduly burden the USF or otherwise reduce the amount of funding available to other ETCs. The secondary role of Lifeline support with respect to overall USF expenditures is well documented. According to the Joint-Board’s most recent monitoring report, Lifeline funding totaled approximately \$775 million in 2006 while high-cost program expenditures amounted to approximately \$4.1 billion—more than five times the amount of Lifeline funding.<sup>44</sup> Although many parties have raised concerns over the growth in the USF’s high-cost program, the Lifeline program has triggered no similar outcry. Limited designation of Q LINK as an ETC in the Non-Jurisdictional States, however, raises no similar concerns and any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers.

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<sup>42</sup> See, e.g., *Specialized Common Carrier Services*, 29 FCC Rcd 870 (1971).

<sup>43</sup> See 47 U.S.C. § 254(b)(1).

<sup>44</sup> See *Universal Service Monitoring Report*, CC Docket 98-202, Tables 2.2 and 3.1 (2008).

**VII. ANTI-DRUG ABUSE CERTIFICATION**

Q LINK certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

## VIII. CONCLUSION

As discussed above, designation of Q LINK as an ETC in the Non-Jurisdictional States accords with the requirements of Section 214(e)(6) of the Act and is in the public interest.

For all of the foregoing reasons, Q LINK respectfully requests that the Commission designate Q LINK as an ETC in the Non-Jurisdictional States.

Respectfully submitted,

**Q LINK WIRELESS LLC**

By: 

\_\_\_\_\_  
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*Its Attorney*

And

Issa Asad  
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Managing Member of  
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499 Sheridan Street, Suite 300  
Dania, Florida 33004  
(855) 754-6543  
[issa@qlinkwireless.com](mailto:issa@qlinkwireless.com)

January 5, 2012

## EXHIBIT A

### Q LINK WIRELESS LLC's Lifeline Rates

#### **Plan 1: 68 Monthly Minutes Plan\***

68 anytime minutes per month

(texts are one-third of one minute, i.e. 3 texts = 1 minute)

Net cost to Lifeline customer: **\$0 (free)**

\*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 68 anytime minutes (unused minutes rollover)
- Free Domestic Long Distance
- Free International Long Distance to countries designated at [www.qlinkwireless.com](http://www.qlinkwireless.com) (listed below)

#### **Plan 2: 125 Monthly Minutes Plan\***

125 anytime minutes per month

(texts are one minute, i.e. 1 text = 1 minute)

Net cost to Lifeline customer: **\$0 (free)**

\*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 125 anytime minutes (unused minutes rollover)
- Free Domestic Long Distance

#### **Plan 3: 250 Monthly Minutes Plan\***

250 anytime minutes per month

(texts are one minute, i.e. 1 text = 1 minute)

Net cost to Lifeline customer: **\$0 (free)**

\*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 250 anytime minutes (unused minutes *do not* rollover)
- Free Domestic Long Distance

## International Long Distance

### **Free International Calling Destinations on the 68 Monthly Minutes Plan**

(Certain special or off-network locations may be excluded from the Free International Long Distance. Calls to cellular phones are not included unless the word "Cellular" is specifically listed next to the country name. Numbers in parentheses () indicate the Country Code.)

