

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: October 28, 2024

TO: Office of Commission Clerk (Teitzman)

FROM: Office of the General Counsel (Harper, Augspurgen, Farooqi) *AH*
Office of Industry Development and Market Analysis (Fogleman, Day, Deas) *GF*

RE: Docket No. 20240146-TP – Initiation of show cause proceeding against Q LINK WIRELESS LLC for apparent violation of Order No. PSC-2024-0201-PAA-TP.

AGENDA: 11/05/24 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: *All Commissioners*

PREHEARING OFFICER: ~~Administrative~~ *Fay* *AT 10/28/24*

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

Staff of the Florida Public Service Commission (Commission) opened this docket to initiate a show cause proceeding against Q LINK WIRELESS LLC (Q LINK or Company) for apparent violation of Commission Order No. PSC-2024-0201-PAA-TP.¹ Q LINK is a provider of commercial mobile radio service and offers prepaid wireless telecommunications services to consumers as a wireless reseller. The company is regulated as a common carrier pursuant to 47 U.S.C. § 153(11). Q LINK is a Limited Liability Company that was organized in the State of Delaware on August 25, 2011, and is wholly-owned by its parent, Quadrant Holdings Group LLC.

¹ Order No. PSC-2024-0201-PAA-TP, issued June 20, 2024, in Docket No. 20240065-TP, *In re: Petition for designation as eligible telecommunications carrier in the State of Florida, by Q LINK WIRELESS.*

By Order No. PSC-2024-0201-PAA-TP (ETC Order), the Commission designated Q LINK as an Eligible Telecommunications Carrier (ETC) throughout Florida, pursuant to 47 C.F.R. § 54.201(c)(2020).² Q LINK's purpose in seeking its ETC designation was to receive federal support for offering the Lifeline discount to its low-income customers. As part of its petition seeking ETC designation, the Company committed to follow applicable state and federal rules. It is believed that Q LINK has approximately 15,429 Lifeline customers in Florida.

In its Petition³ for ETC designation, filed on April 16, 2024, Q LINK made various representations to the Commission regarding its adherence with federal and state regulations related to the Lifeline program:

- a. Q LINK, in its representations regarding "Prevention of Waste, Fraud and Abuse," indicated its "commitment to being a trusted steward with public resources"⁴ and further discussed at length its alleged steps to prevent such waste, fraud and abuse by employing a "state-of-the-art proprietary fraud prevention system;"⁵
- b. Q LINK represented that "consistent with federal regulations, [it] would not seek USF reimbursement for inactive subscribers and will de-enroll any subscriber who has not used [its] Lifeline service as set forth in 47 C.F.R. § 54.407(c)(2);"⁶
- c. Q LINK represented that "[a]n account will be considered active if the authorized subscriber establishes usage, as 'usage' is defined by 47 C.F.R. § 54.407(c)(2), during the specified time frame, currently a period of thirty (30) days, or during the notice period set forth in 47 C.F.R. § 54.405(e)(3), currently a period of fifteen (15) days;"⁷
- d. Q LINK represented that "[b]y this Petition, [it] hereby asserts its willingness and ability to comply with the rules and regulations that the Commission may lawfully impose upon the Company's provision of service contemplated by this Petition;"⁸
- e. Q LINK represented that "100% of federal universal service funds will flow through directly to Lifeline customers;"⁹ and,
- f. Q LINK stressed in its Petition, for a second time, that it "remains committed to careful stewardship of the Lifeline program."¹⁰

² Florida Public Service Commission Order No. PSC-2024-0201-PAA-TP, Docket No. 06753-2024, *Notice of Proposed Agency Action Order Granting Eligible Telecommunications Carrier Designation*, issued June 20, 2024.

³ Florida Public Service Commission, *supra*, Docket No. 20240065-TP, Document No. 01893-2024, Petition, filed April 16, 2024.

⁴ *Id.*, Petition at p. 18.

⁵ *Id.*, Petition at p. 17.

⁶ *Id.*, Petition at p. 18.

⁷ *Id.*, Petition at p. 18.

⁸ *Id.*, Petition at p. 1.

⁹ *Id.*, Petition at p. 18-19.

¹⁰ *Id.*, Petition at p. 22.

