

March 6, 2024

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Reply Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. P6883/M-23-383

Dear Mr. Seuffert:

Attached are the reply comments of the Minnesota Department of Commerce, Division of Energy Resources, Telecom Unit (Department) in the following matter:

In the Matter of a Review of Q Link Wireless ETC Status

The Department recommends additional compliance reporting and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Louise Miltich
Assistant Commissioner of Energy Regulatory Analysis

LG/ar
Attachments

Before the Minnesota Public Utilities Commission

Reply Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. P6883/M-23-383

I. BACKGROUND

On October 9, 2023, the Department of Commerce (Department) opened this docket in response to administrative actions in other jurisdictions related to Q Link Wireless (Q Link) and its Eligible Telecommunications Carrier (ETC) designation in Minnesota.

On October 18, 2023, the Minnesota Public Utilities Commission (MN PUC or Commission) issued a *Notice of Comment Period* (Notice) soliciting comments *In the Matter of a Review of Q Link Wireless ETC Status*, Docket No. P6883/M-23-383.

The Notice required that Q Link Wireless (Q Link) provide information on the following by November 15, 2023:

1. Describe the Eligible Telecommunications Company (ETC) designation proceedings in New Mexico and California.
2. Explain the circumstances that led up to the Federal Communication Commission's (FCC) Notice of Apparent Liability related to the Emergency Broadband Benefit program (EBB) and the Affordable Connectivity Program (ACP).
3. Explain the circumstances that led up to the FCC's Investigation and Forfeiture related to the apparent security breach.
4. What changes is Q Link Wireless implementing to prevent repetition of the above situations?

The Commission identified the following topics open for comment by all parties:

- Does Q Link Wireless LLC have the ability to provide Lifeline in Minnesota?
- Should more reporting be required of Q Link Wireless, what metrics should Q Link Wireless report on?
- What action, if any, should the MPUC take regarding this matter?
- Are there other issues or concerns related to this matter?

On December 12, 2023, Q Link sought an extension and responded to the Notice on December 27, 2023.¹

No other parties filed initial comments.

¹ *In the Matter of a Review of Q Link Wireless ETC Status*, Comments of Q Link Wireless, LLC, Dec. 27, 2023, Docket No. P-6883/M-23-383, Doc. Id. [202312-201560-01](#) (Q Link Comments).

II. REPONSES TO COMMENTS

A. Q LINK

1. *Proceedings in New Mexico and California*

Q Link provided basic procedural history related to the proceedings at the New Mexico Public Regulation Commission (NMPRC) and the California Public Utilities Commission (CPUC).²

2. *FCC Notice of Apparent Liability 1 (NAL 1) related to the Emergency Broadband Benefit (EBB) and the Affordable Connectivity Program (ACP).*

Q Link stressed that the foundation of the NAL 1 was a difference of opinion between the FCC and Q Link, amounting to a difference of \$50 per unit reimbursement for devices provided to users under the EBB and ACP during and after the Covid-19 pandemic. Q Link stated that, because of supply chain issues, the company had to commission custom-made devices, rather than purchasing from available stock. Q Link stated that it had provided “legitimate basis for its good-faith estimate, including multiple expert opinions supporting the soundness of that estimate”³ in its response to the NAL 1. The company stated that there were differences of opinion with the FCC in “parameters of the devices and the methodology to estimate market value.”⁴

3. *FCC Notice of Apparent Liability 2 (NAL 2) related to Q Link’s lack of appropriate security requirements for accounts.*

Q Link noted that the basis for the NAL 2 was the company’s failure to implement FCC mandated account-authentication methods, not that an actual security breach had occurred. The company stated that it had responded to the NAL 2 and that no final action had been imposed or penalty had been assessed on Q Link as of the date of filing its response in this docket.

4. *Changes to avoid future problems related to the ACP or EBB device valuations and security requirements.*

Q Link responded that it has provisionally accepted the lower estimated value as reimbursement for ACP and EBB program devices.⁵ The company describes the FCC’s determination as a “severe underestimate of the true value of the device”⁶ and goes on to state that it provided in its NAL 1 response an explanation supporting its device valuation at the higher amount. Q Link stresses that its valuation was made in good faith and that the good faith valuation is the legal requirement.

² See Q Link Comments at 1.

³ Id. at 2.

⁴ Id.