Albania-Tirana (355)	French Guiana-Cellular (594)	Norway (47)
Andorra (376)	French Guiana (594)	Panama (507)
Argentina (54)	Georgia (995)	Paraguay (595)
Australia (61)	Germany (49)	Peru (51)
Austria (43)	Gibraltar (350)	Poland (48)
Bahamas-Cellular (1)	Greece (30)	Portugal (351)
Bahamas (1)	Guadeloupe (590)	Romania (40)
Bangladesh-Cellular (880)	Guatemala-Telgua (502)	Russia-Cellular (7)
Bangladesh-Chittagong (880)	Hong Kong-Cellular (852)	Russia (7)
Bangladesh-Dhaka (880)	Hong Kong (852)	San Marino-Cellular (378)
Bangladesh-Sylhet (880)	Hungary (36)	San Marino (378)
Belgium (32)	Iceland (354)	Saudi Arabia-Riyadh (966)
Bermuda-Cellular (1)	India-Cellular (91)	Singapore-Cellular (65)
Bermuda (1)	India (91)	Singapore (65)
Bolivia-La Paz (591)	Indonesia-Cellular (62)	Slovakia (421)
Bolivia-Santa Cruz (591)	Indonesia-Jakarta (62)	Slovenia (386)
Brazil (55)	Indonesia-Surabaya (62)	South Korea-Cellular (82)
Brunei-Cellular (673)	Iraq-Baghdad (964)	South Korea (82)
Brunei (673)	Ireland (353)	Spain (34)
Bulgaria (359)	Israel (972)	Sweden (46)
Canada-Cellular (1)	Italy (39)	Switzerland (41)
Canada (1)	Japan (81)	Taiwan-Cellular (886)
Chile (56)	Jordan (962)	Taiwan (866)
China-Cellular (86)	Kazakhstan (7)	Thailand (66)
China (86)	Kenya-Nairobi (254)	Turkey (90)
Columbia-Cellular (57)	Lithuania (370)	United Kingdom (44)
Columbia (57)	Luxembourg-Cellular (352)	Uzbekistan (7)
Costa Rica (506)	Luxembourg (352)	Venezuela (58)
Croatia (585)	Macao-Cellular (853)	Vietnam-Ho Chi Minh City (84)
Cyprus-Cellular (357)	Macao (853)	Zambia (260)
Cyprus (357)	Malaysia-Cellular (60)	
Czech Republic (420)	Malaysia (60)	
Denmark (45)	Malta (356)	
Dominican Republic (1)	Mexico (52)	
Estonia (372)	Monaco (377)	
Finland (358)	Netherlands (31)	
France (33)	New Zealand (64)	
French Antilles (594)		

**EXHIBIT B**

**Affirmative Statement of the Alabama Public Service Commission**

# Alabama Public Service Commission

## Orders

**PINE BELT CELLULAR, INC. and PINE BELT PCS, INC.,**

**Joint Petitioners**

**PETITION: For ETC status and/or clarification regarding the jurisdiction of the Commission to grant ETC status to wireless carriers.**

**DOCKET U-4400**

### ORDER

#### **BY THE COMMISSION:**

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214 (e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12<sup>th</sup> day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary

**EXHIBIT C**

**Affirmative Statement of the Connecticut Department of Public Utility Control**



**STATE OF CONNECTICUT**  
**DEPARTMENT OF PUBLIC UTILITY CONTROL**

December 9, 2011  
In reply, please refer to:  
UR:PAP

Lance J.M. Steinhart, Esquire  
1720 Windward Concourse  
Suite 150  
Atlanta, Georgia 30005

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions

Dear Mr. Steinhart:

The Public Utilities Regulatory Authority (Authority), formerly known as the Department of Public Utility Control, acknowledges receipt of your October 18, 2011 letter filed on behalf of Q Link Wireless LLC (QLink) seeking clarification as to whether the Authority asserts jurisdiction to designate competitive eligible telecommunications carriers (CETC) in Connecticut. According to your letter, QLink seeks designation as a CETC in Connecticut and believes that the Authority does not assert jurisdiction to designate CETCs in the state and that carriers must apply to the Federal Communications Commission for certification.

The Authority has reviewed your request and notes that it has approved requests for CETC status from wireline-based carriers. However, in the instant case, QLink is a mobile virtual network operator. The Authority does not regulate or license mobile carrier services' rates and charges and therefore, it is not subject to the Authority's jurisdiction for the purposes of designating CETC status.

Sincerely,

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
PUBLIC UTILITIES REGULATORY AUTHORITY

Kimberley J. Santopietro  
Executive Secretary

**EXHIBIT D**

**Affirmative Statement of the Delaware Public Service Commission**



STATE OF DELAWARE  
**THE PUBLIC SERVICE COMMISSION**  
861 SILVER LAKE BOULEVARD, SUITE 100  
CANNON BUILDING  
DOVER, DELAWARE 19904

October 21, 2011

**VIA ELECTRONIC MAIL**

Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005

RE: Delaware's Status as a Default State for the Federal Lifeline/Link-Up Program

Dear Mr. Steinhart:

I received your letter on behalf of Q Link Wireless LLC requesting clarification on Delaware's competitive eligible telecommunication carrier process. This is to confirm that Delaware is a "default" state and, therefore, it is the FCC, and not Delaware, that determines eligibility to receive the federally-subsidized price reductions. I am attaching the October 11, 2005 Order in PSC Docket No. 05-016T that discusses this issue in a Verizon Delaware, Inc. docket.

I will attach these documents to an email so that you will receive them expeditiously. If you would also like hard copies of the documents by mail let me know by e-mail and I will forward them to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Will O'Brien".

