

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 26th day of September, 2012.

In the Matter of the Application of Q Link )  
Wireless, LLC, for Designation as an )  
Eligible Telecommunications Carrier in )  
the State of Missouri )

**File No. RA-2012-0205**

**ORDER GRANTING APPLICATION FOR DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: September 26, 2012

Effective Date: October 6, 2012

**Syllabus:** The Missouri Public Service Commission grants eligible telecommunications carrier (“ETC”) status to Q Link Wireless LLC (hereafter, “Q Link”) for the purpose of receiving low-income support..

**Procedural History**

On January 4, 2012<sup>1</sup>, Q Link requested designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving Lifeline and Linkup federal universal service support.<sup>2</sup> Q Link’s application is limited to a request to receive only low-income federal Universal Service Fund support for Lifeline, support related to giving qualifying low-income customers discounts on monthly rates, and LinkUp, support designed to provide qualifying low-income customers discounts on initial

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<sup>1</sup> Calendar references are to 2012 unless otherwise stated.

<sup>2</sup> Q Link amended its application on January 31, March 27, and April 30.

connection fees. Q Link is not requesting federal high-cost USF support or Missouri state USF support.

The Commission issued notice of the application on January 5, giving potentially interested parties until January 25 to request intervention. The Commission received no intervention requests.

Staff filed its Recommendation on April 30, requesting that the Commission grant Q Link ETC status for the purpose of receiving federal Lifeline support only. Staff notes that after Q Link filed its application, the Link Up program was eliminated.

On May 11, Staff requested a delay due to confusion about the Company's filing of a proposed compliance plan with the FCC. On September 11, Staff stated that it now understands that, although the Company is a facilities-based carrier, it voluntarily submitted a compliance plan to the FCC, which has now been approved. Staff again recommends that the Commission grant Q link ETC status with certain conditions.

Commission Rule 4 CSR 240-2.080(13) gives parties ten days to respond to pleadings. The Commission issued no order to the contrary, ten days have elapsed, and no party has responded to Staff's September 11 pleading.

### **Discussion**

The application is within the Commission's jurisdiction to decide.<sup>3</sup> Because no party objects to Q Link's application, no evidentiary hearing is required.<sup>4</sup> Thus, the

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<sup>3</sup> 47 U.S.C. § 214(e)(2).

<sup>4</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo.App. 1989).

Commission deems the hearing waived<sup>5</sup>, and bases its findings on the verified filings, and makes its conclusions as follows.

Q Link is a Delaware limited liability company authorized to do business in Missouri. Q Link is a mobile wireless carrier whose operations are not regulated by the Commission. Q Link is not delinquent or non-compliant with any Commission reporting or assessment requirements.

The federal Universal Service Fund was established in the Telecommunications Act of 1996. The stated purpose of the fund is to ensure that telephone customers in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable and affordable rates.<sup>6</sup> To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to telecommunications service providers who serve rural and high cost parts of the country. Before a telecommunications service provider is eligible to receive funding from the Universal Service Fund, it must be designated as an Eligible Telecommunications Company, referred to by the acronym ETC.

The Commission finds the allegations in the Application and its supplements, and Staff's Recommendation to be true. The Commission must grant Q Link eligible telecommunications carrier designation if it offers the services set out in Section 254 of the Act and if it advertises the availability of those services using media of general distribution.<sup>7</sup> The Commission finds that Q Link has met those requirements.

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<sup>5</sup> Section 536.060, RSMo 2000.

<sup>6</sup> 47 U.S.C. 254(b).

<sup>7</sup> 47 U.S.C. § 214(e)(1), (2).

Therefore, the Commission will designate Q Link as an eligible telecommunications carrier solely for the purpose of receiving federal Lifeline Support.

**THE COMMISSION ORDERS THAT:**

1. Q Link Wireless LLC is designated as an eligible telecommunications carrier throughout the State of Missouri, under the provisions of 47 U.S.C. §§ 214 and 254, to receive federal universal service fund low-income support.

2. The eligible telecommunications carrier status for Q Link Wireless LLC is specifically limited to solely the receipt of federal Lifeline support.

3. Q Link Wireless LLC shall notify the Staff within 30 days of any matter brought in the last ten years by any state or federal regulatory or law enforcement agency against the ETC, any person or entity that holds more than a 10% ownership interest in the ETC, any affiliated company (any company under common management ownership or control or that, by contract or other agreement performs any of the functions necessary to the ETC's Lifeline Service) that involves any aspect of the provision of Lifeline Service or any aspect of state or federal Universal Service funds, or any matter involving fraud, deceit, perjury, stealing or the omission or misstatement of material fact in connection with a commercial transaction. Such matters include formal or informal notices of investigation, indictment, the filing of a complaint, a civil lawsuit, revocation or suspension proceeding, action for penalties or damages, or criminal charges. Such details include, but are not limited to, copies of complaints or other such pleadings and the filed responses thereto, as well as any orders,

decisions or other determinations of culpability, including those that exonerate the subject of any wrongdoing.

4. Q Link Wireless LLC will only use the MoUSF Board-approved form when enrolling Lifeline subscribers in Missouri.

5. Q Link Wireless LLC will only use its full name or “d/b/a” registered with the Missouri Secretary of State when enrolling Lifeline subscribers in Missouri.

6. Q Link Wireless LLC has an obligation to update its application with new information when any statement therein becomes untrue or could mislead the reader to an inference that is untrue.

7. This order shall become effective on October 6, 2012.

8. This case shall be closed on October 7, 2012.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Gunn, Chm., Jarrett, Kenney,  
and Stoll, CC., concur.

Pridgin, Senior Regulatory Law Judge