⁵ The EBB ended on December 31, 2021, and was replaced by the ACP. Because the ACP fund is expected to be depleted by April 2024, the FCC has begun the program wind-down. Due to the scheduled end of the program, there may be no future device reimbursements for Q Link to collect.

⁶ Q Link Comments at 4.

Regarding the security deficiencies, Q Link responded that it has complied with the FCC prophylactic requirements, but that it also responded to the NAL 2 by explaining with facts and law why the imposed penalty and forfeiture was not appropriate.

III. ANALYSIS

A. COMPLAINTS TO THE MN PUC ARE NOT EXCESSIVE

Since 2018, the Consumer Affairs Office (CAO) at the MN PUC reports 17 complaints against Q Link.⁷ The complaint topics tend to involve four matters:

- 7 related to defective devices or problems with SIM cards
- 5 related to service issues, such as outages
- 3 related to billing matters, including not receiving the minutes as advertised and the company cancelling the customer and de-enrolling them from Lifeline
- 2 related to accusations of slamming

Similarly, the Department received six complaints from Q Link customers since March 2019:

- 1 related to a defective device and difficulty receiving Lifeline credits
- 4 related to problems with customer service, including billing problems, issues with Lifeline credits/minutes, lengthy hold times, and disconnection threats that did not stop after customers paid bills in full
- 1 related to porting problems

The Department does not consider these complaints to be excessively frequent or unusual for a mobile Lifeline ETC. Several of the complaints were not resolved for extended periods (e.g. 26, 22, and 19 days), however, most appear to have been addressed promptly and to the customer's satisfaction.

B. Q LINK IS NOT TRANSPARENT

As described in the Department's comments filed on October 9, 2023, it is well established that the MN PUC has the authority, granted by Congress, to designate ETC status of providers and to monitor their activities related to Lifeline.⁸ To accomplish their task and help prevent waste, fraud, and abuse of Universal Service Funding (USF), the funding for Lifeline service, Congress gave states' commissions broad authority to expand filing and reporting requirements of ETCs as long as those requirements do not run contrary to the FCC's rules.⁹

⁷ An additional complaint was an issue with USAC, the organization that manages the Lifeline program disbursements.

⁸ See *In the Matter of a Review of Q Link Wireless ETC Status*, Comments of the Department of Commerce, Section I.C., p. 3, Doc. Id. [202310-199442-01](#) (Department Comments).

⁹ See 47 U.S.C. § 254 (f), <https://www.law.cornell.edu/uscode/text/47/254>.

The MN PUC has imposed limited additional requirements on ETCs,¹⁰ but not required additional reporting related to corporate activities. The MN PUC has enjoyed the cooperation and transparency of ETCs that willingly share the necessary information to assist the agency to meet its congressionally mandated task. Q Link appears to be the exception.

1. *Q Link did not provide information requested by the Department to evaluate the company and its ability to manage federal ETC funding.*
 - i. *Lack of information about NALs 1 and 2*

Q Link's comments filed in response to the Notice stated that a difference of opinion between the company and the FCC was the cause of the FCC's decision to issue the NAL 1.¹¹ Via information request (IR) the Department asked Q Link to provide its response to the NAL 1 and the expert opinion(s) the company had filed to support its substantially higher valuation of EBB and ACP devices. Q Link had referenced its NAL 1 response in its December 27 comments and stated that it contained "the legitimate basis for its good-faith estimate, including multiple expert opinions supporting the soundness of that estimate."¹²

The Department also asked the company to share its NAL 2 response as filed with the FCC to review the legal and technical arguments to which Q Link referred that exonerated it from the proposed forfeiture and penalty.

Q Link would not provide their NAL 1 or NAL 2 responses, stating that they could not share the documents because they were "filed on a confidential basis, and thus cannot be shared."¹³ The Department confirmed with the FCC's Enforcement Bureau that Q Link is not precluded from sharing the responses with the Department or the MN PUC if it chooses to do so.¹⁴ The Department created an opportunity for Q Link to support its claims with the same expert opinions and legal arguments it conveyed to the FCC; the company did not seize that opportunity.

In IR responses, the company briefly summarized final conclusions of their experts in the NAL 1 as it had in its December 27, 2023 comments¹⁵ and provided the methodology its experts used but offered few details to describe those methodologies. Q Link reiterated that its experts reached the conclusion that the higher evaluation was within a "good faith range,"¹⁶ noting that this is the "standard for the

¹⁰ For example, see *In the Matter of a Notice to Rural Digital Opportunity Fund Grant Winners, Order Establishing Additional Regulatory Requirements for Eligible Telecommunications Carriers*, issued Dec. 15, 2022, in which the MNPUC imposed new requirements related to issues such as price lists, outage reporting, and access to 911. Docket P-999/CI-21-86, Doc. Id. [202212-191373-01](#).