William F. O'Brien  
Executive Director

**EXHIBIT E**

**Affirmative Statement of the District of Columbia Public Service Commission**



**Public Service Commission of the District of Columbia**  
**1333 H Street, N.W., 2nd Floor, West Tower**  
**Washington, D.C. 20005**  
**(202) 626-5100**  
**www.dcpsc.org**

October 21, 2011

**Via First Class & Certified Mail**

Mr. Lance J.M. Stewart, P.C.  
Attorney At Law  
1725 Windward Concourse  
Suite 150  
Alpharetta, Georgia 30005

Dear Mr. Stewart:

Thank you for your October 18, 2011 letter stating the intent of Q Link Wireless LLC ("QLink") to seek designation as a competitive eligible telecommunication carrier ("CETC") in the District of Columbia. As you are aware, the Public Service Commission of the District of Columbia ("Commission") does not have jurisdiction over wireless carriers operating in the District of Columbia, pursuant to section 34-2006(b) of the District of Columbia Code.<sup>1</sup> Thus the Commission has no authority to designate QLink as an eligible telecommunications carrier in the District of Columbia.

Should you need anything further, please contact me at 202-626-5140 or [rbeverly@psc.dc.gov](mailto:rbeverly@psc.dc.gov).

Sincerely,

Richard A. Beverly  
General Counsel

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<sup>1</sup> Section 34-2006(b) states: Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.



D.C. Council Home

Home Search Help ©



## Welcome to the online source for the District of Columbia Official Code

### DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition Currentness

Division V. Local Business Affairs

Title 34. Public Utilities. (Refs &amp; Annos)

Subtitle V. Telecommunications.

Chapter 20. Telecommunications Competition. (Refs &amp; Annos)

**⇒§ 34-2006. Exemptions.**

(a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.

(b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.

(c) This chapter shall not:

- (1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;
- (2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;
- (3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or
- (4) Alter the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.

**CREDIT(S)**

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736; June 5, 2008, D.C. Law 17-165, § 3(c), 55 DCR 5171.)

**HISTORICAL AND STATUTORY NOTES****Prior Codifications**

1981 Ed., § 43-1456.

**Effect of Amendments**

**EXHIBIT F**

**Affirmative Statement of the Florida Public Service Commission**

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

## Public Service Commission

October 24, 2011

Ms. Kasey C. Chow  
Lance J.M. Steinhart, P.C.  
Attorney At Law  
1725 Windward Concourse  
Suite 150  
Alpharetta, GA 30005

**Re: Undocketed – Q Link Wireless LLC's ETC Designation**

Dear Ms. Chow:

We received your October 18, 2011 letter advising that Q Link Wireless LLC, a commercial mobile radio service provider, wish to seek designation as an ETC in Florida. You also requested an affirmative statement that the Florida Public Service Commission no longer assert jurisdiction to designate commercial mobile radio service providers as eligible telecommunication carriers in Florida.

This letter acknowledges that the revisions to Chapter 364, Florida Statutes, changed the Commission's jurisdiction regarding telecommunications companies. I direct your attention to Chapter 364, Florida Statutes, for the proposition that the Federal Communications Commission, rather than this Commission is the appropriate agency to consider Q Link Wireless LLC's bid for ETC status.

Sincerely,

Handwritten signature of S. Curtis Kiser.  
S. Curtis Kiser  
General Counsel

cc: Beth W. Salak, Director, Division of Regulatory Analysis  
Robert J. Casey, Public Utilities Supervisor, Division of Regulatory Analysis  
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel  
Ann Cole, Commission Clerk, Office of Commission Clerk

**EXHIBIT G**

**Affirmative Statement of the New Hampshire Public Utilities Commission**

THE STATE OF NEW HAMPSHIRE

CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Clifton C. Below  
Amy L. Ignatius

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



**PUBLIC UTILITIES COMMISSION**  
21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

March 28, 2011

**RE: ETC Certification in New Hampshire**

The federal Universal Service Fund (USF) was created by the Federal Communications Commission (FCC) to promote the availability of quality services at just and reasonable rates to all consumers including low-income customers and those in high cost areas and to increase nationwide access to advanced services in schools, libraries and rural health care facilities. To qualify for universal service funding a carrier must first be certified as an Eligible Telecommunications Carrier (ETC) by the state public utilities commission or, if the state does not assert this authority, by the FCC. *See* 47 U.S.C. §214 (e).