On August 22, 2024, the United States commenced its criminal prosecution against Q LINK and Issa Asad [CEO of Q LINK and owner of Q LINK's parent company (QUADRANT)] with the filing of an Information in the United States District Court, Southern District of Florida.¹¹ The Government charged both defendants with "Conspiracy to Commit Offenses Against, and to Defraud, the United States (18 U.S.C. § 371)."¹² Further, Asad was charged with Money Laundering (18 U.S.C. § 1957).¹³

On October 15, 2024, Q LINK and Asad each admitted guilt and entered into Plea Agreements for conspiring to defraud and commit offenses against the United States in connection with a years-long scheme to steal over \$100 million from the federal Lifeline program.^{14,15}

Asad, in addition to entering a guilty plea to the conspiracy to defraud the United States, also entered a plea of guilty to laundering money from a separate scheme to defraud a different federal program meant to aid individuals and businesses hurt by the COVID-19 pandemic.

As part of their Plea Agreements, Q LINK and Asad agreed to pay, jointly and severally, the sum of \$109,637,057.00 in restitution to the Federal Communications Commission (FCC) no later than the time of their sentencing hearings (currently set for January 15, 2025).

Asad separately agreed to pay \$1,758,339.25 in restitution to the U.S. Small Business Administration and to a forfeiture judgment against him of at least \$17,484,118.00.

Q LINK agreed in its Plea Agreement that "it shall not participate in any program administered by the FCC"¹⁶ as of the date of sentencing, and further agreed that it would "cooperate with the FCC in the transition of all customers of any program administered by the FCC to other telecommunications providers."¹⁷ The sentencing date is currently scheduled for January 15, 2025.

In a Factual Proffer, Q LINK admitted that

[It] conspired with others, including Asad and Director of Customer Relations #1, to submit and cause to be submitted false and fraudulent claims to the FCC Lifeline program for customers who were not using their cellphones according to the FCC usage rules. The Defendant and others conspired to mislead and trick the FCC into thinking customers were using their cellphones by manufacturing cellphone activity to pass off as usage and by engaging in coercive marketing techniques to get people to remain Q Link customers."¹⁸

¹¹ *United States v. Asad & Q Link Wireless LLC*, U.S. Distr. Ct. for the S.D. Fla., Case 1:24-cr-20363-RAR, Document 1 (Information), filed August 22, 2024, accessed via PACER.

¹² *U.S. v. Asad/Q Link*, *Id.*

¹³ *U.S. v. Asad/Q Link*, *Id.*

¹⁴ *U.S. v. Asad/Q Link*, Document 21 (Asad Plea Agreement).

¹⁵ *U.S. v. Asad/Q Link*, Document 23 (Q Link Plea Agreement).

¹⁶ *U.S. v. Asad/Q Link*, *Id.* at p. 3.

¹⁷ *U.S. v. Asad/Q Link*, *Id.* at p. 4.

¹⁸ *U.S. v. Asad/Q Link*, Document 24 (Q Link Factual Proffer), p. 3.

For instance, as discussed in the Q Link Factual Proffer, its employees took “cellphone numbers of the Defendant’s customers who were not using their phones and placed outbound calls by temporarily swapping the customer’s electronic serial number (“ESN”) assigned to the physical cellphone for the ESN number of a cellphone in the Defendant’s shipping department.”¹⁹ This scheme was carried out roughly between 2013 and 2016 so that the cellphone records of a customer would reflect an outbound call, and thus would have created “usage” as required by the FCC for reimbursement.²⁰

Around March 2020, Asad and Q LINK devised an automated script for its customers that falsely warned “Hello, your Medicaid, Foodstamp and Lifeline benefits are about to get cancelled.”²¹ Customers were then directed to press 1 to indicate that they wished to remain enrolled in the noted programs.

Other practices implemented by Q LINK included using

auto-dialers to originate a high volume of outbound calls from [Q LINK] to customers who were not using their cellphones to trick them into answering the phone to assent to [Q LINK’s] Lifeline services, including using the local area codes not facially associated with [Q LINK] and spoofing [the customers’] own cellphone numbers to deceive customers into thinking that [Q LINK’s] representative were (sic) was not on the other end . . . in order to trick and mislead customers into pressing a button to agree to remain Q Link customers so that the Defendant could keep billing the Lifeline program.²²

Other Q LINK business practices included ensuring that customers could not cancel online, but had to call Q LINK on the phone, with company representatives employing different scripts intended to prevent customers from cancelling.²³