¹¹ See Q Link Comments at 2.

¹² Id.

¹³ See IR 2 and 3 responses, Attachment 1

¹⁴ Telephone call with FCC, February 26, 2024.

¹⁵ See Q Link Comments at 2.

¹⁶ See IR 3A, response, Attachment 1

estimated market value of the devices.”¹⁷ The company suggested that an “independent fact-finder” would uphold their valuations, and had the Department received the requested NAL responses, the Department would have evaluated those expert opinions from an objective perspective, which might have supported Q Link’s claim.

IR responses from Q Link related to the security problems state that the company did not find an unauthorized release of consumer data and, as stated in its December 27, 2023 comments,¹⁸ the company adjusted its security measures to conform to the methods allowed by the FCC. In its IR response, Q Link again argued that the penalty imposed by the FCC for the lack of security measure was “excessive in light of the lack of an actual breach and the data privacy safeguards Q Link did have in place.”¹⁹ Without access to the company’s response to the NAL 2, the Department is unable to evaluate Q Link’s arguments.

ii. Information about Q Link’s activities in other states.

With one exception, Q Link offered most of the information the Department requested regarding the company’s ETC designations in other states. The Department sought details regarding Q Link’s revocations, withdrawals, and denials. The company pointed out that it has been designated as an ETC in thirty-seven jurisdictions within the past 12 years and has never had its designation revoked.²⁰ Withdrawals are not unusual and Q Link’s reasons for them appear to be based on a variety of reasons, primarily related to business opportunities and the implementation of the EBB and ACP. The Department does not consider these reasons issue for concern at this time.

Q Link provided the relevant information on other state revocations and withdrawals without hesitation but was not as forthcoming regarding a denial of ETC status in Illinois. The Department asked the company to provide the name of the state, the relevant docket number(s), the date the petition was denied, and to provide a copy of any order denying Q Link’s petition.²¹ The company referred to the California and New Mexico proceedings, which have already been referenced, and stated only that “Q Link’s request for ETC designation in Illinois was denied in 2019 principally because the Illinois Commerce Commission believed that Q Link’s offerings were too similar to those already available in the market.”²²

¹⁷ Id.

¹⁸ Q Link Comments at 4.

¹⁹ See IR 4 response, Attachment 1

²⁰ See IR 1A response, Attachment 1.

²¹ Id.

²² See IR 1A Response, Attachment 1.

a. Proceedings in Illinois confirm a history of uncooperative behavior.

The Department located the May 13, 2019 Order from the Illinois Commerce Commission (ICC).²³ The Order confirmed that Q Link's tendency to avoid frank and complete information – a key characteristic that contributed to the New Mexico and California denials²⁴ – appears ingrained in the company's management style and culture.

As Q Link described, the ICC discussed whether the public interest would be served in designating another ETC in the Illinois market and that factor contributed to their decision to deny. Other factors that Q Link failed to mention in their comments and IR responses, however, influenced the ICC's decision. Throughout the ICC's Conclusions and Analysis of arguments, the agency repeatedly described behavior akin to that which caused Q Link's problems in New Mexico and California – an opaque handling of staff inquiries that hamstrung the review:

As Staff investigates an entity for any of the different types of certificates that the Commission issues, the Commission expects an applicant to cooperate with Staff. Refusing to provide information to Staff is troubling and leads the Commission to wonder if important information is being concealed. ...[A]n applicant that fails to provide necessary information should not receive its requested Commission approval because the application is not complete. The refusal to provide this information is reason enough for the Commission to deny this application because it is relevant to the question of Q Link's financial and technical ability under Section 54.201(h) of the FCC's rules and because refusing to comply with Staff's investigation is unacceptable.²⁵

[T]he Commission is troubled by Q Link's apparent attempts to obscure the facts or intentionally mislead the Commission. This level of misdirection in an application makes the Commission wary of Q Link's response to possible future enforcement actions.²⁶

In addition, this is yet another instance where Q Link either cannot or will not provide Staff with requested information. Q Link's failure to produce information to Staff speaks to its managerial ability and is a basis for the Commission to decline Q Link's request for an ETC Designation.²⁷

²³ *Q Link Wireless Application for Designation as an Eligible Telecommunications Carrier in the State of Illinois*, Order issued May 13, 2019, Docket No. 12-0095, (Ill. Order), <https://icc.illinois.gov/docket/P2012-0095/documents/286156/files/498870.pdf>.