The New Hampshire Public Utilities Commission maintains authority to determine whether landline telecommunications carriers qualify as ETCs. Pursuant to New Hampshire RSA 362:6, the Commission has no jurisdiction over mobile radio communications services. Consequently, the state declines jurisdiction over the certification of wireless carriers as ETCs, leaving that responsibility to the FCC.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Anne Ross'.

F. Anne Ross

General Counsel

New Hampshire Public Utilities Commission

**EXHIBIT H**

**Affirmative Statement of the New York Public Service Commission**

STATE OF NEW YORK DEPARTMENT OF PUBLIC  
SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.state.ny.us

PUBLIC SERVICE COMMISSION

GARRY A. BROWN  
*Chairman*  
PATRICIA L. ACAMPORA  
MAUREEN F. HARRIS  
ROBERT E. CURRY JR.  
JAMES L. LAROCCA  
*Commissioners*



PETER McGOWAN  
*General Counsel*

JACLYN A. BRILLING  
*Secretary*

October 21, 2011

VIA EMAIL AND US MAIL

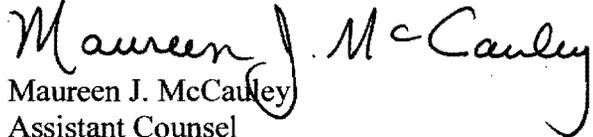
Kasey C. Chow  
Lance J.M. Steinhart, P.C.  
1725 Windward Councourse  
Suite 150  
Alpharetta, Georgia 30005

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions

Dear Ms Chow:

As you requested, enclosed is a letter providing an affirmative statement, required by the FCC, that the New York State Public Service Commission does not assert jurisdiction over wireless providers seeking Competitive Eligible Telecommunications Carrier designation.

Very truly yours,

  
Maureen J. McCauley  
Assistant Counsel

Enclosure

cc: Hon. Jaclyn A. Brillling, Secretary

STATE OF NEW YORK DEPARTMENT OF PUBLIC  
SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.state.ny.us

PUBLIC SERVICE COMMISSION

GARRY A. BROWN

*Chairman*

PATRICIA L. ACAMPORA

MAUREEN F. HARRIS

ROBERT E. CURRY JR.

JAMES L. LAROCCA

*Commissioners*



PETER McGOWAN  
*General Counsel*

JACLYN A. BRILLING  
*Secretary*

October 21, 2011

TO WHOM IT MAY CONCERN:

Re: Q Link Wireless LLC CMRS Jurisdiction

We have received a letter from Q Link Wireless LLC (QLink), a mobile virtual network operator (MVNO), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over MVNOs for the purpose of making determinations regarding Competitive Eligible Telecommunications Carrier (CETC) designations under section 214 (e)(6) of 47 U.S.C. In response to this request, please be advised that section 5 (6)(a) of the New York State Public Service Law provides that:

Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the application of provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstated under section 5 (6)(a) of the Public Service Law. Consequently, based on the representation by QLink that it provides wireless service, it would not be subject to New York State Public Service Commission jurisdiction for the purpose of making a CETC designation.

Very truly yours,

*Maureen J. McCauley*

Maureen J. McCauley  
Assistant Counsel

**EXHIBIT I**

**Affirmative Statement of the North Carolina Public Utilities Commission**

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Designation of Carriers Eligible for Universal    )  
Carrier Support    )    ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS from the definition of "public utility." See, G.S. 62-3(23)j. Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

**CONCLUSIONS**

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-3(23)j, enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Patricia Swenson".

Patricia Swenson, Deputy Clerk

**EXHIBIT J**

**Affirmative Statement of the Tennessee Regulatory Authority**

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**April 11, 2003**

**IN RE:**

**APPLICATION OF ADVANTAGE CELLULAR  
SYSTEMS, INC. TO BE DESIGNATED AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

)  
)  
)  
)  
)

**DOCKET NO.  
02-01245**

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**ORDER**

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This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* ("Application") filed on November 21, 2002.

**Background**

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

**The January 27, 2003 Authority Conference**

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.<sup>1</sup>

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, “[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission.”

The Authority’s lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission’s jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission (“FCC”) to perform the ETC designation.<sup>2</sup>

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<sup>1</sup> This finding is not inconsistent with the Authority’s decision in *In re: Universal Service Generic Contested Case*, Docket 97-00888, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission’s rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

<sup>2</sup> 47 U.S.C. §214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of “state-federal comity,” the FCC requires that carriers seeking ETC designation “first consult with the state commission to give the state commission an opportunity to interpret state law.”<sup>3</sup> Most carriers that are not subject to a state regulatory commission’s jurisdiction seeking ETC designation must provide the FCC “with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation.”<sup>4</sup>

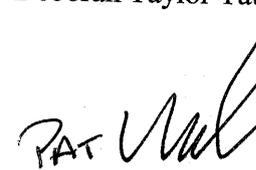
The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

**IT IS THEREFORE ORDERED THAT:**

The *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* is dismissed for lack of subject matter jurisdiction.