Q LINK was aware as early as 2014 that the FCC was investigating it regarding customer usage issues.²⁴ Between 2015 and 2021, Q LINK provided to the FCC records of manufactured cellphone activity for those customers who were not meeting usage requirements – even including activity for phones for customers who were “so fed up” with Q LINK that they had turned over their phones to the FCC.²⁵

Other fraudulent business activity included trying to pass off records of unchecked voicemails as answered voice calls (hence creating “usage”), as well as changing the name of a header on a spreadsheet from “voicemail” to “voice” to leave the FCC with the false impression that the call records contained voice calls.²⁶

¹⁹ *U.S. v. Asad/Q Link, Id.*

²⁰ *U.S. v. Asad/Q Link, Id.*

²¹ *U.S. v. Asad/Q Link, Id.*

²² *U.S. v. Asad/Q Link, Id.* at p. 4.

²³ *U.S. v. Asad/Q Link, Id.*

²⁴ *U.S. v. Asad/Q Link, Id.* at p. 5.

²⁵ *U.S. v. Asad/Q Link, Id.*

²⁶ *U.S. v. Asad/Q Link, Id.*

Importantly, as of October 15, 2024, Q LINK admitted that it “has continued to bill the FCC Lifeline program up until the present, including for customers that Q Link should have stopped billing because the customers were not using their cellphones.”²⁷

Issue 1 is staff’s recommendation regarding Q LINK’s apparent violation of its ETC Order arising from its admitted fraud against the Lifeline program and as a result it no longer being in the public interest for Q LINK to be designated as an ETC in Florida.

The procedure followed by the Commission in dockets such as this is to consider the Commission staff’s recommendation and determine whether the alleged facts warrant requiring the entity to respond. If the Commission agrees with staff’s recommendation, the Commission issues an Order to Show Cause (Show Cause Order). A Show Cause Order qualifies as an administrative complaint by the Commission against the entity as required by Section 120.60(5), Florida Statutes (F.S.).²⁸ If the Commission issues a Show Cause Order for Issue 1, then for Q LINK to potentially keep its ETC designation in the State of Florida, it must provide a written response to the Commission within 21 days, disputing the factual allegations set forth in the Show Cause Order, and requesting a hearing pursuant to Sections 120.569 and 120.57, F.S. If the Company requests a hearing, a further proceeding would be scheduled before the Commission makes a final determination on the matter.

If Q LINK fails to timely respond to the Show Cause Order, then it would be deemed to have admitted the factual allegations contained in the Show Cause Order. The Company’s failure to timely respond would also constitute a waiver of its right to a hearing. If the Company does not timely respond, a final order would be issued imposing the sanctions set out in the Show Cause Order.

If a final order is issued regarding Issue 1, then Q LINK’s ETC status would be revoked in the state of Florida, and the Company would no longer be able to offer the Lifeline discount to its customers in Florida. Q LINK would also be prohibited from receiving monetary support from the Universal Service Fund for its Lifeline customers in Florida.

The Commission has jurisdiction pursuant to Sections 364.10(2), 364.285, and 364.335, F.S.; 47 C.F.R. § 54.201; 47 C.F.R. § 54.400 – 54.423; and, Rule 25.4.0665, F.A.C.

²⁷ *U.S. v. Asad/Q Link, Id.* at p. 6.

²⁸ *See also* Rule 28-106.2015(1), Florida Administrative Code (F.A.C.) (“[A]n agency pleading or communication that seeks to exercise an agency’s enforcement authority and to take any kind of disciplinary action . . . shall be deemed an administrative complaint.”)

Discussion of Issues

Issue 1: Should the Commission order Q LINK to show cause, in writing, within 21 days from the issuance of the order, why its ETC status in Florida should not be revoked for apparent violation of Order No. PSC-2024-0201-PAA-TP, due to its admitted fraud against the Lifeline program and it no longer being in the public interest for Q LINK to be designated as an ETC in Florida?

Recommendation: Yes, Q LINK should be ordered to show cause, in writing, within 21 days from the issuance of the order, why its ETC status in Florida should not be revoked for apparent violation of Order No. PSC-2024-0201-PAA-TP, due to its admitted fraud against the Lifeline program and it no longer being in the public interest for Q LINK to be designated as an ETC in Florida. If the Company's ETC status is to be revoked, staff recommends ordering the Company to immediately cease accepting new Lifeline applicants in Florida as of the date of the final order. Staff also recommends that any final order indicate that the Company's ETC status shall be revoked 30 days after issuance of the final order to provide time for affected customers to be advised of the need to change Lifeline carriers and to effect such transition. (Augsburger, Farooqi, Fogleman, Day, Deas)

Staff Analysis:

Law

State commissions have the primary responsibility for performing ETC designations. In Florida, the Commission has the jurisdiction to designate wireless carriers as ETCs to participate in the federal Lifeline program.²⁹ 47 C.F.R. Section 54.201(c), provides that:

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of 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 by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (d) of this section. Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the state commission shall find that the designation is in the public interest.