²⁴ See Department Comments at A., p. 2.

²⁵ See Ill. Order, Section VII. C. 2. pp. 36-37

²⁶ Id. at p. 39.

²⁷ Id. at Section VIII. C., p. 55.

Equally, if not more, troubling is Q Link's inability to provide consistent information to Staff. ... The Commission agrees with Staff that such a persistent pattern by Q Link shows an inability to provide accurate, consistent, and reliable information and is reason enough for the Commission to deny Q Link's request for ETC designation. In the interest of protecting the people of the State of Illinois, Q Link's request is denied.²⁸

IV. RECOMMENDATIONS

In lieu of Q Link's willingness to provide the requested information in this docket, the Department encourages the Commission to require additional annual compliance reporting. To meet the tasks placed upon state utility commissions by Congress, the Commission needs complete information from ETCs. The Commission cannot accurately monitor an ETC's ability to manage federal funding and prevent waste, fraud, and abuse without cooperation and transparency.²⁹

The Department recommends that Q Link be required to file the following annually:

1. Identify all existing affiliates and describe their relationship to Q Link.
2. Describe all criminal and civil actions against Q Link (related to ETC designation or otherwise) in any other state or at the federal level.
 - i.* Provide name of the state or the federal agency, provide the relevant docket number(s), provide the date the docket was opened, provide a copy of any final order.
3. Describe all criminal or civil actions against Q Link's owners and/or officers (related to ETC designation or otherwise) in any other state or at the federal level.
 - i.* Provide name of the state or the federal agency, provide the relevant docket number(s), provide the date the docket was opened, provide a copy of any final order.

²⁸ Id at Section IX. C., p. 67.

²⁹ Q Link can file trade secret versions of compliance documents to ensure no proprietary information is accessible to the public.

Minnesota Department of Commerce
85 7th Place East | Suite 280 | St. Paul, MN 55101
Information Request

Docket Number: P6883/M-23-383

Requested From: Q Link Wireless LLC

Lance J.M. Steinhart, Esq.
 1725 Windward Concourse, Suite 150
 Alpharetta, Georgia 30005
 (770) 232-9200 (Phone)
 (770) 232-9208 (Fax)
 lsteinhart@telecomcounsel.com

Nonpublic Public

Date of Request: 1/23/2024

Response Due: 2/2/2024

(Extension requested to 2/9/24)

Type of Inquiry: General

SEND RESPONSE VIA EMAIL TO: Utility.Discovery@state.mn.us as well as the assigned analyst(s).

Assigned Analyst(s): Lisa Gonzalez; Arielle Tiamiyu

Email Address(es): lisa.gonzalez@state.mn.us; arielle.tiamiyu@state.mn.us

Phone Number(s): 651-539-1880; 651-539-1896

ADDITIONAL INSTRUCTIONS:

Each response must be submitted as a text searchable PDF, unless otherwise directed. Please include the docket number, request number, and respondent name and title on the answers. If your response contains Trade Secret data, please include a public copy.

Request Number: 1

Topic: Q Link's Eligible Telecommunications Carrier Status

Reference(s): [Click or tap here to enter text.](#)

Request:

- A. Identify each state that has denied a petition by Q Link for ETC designation and, for each, provide the name of the state, provide the relevant docket number(s), provide the date the petition was denied, provide a copy of any order denying Q Link's petition.
- B. Identify each state where Q Link has withdrawn a petition for ETC designation and for each: provide the date of Q Link's petition, provide the date of Q Link's withdrawal, provide the relevant docket number(s).
- C. Did Q Link ultimately obtain ETC designation in New Mexico or California?

Response:

- A. Q Link has previously responded to the staff in this proceeding (Information Request PUC #1) with respect to denials or dismissals in California and New Mexico. As previously stated, the New Mexico Public Regulation Commission decision denying Q Link's ETC application with prejudice was subsequently vacated by the New Mexico Supreme Court, 533 P.3d 724 (2023), and thus the New Mexico Public Relations Commission's decision is a legal nullity.