  
Sara Kyle, Chairman

  
Deborah Taylor Tate, Director

  
Pat Miller, Director

<sup>3</sup> *In the Matter of Federal-State Joint Bd. on Universal Service, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.C.R. 12208, 12264, ¶ 113 (June 30, 2000).

<sup>4</sup> *See id.* (The “affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.”)

**EXHIBIT K**

**Affirmative Statement of the Virginia Corporation Commission**

## STATE CORPORATION COMMISSION DOCUMENT CONTROL

AT RICHMOND, APRIL 9, 2004

IN RE:

2004 APR -9 A 11:46

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC-2001-00263

For designation as an eligible  
telecommunications provider under  
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.<sup>1</sup> Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

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<sup>1</sup> Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").<sup>2</sup>

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.<sup>3</sup>

Section 214(e)(5) of the Act states:

SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) 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 this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.<sup>4</sup> The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."<sup>5</sup>

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<sup>2</sup> CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*.

<sup>3</sup> See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: <http://www.state.va.us/scc/caseinfo.htm>.

<sup>4</sup> The FCC denied Virginia Cellular's request to redefine the study area of NTELOS. See paragraph 50 of the FCC's January 22, 2004, Order.

<sup>5</sup> The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW. We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.<sup>6</sup> However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

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<sup>6</sup> See paragraphs 43 and 44 of the FCC's January 22, 2004, Order.

(3) On or before June 1, 2004, interested parties may file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the comments and requests for hearing filed with the Commission. A copy of the response shall be delivered to any person who filed comments or requests for hearing.

(4) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each local exchange telephone company licensed to do business in Virginia, as shown on Attachment A hereto; David A. LaFuria, Esquire, Lukas, Nace, Gutierrez & Sachs, Chartered, 1111 19th Street, N.W., Suite 1200, Washington, D.C. 20036; Thomas Buckley, Attorney-Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554; Virginia Telecommunications Industry Association, c/o Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; L. Ronald Smith, President and General Manager, Shenandoah Telephone Company, P.O. Box 105, Williamsville, Virginia 24487; Lori Warren, Director of Regulatory Affairs, MGW Telephone Company, P.O. Box 459, Edinburg, Virginia 22824-0459; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, and Economics and Finance.

**EXHIBIT L**

**Certification of Issa Asad, Managing Member of Quadrant Holdings Group LLC,  
Managing Member of Q LINK WIRELESS LLC**

State of Florida )  
 )  
County of Broward )

### Certification

Personally appeared before the undersigned, an officer duly authorized to administer oaths, Issa Asad, who first being duly sworn, deposes and states that he is the Managing Member of QUADRANT HOLDINGS GROUP LLC, Managing Member of Q LINK WIRELESS LLC, Applicant in this application, and has read the same and knows the contents thereof, and confirms that the statements made herein are true to the best of his knowledge and belief.

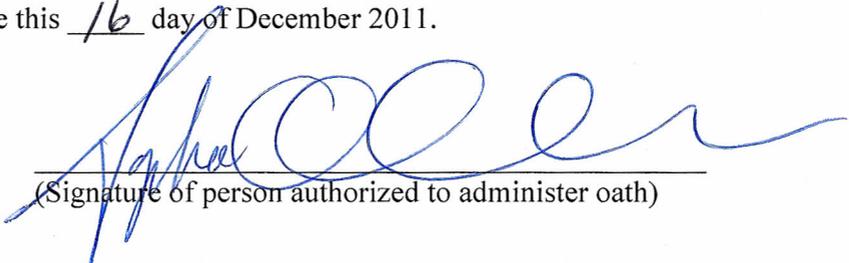
Dated: 12/14/11



\_\_\_\_\_  
Issa Asad  
Managing Member of Quadrant Holdings Group LLC  
Managing Member of Q Link Wireless LLC

Subscribed and sworn to before me this 16 day of December 2011.

