

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of )  
Q LINK WIRELESS LCC for Designation ) Case No. RA-2012-0205  
As An Eligible Telecommunications Carrier )  
In the State of Missouri )

**SECOND AMENDMENT TO APPLICATION**

COMES NOW Q LINK WIRELESS LCC (“Q LINK” or “Company”), pursuant to 4 CSR 240-2.080(18), and hereby requests leave of the Missouri Public Service Commission (“Commission”) to submit this Second Amendment to its Application for Designation as a Wireless Eligible Telecommunications Carrier. In support of its Second Amendment, Q LINK states as follows:

1. On January 4, 2012, Q LINK filed its Application for Designation as a Wireless Eligible Telecommunications Carrier (“Application”) with the Commission. Q LINK filed its First Amendment to that Application on January 31, 2012. Since the time of those filings, the Federal Communications Commission (“FCC”) has issued a number of orders that modify its rules governing the Lifeline and Link Up programs and that affect the Company’s proposed service offerings in the State of Missouri. Consequently, Q LINK files this amendment to its Application to accord with those modifications made by the FCC.

**A. Forbearance Request - "Own Facilities" Requirement of 47 U.S.C. § 214(e)(1)(A).**

2. In accordance with the FCC’s Lifeline Reform Order,<sup>1</sup> Q LINK has requested that the FCC forbear from applying the “own facilities” requirement of Section 214(e)(1)(A) of the Communications Act.<sup>2</sup> The Company’s request is consistent with the FCC’s determination to

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<sup>1</sup> In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, (rel. Feb. 6, 2012) (“Lifeline Reform Order”).

<sup>2</sup> 47 U.S.C. § 214(e)(1)(A).

forbear from applying this requirement to Lifeline-only applications that comply with the conditions set forth in the Lifeline Reform Order.<sup>3</sup>

3. In connection with its forbearance request, Q LINK has submitted its Compliance Plan for approval by the FCC, as set forth in the Lifeline Reform Order.<sup>4</sup> A copy of the public version of the Company's Compliance Plan is attached hereto as **Attachment I**. A copy of the HIGHLY CONFIDENTIAL version of the Company's Compliance Plan is attached hereto as **Attachment II**.

**B. Link Up Support.**

4. In accordance with the FCC's Lifeline Reform Order, Q LINK no longer seeks to participate in the Link Up support program.

**C. Q LINK's Lifeline Service Offerings.**

5. The details of Q LINK's three (3) Lifeline offerings are set forth in Exhibit E to the attached Compliance Plan, and reflect the new federal Lifeline subsidy support amounts that will be made available to eligible consumers and qualified ETCs. Q LINK's Lifeline terms and conditions of service is set forth in Exhibit F to the attached Compliance Plan, and can also be found at [www.qlinkwireless.com](http://www.qlinkwireless.com). These plans and terms of these plans set forth in the Compliance Plan replace the plan description set forth in Q LINK's Application.

**D. Compliance with Revised Section 54.101(a) of the FCC's Rules.**

6. In its Lifeline Reform Order the FCC revised 47 C.F.R. § 54.101 to read as follows:

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<sup>3</sup> Lifeline Reform Order at ¶ 368.

<sup>4</sup> Id.

§ 54.101 Supported services for rural, insular and high cost areas.

(a) Services designated for support. Voice telephony service shall be supported by federal universal service support mechanisms. The functionalities of eligible voice telephony services include voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation for qualifying low-income consumers (as described in subpart E of this part).

7. Q LINK will comply with the revised version of Section 54.101 of the FCC's Rules and provides the requisite supported services. Q LINK will comply with all conditions set forth in the Lifeline Reform Order, the provisions of its Compliance Plan, and all laws and regulations governing its provision of Lifeline-supported prepaid wireless service.

**E. Certification and Verification Requirements.**

8. Q LINK substitutes the discussion of certification and verification requirements set forth in the attached Compliance Plan for the discussion of such requirements in its Application. Q LINK will certify and verify customer eligibility for Lifeline in accordance with the requirements set forth in the Lifeline Reform Order. As described in the attached Compliance Plan, Q LINK has developed a detailed compliance policy that includes procedures for initial, as well as on-going, certification and verification of eligibility for participation in the Lifeline program.

**F. Additional Reforms to Eliminate Waste, Fraud, and Abuse.**

9. As described in the attached Compliance Plan, Q LINK has implemented procedures to identify and prevent fraud. Such procedures include contracting with CGM, LLC of Roswell, Georgia, a Lifeline service bureau, to process and validate the Company's subsidy

data, participating in the National Lifeline Accountability Database, once it is established, not seeking reimbursement from the USF for new subscribers until they have personally activated the service, either by initiation and/or actual use of the service by the subscriber, and implementing specific marketing and outreach measures as well as audit practices.

10. As described in the attached Compliance Plan, Q LINK will de-enroll customers from its Lifeline program according to Section 54.405(e) for ineligibility, duplicative support, and non-usage.

**G. Additional Rule Amendments.**

11. Q LINK will report all information required by section 54.422, as it may heretofore be amended, including the names of the Company's holding company, operating companies and affiliates, and any branding ("doing-business-as company" or brand designation).

12. In seeking reimbursement for Lifeline, Q LINK will comply with the requirements of Section 54.407, as revised by the Lifeline Reform Order.<sup>5</sup> Q LINK will certify when seeking reimbursement that the Company has obtained a valid certification form for each consumer for whom the Company seeks Lifeline reimbursement;<sup>6</sup> and the Company will seek reimbursement for actual lines served, not projected lines.<sup>7</sup>

13. Q LINK certifies the following in accordance with newly amended C.F.R. § 54.202: (1) Q LINK will comply with the service requirements applicable to the support that it receives; (2) Q LINK is able to remain functional in emergency situations; and (3) Q LINK will satisfy applicable consumer protection and service quality standards.

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<sup>5</sup> See Lifeline Reform Order at 221.

<sup>6</sup> Lifeline Reform Order at ¶ 128.

<sup>7</sup> Lifeline Reform Order at ¶ 302.

**H. Financial and Technical Qualifications.**

14. As part of the Lifeline Reform Order, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.<sup>8</sup> As demonstrated in the attached Compliance Plan, Q LINK satisfies these criteria.

15. Q LINK has not been subject to any enforcement action in any state, nor has it been subject to any ETC revocation proceedings in any state. Q LINK was designated as an ETC in Maryland on December 21, 2011. Q LINK does not currently provide service in any state.

**I. Continued Processing Requested.**

16. In light of this Second Amendment, Q LINK respectfully requests continued processing of its pending Application so that the Commission will be in a position to promptly act on the pending Application upon approval of the Company's Compliance Plan by the FCC. The Company, upon designation as an ETC, looks forward to providing essential Lifeline service to eligible low-income customers in Missouri.

WHEREFORE, pursuant to 4 CSR 240-2.080(18), Q LINK respectfully requests that the Commission grant it leave to submit this Second Amendment to its Application for Designation as an Eligible Telecommunications Carrier in the State of Missouri.

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<sup>8</sup> Lifeline Reform Order at ¶ 387.

Respectfully submitted,

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**Certificate of Service**

I hereby certify that on this 27th day of March, 2012 copies of the foregoing have been mailed, transmitted by facsimile, or emailed to all counsel of record.

/s/ Lisa A. Gilbreath  
Attorney for Q LINK WIRELESS LLC