47 C.F.R. § 54.407(c) provides that Lifeline providers that do not assess and collect a monthly fee from its subscribers: (1) shall not receive universal service support until the subscriber activates the service, and (2) shall only continue to receive universal service support for subscribers who have used the service within the last 30 days.

In addition to the responsibility for performing ETC designations, the Commission also possesses the authority to revoke ETC designations for the failure of an ETC's compliance with

²⁹ Section 364.10(3), F.S.

any conditions imposed by the state.³⁰ The FCC has found that individual state commissions are qualified to determine what information is necessary to ensure that ETCs are in compliance with applicable requirements, including state-specific ETC eligibility requirements.³¹

Pursuant to Section 364.285(1), F.S., the Commission may impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each such day a violation continues, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364, F.S. Each day a violation continues is treated as a separate offense. Each penalty is a lien upon the real and personal property of the entity and is enforceable by the Commission as a statutory lien.

As an alternative to the above monetary penalties, Section 364.285(1), F.S., provides that the Commission may amend, suspend, or revoke any certificate issued by the Commission for any such violation. Part of the determination the Commission must make in evaluating whether and how to penalize a company is whether the company willfully violated the order, rule, or statute. Section 364.285(1), F.S., does not define what it is to “willfully violate” an order, rule, or statute. Willfulness is a question of fact.³² The plain meaning of “willful” typically applied by the Courts in the absence of a statutory definition, is an act or omission that is done “voluntarily and intentionally” with specific intent and “purpose to violate or disregard the requirements of the law.”³³

“It is a common maxim, familiar to all minds that ‘ignorance of the law’ will not excuse any person, either civilly or criminally.”³⁴ In making similar decisions, the Commission has repeatedly held that certificated companies are charged with the knowledge of the Commission’s orders, rules, and statutes, and that the intent of Section 364.285(1), F.S., is to penalize those who affirmatively act in opposition to those orders, rules, or statutes.³⁵ In other words, a company cannot excuse its violation because it “did not know.”

In recommending a monetary penalty or a form of certificate suspension or revocation, staff reviews prior Commission orders concerning the company at issue. While Section 364.285(1), F.S., treats each day of each violation as a separate offense with penalties of up to \$25,000 per offense, the general purpose of imposing monetary penalties is to obtain compliance with the Commission’s orders, rules, or statutes.

³⁰ See *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 05-46, <https://docs.fcc.gov/public/attachments/FCC-05-46A1.pdf>, page 34.

³¹ *Id.* at 33.

³² *Fugate v. Fla. Elections Comm’n*, 924 So. 2d 74, 75 (Fla. 1st DCA 2006), citing *Metro. Dade County v. State Dep’t of Env’tl. Prot.*, 714 So. 2d 512, 517 (Fla. 3d DCA 1998).

³³ *Id.* at 76.

³⁴ *Barlow v. United States*, 32 U.S. 404, 411 (1833).

³⁵ See Order No. PSC-15-0391-SC-TX, issued November 10, 2015, in Docket No. 20150158-TX, *In re: Initiation of show cause proceedings against Sun-Tel USA, Inc. for apparent violation of Section 364.335(2), F.S., (Application for Certificate of Authority), Section 364.183(1), F.S., (Access to Company Records), Rule 25-4.0665(20), F.A.C., (Lifeline Service), and Rule 25-4.0051, F.A.C., (Current Certificate Holder Information)*.

If a company has a pattern of noncompliance with an order, rule, or statute, or in particular if the violation of an order, rule, or statute adversely impacts the public health, safety, or welfare, then a monetary penalty may not be appropriate or sufficient to address the situation. In such a case, the sanction should be the most severe.