(Notary Seal)



\_\_\_\_\_  
(Signature of person authorized to administer oath)

My Commission Expires: November 7<sup>th</sup>, 2015



**EXHIBIT M**

**Sample Advertisements**

# Free Cell Phone GOVERNMENT PROGRAM

## SEE IF YOU QUALIFY

Qlink Wireless provides FREE cell phone service and FREE Monthly Minutes through a Government based program to qualifying families and individuals. Pay Nothing! No Contracts, No Credit Checks, No Fees.

*Get Started Now!*



## GET YOUR FREE CELL PHONE NOW!



# The FREE Cell Phone & Minutes Program!

# 250

**Free Minutes  
Every Month!  
Pay Nothing**

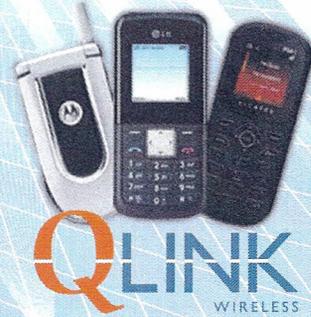
for Local & Long  
Distance Calls,  
Texting and More!



**No Contracts**



**No Fees**



# The FREE Cell Phone & Minutes Program!

# 250

**Free Minutes  
Every Month!  
Pay Nothing**

for Local & Long  
Distance Calls,  
Texting and More!



## Pay Nothing!

**• No Contracts • No Credit Checks • No Fees**

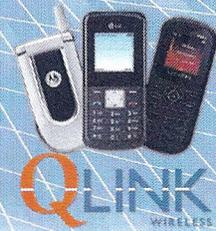
# 250

**Free Minutes  
Every Month!  
Pay Nothing**

for Local & Long  
Distance Calls,  
Texting and More!

You may qualify if you participate in  
programs like Food Stamps and Medicaid.  
For additional eligibility programs  
see reverse side application.

To get your phone faster visit  
the website below



**[QlinkWireless.com/FreeCellPhone](http://QlinkWireless.com/FreeCellPhone)**

# FREE CELL PHONE GOVERNMENT PROGRAM



## GET YOUR FREE CELL PHONE NOW!

QLink Wireless provides FREE cell phone service and FREE Monthly Minutes through a Government based program to qualifying families and individuals. Pay Nothing! No Contracts, No Credit Checks, No Fees.

## SEE IF YOU QUALIFY!



**EXHIBIT N**

**2010 Lifeline Participation Rates by State and FCC News Release**





# NEWS

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D. C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <http://www.fcc.gov>**  
**TTY: 1-888-835-5322**

---

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

---

FOR IMMEDIATE RELEASE:  
September 14, 2009

NEWS MEDIA CONTACT:  
Rosemary Kimball (202) 418-0511  
Email: [rosemary.kimball@fcc.gov](mailto:rosemary.kimball@fcc.gov)

## **FCC SUPPORTS “NATIONAL LIFELINE AND LINK UP TELEPHONE DISCOUNT AWARENESS WEEK” - SEPTEMBER 14 – 20, 2009**

WASHINGTON, DC -- Today, the Federal Communications Commission (FCC) joined the effort to call attention to the “National Lifeline and Link Up Telephone Discount Awareness Week,” which takes place September 14 – 20, 2009. Various state and local agencies throughout the country will be participating with outreach activities and events. The “Lifeline” and “Link Up” programs provide financial assistance to low-income consumers in connecting a residential phone line and paying their monthly bill. The programs have been active for years and are administered by the FCC and state public utility commissions, but at least half of eligible consumers nationwide do not take advantage of this assistance.

“Lifeline” involves discounts on monthly charges for a primary residential telephone line, including wireless service. “Link Up” involves a discount on the cost of initiating the primary telephone service for a residence, including the activation of a wireless phone that serves as the primary residential telephone. The discounts are available throughout the country, including an enhanced discount on Tribal lands. In general, consumers at or below 135% of the federal poverty guidelines, or who participate in one or more of a number of other assistance programs, are eligible for Lifeline and Link Up.

To help call attention to the availability of these programs, the FCC joins the National Association of Regulatory Utility Commissioners (NARUC) and the National Association of State Utility Consumer Advocates (NASUCA), and urges government agencies and non-profit organizations to help disseminate information on Lifeline and Link Up to their constituents. More information about the programs and how to apply is available at [www.lifeline.gov](http://www.lifeline.gov) or <http://www.usac.org/li/low-income/apply-for-support.aspx>.

