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May 24, 2024

VIA OVERNIGHT DELIVERY

Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

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2024 MAY 28 PM 4:30
COMMISSION CLERK

Re: Q LINK WIRELESS LLC, Docket No. 20240065
Petition for ETC Designation – Supplemental Information
CONFIDENTIAL TREATMENT REQUESTED

To Whom It May Concern,

Q LINK WIRELESS LLC (“Q LINK” or the “Company”) hereby submits an original and two (2) redacted copies of the enclosed Supplemental Information in support of its pending Petition for Designation as an Eligible Telecommunications Carrier (“ETC”).

Q LINK hereby requests confidential treatment of certain information identified in the enclosed Supplemental Information pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. **A confidential copy of the responses is attached hereto in a separate, sealed envelope.**

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self-addressed, postage prepaid envelope. If you have any questions or if I may provide you with additional information, please do not hesitate to contact our office. Thank you for your assistance.

Respectfully submitted,

Lance J.M. Steinhart
Managing Attorney
Lance J.M. Steinhart, P.C.

Attorneys for Q LINK WIRELESS LLC

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AFD _____
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ECO _____
ENG _____
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2 redacted copies

Enclosure(s)

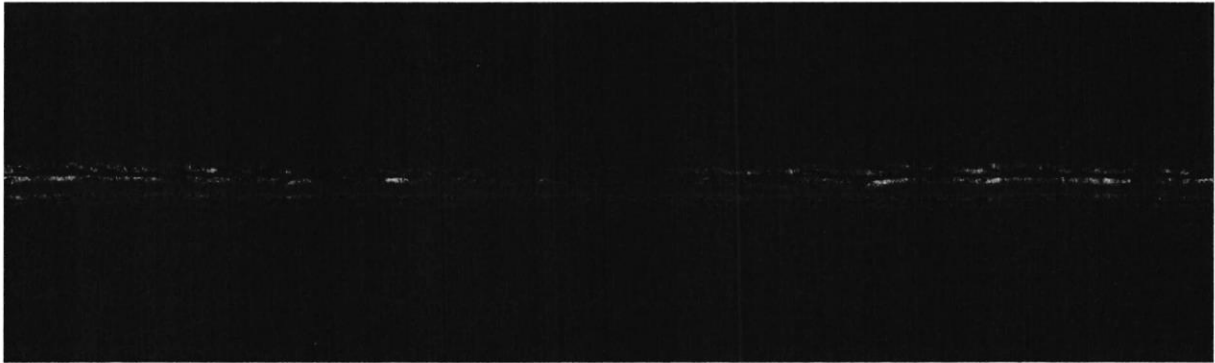
1. *Q LINK NAL related to the EBB/ACP*

The Federal Communications Commission (FCC) released a Notice of Apparent Liability (NAL) to Q Link Wireless LLC (“Q Link or Company”) on January 17, 2023 (FCC 23-2). The NAL reflects a difference of opinion between the Company and the FCC regarding a good-faith estimate of the market value of connected devices the Company provided to qualified low-income consumers during the Covid-19 pandemic. The FCC’s Emergency Broadband Benefit (EBB) Program, later succeeded by the Affordable Connectivity Program (ACP), encouraged providers like Q Link to provide connected devices to consumers during the Covid-19 pandemic and promised to reimburse providers for the market value of those devices. 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. Q Link was forced to have devices custom-made during the pandemic, because supply-chain disruptions made off-the-shelf devices unavailable at the volume that consumers in the EBB and ACP programs demanded. Q Link’s good-faith estimate of the value of those devices was \$110. FCC staff disagreed after the fact, estimating the value at \$60 per device. 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. There are substantial disputes between FCC staff and the Company as to the parameters of the devices and the methodology to estimate market value.

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.

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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.

2. *NAL related to CPNI*

The FCC released an NAL on July 28, 2023 (FCC 23-59) against Q Link and its sister company, Hello Mobile Telecom LLC (“Hello Mobile”) (collectively, “Q Link”). The FCC initiated the related inquiry based on allegations that Q Link customer information was available on its phones. The FCC’s inquiry arose from a matter reported on the *Ars Technica* website, claiming weaknesses in Q Link’s system for allowing customers to access their accounts through the internet. 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 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. The NAL does not assert that any third-party breach actually occurred but instead faults Q Link for account-authentication methods asserted to be insufficiently protective under the FCC’s prophylactic regulations. The Company has responded to the NAL by describing the relevant facts and law, and explaining why the proposed penalty is inappropriate. 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.

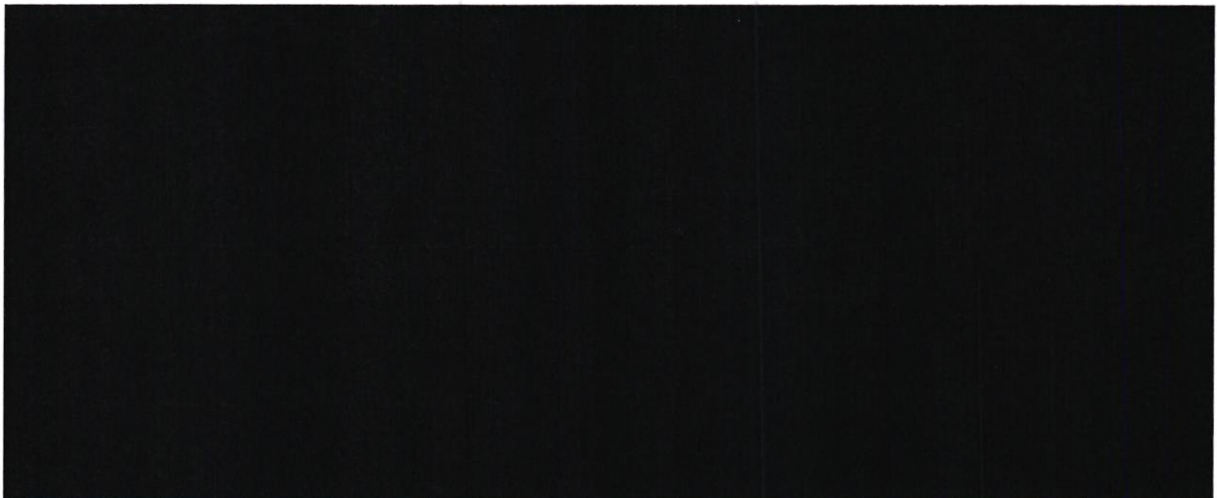
The NAL, which is an administrative complaint, remains pending. No final adjudication on the merits has occurred, and no penalty has been imposed. Moreover, even if the FCC issues a final forfeiture order, Q Link would be entitled to a de novo trial on the merits in federal court, at which Q Link and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

3. *NAL for Non-Response*

The FCC released an NAL on August 5, 2022 (DA 22-825) against Q Link, Hello Mobile, and Quadrant Holdings LLC ("Quadrant," Q Link's parent company) proposing a \$100,000 fine for the Companies' failure to respond to a Commission order to provide information and documents concerning an alleged security flaw in the Q Link mobile app.

This resulted from a dispute with respect to the limited time to respond to the FCC's information requests related to the alleged data breach that was eventually the subject of the CPNI NAL (which as discussed above was not based on a finding of a breach, but on safeguards that did not conform to prophylactic rules).

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The NAL, which is an administrative complaint, remains pending. No final adjudication on the merits has occurred, and no penalty has been imposed. 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 on all issues, including the appropriateness and amount of any fine.