To be completed by responder

Response Date: February 9, 2024

Response by: CEO of Q LINK WIRELESS LLC;

Email Address: reg@qlinkwireless.com

Phone Number: 954.482.4253

Lance J.M. Steinhart, P.C.

info@telecomcounsel.com

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Response (Cont'd):

Q Link's request for ETC designation in Illinois was denied in 2019 principally because the Illinois Commerce Commission believed that Q Link's offerings were too similar to those already available in the market.

It is important to note that Q Link has been designated as an ETC in thirty-seven jurisdictions over the past 12 years (8 of which were issued since 2020) with no instances of ETC revocation.

- B. Setting aside withdrawals in connection with the above-discussed proceedings, Q Link periodically withdraws applications due to changes in business circumstances. For example, some states stopped processing ETC applications generally around 2012. In addition, Q Link did not pursue some ETC applications that were pending as of 2020, and subsequently withdrew them, after enactment of the EBB and ACP programs, as those programs permitted Q Link to offer significant services to consumers in those states. Similarly, in some cases, Q Link withdrew applications because the potential number of customers to be served did not justify continuing to seek ETC designation. Furthermore, Q Link periodically withdraws applications as part of an amendment or reapplication process. To avoid confusion, we are listing the final application and associated withdrawal, rather than each of the intermediary steps, and are not including states which ultimately designated Q Link as an ETC.

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Below is a list of these withdrawals:

State	Docket/Case No.	Date of Petition	Date Withdrawn	
California	Advice Letter 10	11/7/2018	8/15/2019	Not pursued due to EBB and ACP. Q Link is able to offer services through these programs, so ETC has not been necessary.
Massachusetts	DTC 11-18	11/29/2011	9/21/2021	Not pursued due to EBB and ACP. Q Link is able to offer services through these programs so ETC was not necessary at that time
Nebraska	C-4690/NUSF-98	6/13/2014	11/13/2014	Not pursued for business reasons.
Nevada (Expansion)	20-02002	2/6/2020	8/26/2020	(ETC Approved 11/6/12)
Oregon	UM 1901	10/4/2017	9/26/2019	Not pursued for business reasons.

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Response Date: February 9, 2024

Response by: CEO of Q LINK WIRELESS LLC;

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Request Number: 2

Topic: Q Link's Eligible Telecommunications Carrier Status

Reference(s): [Click or tap here to enter text.](#)

Background:

On p. 2 of its December 27, 2023 Comments, Q Link stated:

“In its response to the NAL, Q Link demonstrated the legitimate basis for its good-faith estimate, including multiple expert opinions supporting the soundness of that estimate. Q Link is confident that its good faith estimated valuations would be upheld by an independent fact-finder.”

Request:

Please provide copies of expert opinion testimonies supplied to the FCC, which Q Link referred to in its December 27, 2023 Comments, that supported the Company's decision to price devices at \$110 instead of \$60 and any response received from the FCC.

To be completed by responder

Response Date: February 9, 2024

Response by: CEO of Q LINK WIRELESS LLC;

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Request Number: 2

Response:

The expert reports are confidential and have been filed with the FCC on that basis. Nonetheless, to be of further assistance to the staff, Q Link provides the following information.

The EBB program rules required EBB providers to submit reimbursement claims based on the “market value” of the device. As the NAL concedes (at ¶ 14) this is a good faith assessment. The NAL asserted that Q Link should have known that its tablets did not have a market value of \$110, but had a value of at most \$60, citing a list of comparables compiled by FCC staff.

Q Link through professional cost, economic, and industry experts disputed the FCC staff’s list of comparable devices and analysis, pointing out that, among other things, they included devices available only in limited quantities, including one from a pawn shop. It also pointed out that these devices were being provided during a global supply shortage, which would increase their market value.

To support this, Q Link asked two economic experts to analyze the FCC staff’s methodology and to conduct their own econometric analysis. Dr. Gregory Rosston, a former Deputy Chief Economist of the FCC, conducted a hedonic regression analysis and concluded that the lowest capacity tablet (1 GB RAM/16 GB storage) had a point estimate value of \$106. The highest capacity model (2 GB RAM/48 GB

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storage) had a point estimate value of \$117. Dr. Jeffrey Prince, a former FCC Chief Economist, conducted both a “nearest neighbor matching” analysis and a price regression analysis. He concluded that the tablet with 1 GB of RAM and 48 GB of storage had a minimum value of \$103, while the tablet with 2 GB and 48 GB of storage of RAM had a market value of at least \$111. These reports clearly showed that Q Link had a good faith basis for its estimated market value of \$110.