-- FCC --

## **EXHIBIT O**

### **Study Areas**

State	SAC	Study Area Name	Rural (R) or Non- Rural (N)
AL	250282	BLOUNTSVILLE TEL CO	R
AL	250283	BRINDLEE MOUNTAIN	R
AL	250284	BUTLER TEL CO	R
AL	250285	CASTLEBERRY TEL CO	R
AL	250286	NATIONAL OF ALABAMA	R
AL	250290	FARMERS TELECOM COOP	R
AL	250295	GRACEBA TOTAL COMM	R
AL	250298	GULF TEL CO - AL	R
AL	250299	HAYNEVILLE TEL CO	R
AL	250300	HOPPER TELECOMM. CO.	R
AL	250301	FRONTIER-LAMAR CNTY	R
AL	250302	WINDSTREAM AL	R
AL	250304	MILLRY TEL CO	R
AL	250305	MON-CRE TEL COOP	R
AL	250306	FRONTIER COMM.-AL	R
AL	250307	MOUNDEVILLE TEL CO	R
AL	250308	NEW HOPE TEL COOP	R
AL	250311	OAKMAN TEL CO (TDS)	R
AL	250312	OTELCO TELEPHONE LLC	R
AL	250314	PEOPLES TEL CO	R
AL	250315	PINE BELT TEL CO	R
AL	250316	RAGLAND TEL CO	R
AL	250317	ROANOKE TEL CO	R
AL	250318	FRONTIER COMM-SOUTH	R
AL	250322	UNION SPRINGS TEL CO	R
AL	255181	SO CENTRAL BELL-AL	N
AL	259788	CENTURYTEL-AL-SOUTH	N
AL	259789	CENTURYTEL-AL-NORTH	N
CT	132454	THE WOODBURY TEL CO	R
CT	135200	SOUTHERN NEW ENGLAND	N
DC	575020	VERIZON WA, DC INC.	N
DE	565010	VERIZON DELAWARE INC	N
NC	230468	ATLANTIC MEMBERSHIP	R
NC	230469	BARNARDSVILLE TEL CO	R
NC	230470	CAROLINA TEL & TEL	R
NC	230471	CENTEL OF NC	R
NC	230473	CITIZENS TEL CO	R
NC	230474	CONCORD TEL CO	R
NC	230476	WINDSTREAM NC	R
NC	230478	ELLERBE TEL CO	R
NC	230479	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	N
NC	230483	LEXCOM TELEPHONE CO.	R
NC	230485	MEBTEL, INC.	R

NC	230491	N.ST. DBA N. ST.COMM	R
NC	230494	PINEVILLE TEL CO	R
NC	230495	RANDOLPH TEL CO	R
NC	230496	RANDOLPH MEMBERSHIP	R
NC	230497	PIEDMONT MEMBERSHIP	R
NC	230498	SALUDA MOUNTAIN TEL	R
NC	230500	SERVICE TEL CO	R
NC	230501	SKYLINE MEMBERSHIP	R
NC	230502	STAR MEMBERSHIP CORP	R
NC	230503	SURRY MEMBERSHIP	R
NC	230505	TRI COUNTY TEL MEMBR	R
NC	230509	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	N
NC	230510	WILKES MEMBERSHIP	R
NC	230511	YADKIN VALLEY TEL	R
NC	230864	VERIZON SOUTH INC. DBA NORTH CAROLINA	N
NC	235193	SOUTHERN BELL-NC	N
NH	120038	BRETTON WOODS TEL CO	R
NH	120039	GRANITE STATE TEL	R
NH	120042	DIXVILLE TEL CO	R
NH	120043	DUNBARTON TEL CO	R
NH	120045	KEARSARGE TEL CO	R
NH	120047	MERRIMACK COUNTY TEL	R
NH	120049	UNION TEL CO	R
NH	120050	WILTON TEL CO - NH	R
NH	123321	MCTA, INC.	R
NH	125113	NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC	N
NY	150071	ARMSTRONG TEL CO-NY	R
NY	150072	FRONTIER-AUSABLE VAL	R
NY	150073	BERKSHIRE TEL CORP	R
NY	150076	CASSADAGA TEL CORP	R
NY	150077	CHAMPLAIN TEL CO	R
NY	150078	CHAUTAUQUA & ERIE	R
NY	150079	CHAZY & WESTPORT	R
NY	150081	CITIZENS HAMMOND NY	R
NY	150084	TACONIC TEL CORP	R
NY	150085	CROWN POINT TEL CORP	R
NY	150088	DELHI TEL CO	R
NY	150089	DEPOSIT TEL CO	R
NY	150091	DUNKIRK & FREDONIA	R
NY	150092	EDWARDS TEL CO	R
NY	150093	EMPIRE TEL CORP	R
NY	150095	FISHERS ISLAND TEL	R
NY	150097	GERMANTOWN TEL CO	R
NY	150099	HANCOCK TEL CO	R
NY	150100	FRONTIER COMM OF NY	R
NY	150104	MARGARETVILLE TEL CO	R
NY	150105	MIDDLEBURGH TEL CO	R