In this docket, staff's informal investigation revealed that the admitted fraud committed by Q LINK has included, amongst other fraudulent practices, creating the appearance of customer usage of its service to receive federal funding from the Lifeline program by falsifying and/or manipulating records. Q LINK admitted on October 15, 2024, that it "has continued to bill the FCC Lifeline program up until the present, including for customers that Q Link should have stopped billing because the customers were not using their cellphones."³⁶ Staff asserts this activity is in direct violation of Order No. PSC-2024-0201-PAA-TP for various reasons, as will be discussed below.

47 C.F.R. § 54.407(c)(2)(i)-(v) sets forth usage requirements which would permit Q LINK to be reimbursed for offering Lifeline:

(2) After service activation, an eligible telecommunications carrier shall only continue to receive universal service support reimbursement for such Lifeline service provided to subscribers who have used the service within the last 30 days, or who have cured their non-usage as provided for in [§ 54.405\(e\)\(3\)](#). Any of these activities, if undertaken by the subscriber, will establish "usage" of the Lifeline service:

(i) Completion of an outbound call or usage of data;

(ii) Purchase of minutes or data from the eligible telecommunications carrier to add to the subscriber's service plan;

(iii) Answering an incoming call from a party other than the eligible telecommunications carrier or the eligible telecommunications carrier's agent or representative;

(iv) Responding to direct contact from the eligible communications carrier and confirming that he or she wants to continue receiving Lifeline service; or

(v) Sending a text message.

Rule 25-4.0665, Florida Administrative Code (F.A.C.), specifically addresses the Lifeline Assistance Program. As set forth in the subject Rule, companies with ETC designations (which are issued by states) "must offer Lifeline Assistance as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Sections 54.400 through 54.423 . . . which are hereby incorporated into this rule by reference" (Emphasis added.) Hence, a

³⁶ *U.S. v. Asad/Q Link*, Q Link Factual Proffer, p. 6.

violation of the noted provisions of 47 C.F.R. § 54.407(c)(2)(i)-(v) is likewise a violation of Florida law.

Staff believes that the admissions contained in the Plea Agreement of Q LINK and its associated Factual Proffer, as well as the admissions contained in the Plea Agreement and Factual Proffer of Asad, document that it is no longer in the public interest for Q LINK to be designated as an ETC in Florida. Staff recommends the penalty of revocation of Q LINK's ETC designation.

Factual Allegations

Q LINK submitted false and fraudulent claims to the Universal Service Administrative Company (USAC) for Lifeline program reimbursements for customers who were not using their cellphones according to the FCC's usage rules. The company conspired to mislead the FCC into thinking customers were using their cellphones by manufacturing cellphone activity to pass off as usage and by engaging in coercive marketing techniques to get people to remain subscribed to its service.³⁷ Q LINK and Mr. Asad have entered pleas of guilty to these charges of fraud.

Conclusion

Q LINK has pleaded guilty to fraud and violating federal Lifeline reimbursement rules. As a result, staff recommends Q LINK is also in violation of its ETC Order issued by this Commission for the following reasons:

- 47 C.F.R. §54.407(c)(2)(i)-(v) sets forth usage requirements which would permit Q LINK to be reimbursed for offering Lifeline;
- The usage requirements of 47 C.F.R. §54.407(c)(2)(i)-(v) are incorporated into Rule 25-4.0665, F.A.C., by reference. Thus a violation of any of any portion of 47 C.F.R. §§ 54.400 – 54.423 constitutes a violation of Rule 25-4.0665, F.A.C.;
- In the ETC Order for Q LINK, the Commission reiterated that Q LINK “asserts that it meets all applicable federal requirements for designation as a Lifeline only ETC in Florida . . . and asserts that, if approved, it will comply with . . . Rule 25-4.0665, Florida Administrative Code (F.A.C.) which govern Lifeline service”³⁸
- By its own admission, Q LINK has violated 47 C.F.R. §54.407(c)(2)(i) and, hence, has violated Rule 25-4.0665, F.A.C., due to continuing “to bill the FCC Lifeline program up until the present, including for customers that Q Link should have stopped billing because the customers were not using their cellphones.”³⁹

³⁷ *U.S. v. Asad/Q Link, Id.* at p. 3.

³⁸ Order No. PSC-2024-0201-PAA-TP, issued June 20, 2024, in Docket No. 20240065-TP, *In re: Petition for designation as eligible telecommunications carrier in the State of Florida, by Q LINK WIRELESS* at p. 2.

³⁹ *U.S. v. Asad/Q Link, Q Link Factual Proffer*, p. 6.