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Assigned Analyst(s): Lisa Gonzalez; Arielle Tiamiyu

Email Address(es): lisa.gonzalez@state.mn.us; arielle.tiamiyu@state.mn.us

Phone Number(s): 651-539-1880; 651-539-1896

ADDITIONAL INSTRUCTIONS:

Each response must be submitted as a text searchable PDF, unless otherwise directed. Please include the docket number, request number, and respondent name and title on the answers. If your response contains Trade Secret data, please include a public copy.

Request Number: 3

Topic: Q Link's Eligible Telecommunications Carrier Status

Reference(s): [Click or tap here to enter text.](#)

Request:

- A. Share your response to the NAL related to the EBB and ACP which was filed with the FCC.

Response:

Q Link's response to the FCC NAL was filed on a confidential basis, and thus cannot be shared. However, in the interest of providing the Department further information, Q Link has provided the conclusions of its economic experts in response to Question 2. These experts demonstrated that Q Link's estimated market value of its tablets was within a good faith range—the standard for the estimated market value of the devices.

- B. What is the current status of the NAL?

The NAL, which is an administrative complaint, remains pending. No final adjudication on the merits has occurred. Moreover, even if the FCC issues a final forfeiture order, Q Link would be entitled to a de novo trial on the merits in federal court, at which Q Link and its experts are confident Q Link will prevail.

To be completed by responder

Response Date: February 9, 2024

Response by: CEO of Q LINK WIRELESS LLC;

Email Address: reg@qlinkwireless.com

Phone Number: 954.482.4253

Lance J.M. Steinhart, P.C.

info@telecomcounsel.com

770-232-9200

Minnesota Department of Commerce
85 7th Place East | Suite 280 | St. Paul, MN 55101
Information Request

Docket Number: P6883/M-23-383

Requested From: Q Link Wireless LLC

Lance J.M. Steinhart, Esq.
1725 Windward Concourse, Suite 150
Alpharetta, Georgia 30005
(770) 232-9200 (Phone)
(770) 232-9208 (Fax)
lsteinhart@telecomcounsel.com

Nonpublic Public

Date of Request: 1/23/2024

Response Due: 2/2/2024

(Extension requested to 2/9/24)

Type of Inquiry: General

SEND RESPONSE VIA EMAIL TO: Utility.Discovery@state.mn.us as well as the assigned analyst(s).

Assigned Analyst(s): Lisa Gonzalez; Arielle Tiamiyu

Email Address(es): lisa.gonzalez@state.mn.us; arielle.tiamiyu@state.mn.us

Phone Number(s): 651-539-1880; 651-539-1896

ADDITIONAL INSTRUCTIONS:

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Request Number: 4

Topic: Q Link's Eligible Telecommunications Carrier Status

Reference(s): [Click or tap here to enter text.](#)

Background:

On p. 2 of its December Comments, Q Link stated:

“The FCC’s inquiry arose from a matter reported, claiming weaknesses in Q Link’s system for allowing customers to access their accounts through the internet.”

Request:

Share your response to the NAL related to the inquiry and provide an update on the proceeding.

Response:

The NAL response is confidential, and is not publicly available at the FCC. However, Q Link provides the following additional information. As our prior response indicated, the FCC initiated this inquiry based on allegations that Q Link customer information was available on its phones. Q Link had investigated *the allegations* prior to the FCC’s inquiry and was unable to duplicate the asserted flaws. Q Link did not find

To be completed by responder

Response Date: February 9, 2024

Response by: CEO of Q LINK WIRELESS LLC;

Email Address: reg@qlinkwireless.com

Phone Number: 954.482.4253

Lance J.M. Steinhart, P.C.

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Nonpublic Public

Date of Request: 1/23/2024

Response Due: 2/2/2024

(Extension requested to 2/9/24)

Type of Inquiry: General

SEND RESPONSE VIA EMAIL TO: Utility.Discovery@state.mn.us as well as the assigned analyst(s).

Assigned Analyst(s): Lisa Gonzalez; Arielle Tiamiyu

Email Address(es): lisa.gonzalez@state.mn.us; arielle.tiamiyu@state.mn.us

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evidence of a breach of customer CPNI, and neither did the FCC during its investigation. There has been no unauthorized release of consumer data, and thus, **NO** consumer harm.