NY	150106	WINDSTREAM NY-FULTON	R
NY	150107	NEWPORT TEL CO	R
NY	150108	NICHOLVILLE TEL CO	R
NY	150109	WINDSTREAM-JAMESTOWN	R
NY	150110	OGDEN TEL DBA FRNTER	R
NY	150111	ONEIDA COUNTY RURAL	R
NY	150112	ONTARIO TEL CO, INC.	R
NY	150113	WINDSTREAM RED JACKT	R
NY	150114	ORISKANY FALLS TEL	R
NY	150116	PATTERSONVILLE TEL	R
NY	150118	PORT BYRON TEL CO	R
NY	150121	FRONTIER-ROCHESTER	N
NY	150121	FRONTIER-ROCHESTER	R
NY	150122	FRONTIER-SENECA GORH	R
NY	150125	STATE TEL CO	R
NY	150128	FRONTIER-SYLVAN LAKE	R
NY	150129	TOWNSHIP TEL CO	R
NY	150131	TRUMANSBURG TEL CO.	R
NY	150133	VERNON TEL CO	R
NY	150135	WARWICK VALLEY-NY	R
NY	154532	CITIZENS-FRONTIER-NY	R
NY	154533	CITIZENS-FRONTIER-NY	R
NY	154534	CITIZENS-FRONTIER-NY	R
NY	155130	VERIZON NEW YORK	N
TN	290280	ARDMORE TEL CO	R
TN	290552	CENTURYTEL-ADAMSVILL	R
TN	290553	BEN LOMAND RURAL	R
TN	290554	BLED SOE TEL COOP	R
TN	290557	CENTURY-CLAIBORNE	R
TN	290559	CONCORD TEL EXCHANGE	R
TN	290561	CROCKETT TEL CO	R
TN	290562	DEKALB TEL COOP	R
TN	290565	HIGHLAND TEL COOP-TN	R
TN	290566	HUMPHREY'S COUNTY	R
TN	290567	UNITED INTER-MT-TN	R
TN	290570	LORETTO TEL CO	R
TN	290571	MILLINGTON TEL CO	R
TN	290573	NORTH CENTRAL COOP	R
TN	290574	CENTURYTEL-OOLTEWAH	R
TN	290575	TENNESSEE TEL CO	R
TN	290576	PEOPLES TEL CO	R
TN	290578	TELLICO TEL CO	R
TN	290579	TWIN LAKES TEL COOP	R
TN	290580	CTZENS-FRNTR-VOL ST	R
TN	290581	UTC OF TN	R
TN	290583	WEST TENNESSEE TEL	R
TN	290584	YORKVILLE TEL COOP	R

TN	290598	WEST KENTUCKY RURAL TELEPHONE	R
TN	294336	CITIZENS-FRONTIER-TN	R
TN	295185	SO. CENTRAL BELL -TN	N
VA	190217	AMELIA TEL CORP	R
VA	190219	BUGGS ISLAND COOP	R
VA	190220	BURKE'S GARDEN TEL	R
VA	190225	CITIZENS TEL COOP	R
VA	190226	NTELOS, INC.	R
VA	190233	VERIZON S-VA(CONTEL)	N
VA	190237	HIGHLAND TEL COOP	R
VA	190238	MGW TEL. CO. INC.	R
VA	190239	NEW HOPE TEL COOP	R
VA	190243	PEMBROKE TEL COOP	R
VA	190244	PEOPLES MUTUAL TEL	R
VA	190248	SCOTT COUNTY COOP	R
VA	190249	ROANOKE & BOTETOURT	R
VA	190250	SHENANDOAH TEL CO	R
VA	190253	VIRGINIA TEL CO	R
VA	190254	CENDEL OF VIRGINIA	R
VA	190479	VERIZON SOUTH-VA	R
VA	190567	UNITED INTER-MT-VA	R
VA	193029	NEW CASTLE TEL. CO.	R
VA	195040	VERIZON VIRGINIA INC	N
VA	197251	SHENANDOAH TELEPHONE COMPANY - NR	R