- Further, due to the admitted fraud against the Lifeline program, staff believes that it is no longer in the public interest for ETC designation to be extended to Q LINK.

Accordingly, staff recommends that the Commission order Q LINK to show cause, in writing, within 21 days from the issuance of the order, why its ETC designation should not be revoked for apparent violation of Commission Order No. PSC-2024-0201-PAA-TP, due to, at a minimum, its violation of the Lifeline reimbursement provisions of 47 C.F.R. § 54.407(c)(2)(i) and, hence, Rule 25-4.0665, F.A.C., and because it is no longer in the public interest for Q LINK to be designated as an ETC.

Staff recommends that the order incorporate the following conditions:

1. This Show Cause Order is an administrative complaint by the Florida Public Service Commission, as petitioner, against Q LINK WIRELESS LLC, as respondent.
2. Q LINK shall respond to the Show Cause Order within 21 days of service on the Company, and the response shall reference Docket No. 20240146-TP, Initiation of show cause proceeding against Q LINK WIRELESS LLC for apparent violation of Order No. PSC-2024-0201-PAA-TP.
3. Q LINK has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.
4. Requests for hearing shall comply with Rule 28-106.2015, F.A.C.
5. Q LINK's response to the Show Cause Order shall identify those material facts that are in dispute. If there are none, the petition must so indicate.
6. If Q LINK files a timely written response and makes a request for a hearing pursuant to Sections 120.569 and 120.57, F.S., a further proceeding will be scheduled before a final determination of this matter is made.
7. A failure to file a timely written response to the Show Cause Order will constitute an admission of the facts alleged herein, and a waiver of the right to a hearing on this issue.
8. In the event that Q LINK fails to file a timely response to the Show Cause Order, a final order will issue which will:
 - a. Require Q LINK to immediately cease accepting new Lifeline applicants in Florida as of the date of the final order;
 - b. Require Q LINK to provide a spreadsheet of its existing Lifeline customers in Florida to the Commission, including names, phone numbers, mailing addresses, and, if available, email addresses within 3 days of the final order;

- c. Direct Q LINK to contact all of its existing Lifeline customers in Florida in writing within 7 days of the date of the final order and advise of the specific need for the customer to select a new Lifeline carrier that is designated as either a wireline or wireless ETC. This notice shall include the Lifeline contact list on the Commission's website located at: <https://www.florida.psc.com/pscfiles/website-files//PDF/Utilities/Telecomm/Lifeline/Customer-CompanyContact-EN.pdf>⁴⁰
- d. Advise Q LINK that a random sampling of Q LINK's Lifeline customers in Florida will be conducted by Commission staff approximately 15 days after issuance of the final order to ascertain compliance by Q LINK with paragraph (c), above;
- e. Direct Q LINK to advise the Commission in writing within 10 days of the final order of its compliance with paragraph (c), above;
- f. Confirm that in the event random sampling by Commission staff indicates that Q LINK has failed to notify its Florida Lifeline customers as required, prior to the sentencing hearing the prosecutor in the pending U.S. District Court criminal proceeding will be notified of Q LINK's apparent failure to assist in the transition of customers to other Lifeline providers; and,
- g. Revoke Q LINK's ETC status 30 days after the date of the final order.

⁴⁰ There are up to 14 wireless ETCs and up to 1 wireline ETC that could provide the Lifeline discount to Q LINK's current customers, depending on the geographic location of the customer.

Issue 2: Should this docket be closed?

Recommendation: If the Commission orders Q LINK to show cause as to Issue 1 and Q LINK timely responds in writing to the Show Cause Order, this docket should remain open to allow for the appropriate processing of the response. If the Commission orders Q LINK to show cause as to Issue 1 and Q LINK does not timely respond to the Show Cause Order, then the Commission should issue a final order, and this docket should be closed after the time for filing an appeal has run. If the Commission does not order Q LINK to show cause as to Issue 1 then this docket should be closed. (Augspurger, Farooqi)

Staff Analysis: If the Commission orders Q LINK to show cause as to Issue 1 and Q LINK timely responds in writing to the Show Cause Order, this docket should remain open to allow for the appropriate processing of the response. If the Commission orders Q LINK to show cause as to Issues 1 and Q LINK does not timely respond to the Show Cause Order, then the Commission should issue a final order, and this docket should be closed after the time for filing an appeal has run. If the Commission does not order Q LINK to show cause as to Issue 1 then this docket should be closed.