Q Link, however, in abundance of caution updated its then-existing practices and Q Link has since further modified those practices to conform with the FCC's more stringent prophylactic requirements.

Furthermore, notwithstanding the password requirements, even prior to the allegation and subsequent FCC inquiry, Q Link had taken additional steps to safeguard its consumers' CPNI. For example, called party telephone numbers were never displayed in full. The data displayed would not have been meaningful other than to the account holder and would not have been readily reverse-engineered.

In light of all this, Q Link believes that the proposed forfeiture is excessive in light of the lack of an actual breach and the data privacy safeguards Q Link did have in place.

The NAL, which is an administrative complaint, remains pending. No final adjudication on the merits has occurred. Moreover, even if the FCC issues a final forfeiture order, Q Link would be entitled to a de novo trial on the merits in federal court, at which Q Link and its experts are confident Q Link would prevail.

To be completed by responder

Response Date: February 9, 2024

Response by: CEO of Q LINK WIRELESS LLC;

Email Address: reg@qlinkwireless.com

Phone Number: 954.482.4253

Lance J.M. Steinhart, P.C.

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770-232-9200

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

Minnesota Department of Commerce
Reply Comments

Docket No. P6883/M-23-383

Dated this **6th** day of **March 2024**

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jeffrey	Ansted	JAnsted@ambt.net	American Broadband and Telecommunications Company	1480 Ford St Maumee, OH 43537-1731	Electronic Service	No	OFF_SL_23-383_M-23-383
Issa	Asad	reg@qlinkwireless.com	Q Link Wireless LLC	499 E Sheridan St Ste 400 Dania Beach, FL 33004	Electronic Service	No	OFF_SL_23-383_M-23-383
Stephen	Athanson	sathanson@tracfone.com	TracFone Wireless Inc.	9700 NW 112th Avenue Miami, FL 33178	Electronic Service	No	OFF_SL_23-383_M-23-383
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-383_M-23-383
Matt	Dean	mdean@telecompliance.net	Inteserra	151 Southhall Lane, Ste 450 Maitland, FL 32751	Electronic Service	No	OFF_SL_23-383_M-23-383
Myloc	Dinh	RegulatoryAffairs@truconnect.com	Sage Telecom Communications, LLC	d/b/a TruConnect 1149 S. Hill St Ste 400 Los Angeles, CA 90015	Electronic Service	No	OFF_SL_23-383_M-23-383
Ron	Elwood	relwood@mnlsap.org	Legal Services Advocacy Project	970 Raymond Avenue Suite G-40 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_23-383_M-23-383
William	Haas	william.haas@t-mobile.com	T-Mobile US	P.O. Box 10076 Cedar Rapids, IA 52410	Electronic Service	No	OFF_SL_23-383_M-23-383
Terry	Hildebrandt	terry.hildebrandt@usc.salvationarmy.org	The Salvation Army	N/A	Electronic Service	No	OFF_SL_23-383_M-23-383
Kathy	Kemp	kathy.kemp@telrite.com	Telrite Corporation	4113 Monticello St Covington, GA 30014	Electronic Service	No	OFF_SL_23-383_M-23-383

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Redman Carter	regulatory@entouchwireless.com	Boomerang Wireless, LLC	3030 Lyndon B Johnson Fwy Ste 1065 Dallas, TX 75234	Electronic Service	No	OFF_SL_23-383_M-23-383
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_23-383_M-23-383
Jennifer	Rose	jen.rose@iwirelesshome.com	i-wireless, LLC	1 Levee Way Ste 3116 Newport, KY 41071	Electronic Service	No	OFF_SL_23-383_M-23-383
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-383_M-23-383
Heather	Thompson	heather@terracominc.com	TerraCom, Inc.	PO Box 13006 Oklahoma City, OK 73113	Electronic Service	No	OFF_SL_23-383_M-23-383
Alex	Valencia	Regulatory@lingo.com	Tempo Telecom, LLC.	5607 Glenridge Dr Ste 300 Atlanta, GA 30342	Electronic Service	No	OFF_SL_23-383_M-23-383
Nicole	Westling	nicole.westling@state.mn.us	Department of Commerce	85 7th Place E Suite 280 St Paul, MN 55001	Electronic Service	No	OFF_SL_23-383_M-23-383