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DOCKET# 34878
DOCUMENT# 221168

Docket No. 34878

In Re: Application of Q LINK WIRELESS LLC for Designation as an Eligible Telecommunications Carrier in the State of Georgia

INITIATION OF RULE NISI, ASSIGNMENT OF HEARING OFFICER, AND PROCEDURAL SCHEDULING ORDER

To: Q LINK WIRELESS LLC

You are hereby notified that the Georgia Public Service Commission (the "Commission") is initiating a rule nisi proceeding and that a hearing will be held before a Hearing Officer at the offices of the Commission located at Hearing Room 110, 244 Washington Street, Atlanta, GA 30334, commencing at 10:00AM on the 20th day of March 2025, and continuing on such further days as the Commission deems necessary until completed, for the purpose of hearing evidence to determine whether Q LINK WIRELESS LLC has violated the conditions of its ETC designation and the appropriate action to take based on this determination.

The Staff of the Georgia Public Service Commission ("Staff") has alleged that Q LINK WIRELESS LLC is in violation of the terms of its ETC designation as stated in the Commission Order Docket No. 34878, Order on Application for Designation as an Eligible Telecommunications Carrier (the "Order"). Specifically, Staff alleges that Q LINK WIRELESS LLC has failed to comply with applicable state law, applicable Commission rules and orders, and applicable federal law, rules, and regulations. Staff bases its allegations on Q LINK WIRELESS LLC's guilty plea to counts of conspiring to commit wire fraud, theft of government funds, and money laundering in the United States District Court of the Southern District of Florida. The finding by the Commission that Q LINK WIRELESS LLC has failed to comply with any order of the Commission may subject the company to any of the actions and penalties set forth herein.

Notification of the following matters is hereby given:

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Commission by O.C.G.A. §§ 46-2-20, 46-2-21, 46-5-163, and 46-5-168; and in accordance with

the Georgia Administrative Procedure Act and the Rule and Regulations of the Commission. The Commission has the authority to designate telecommunication companies as ETCs for operation in Georgia, to adopt reasonable rules governing certification of local exchange companies, and to grant, modify, impose conditions upon, or revoke an ETC designation for a telecommunications company. The Commission is authorized to perform the duties imposed upon it of its own initiative. O.C.G.A. § 46-2-20(b), 47 USC 214(e)(2).

RULE NISI

Staff asserts that Q LINK WIRELESS LLC has failed to comply with applicable state law, applicable Commission rules and orders, and applicable federal law, rules, and regulations. In the Order, the Commission made clear that Q LINK WIRELESS LLC's ETC designation "may at any time be suspended or revoked by order of the Commission." Further, the Order states that "Q LINK WIRELESS LLC's ETC designation is conditioned upon their compliance with applicable state law, applicable Commission rules and orders and applicable federal law, rules and regulations."

Staff alleges that Q LINK WIRELESS LLC has violated federal law regarding its operation as an ETC. On August 22, 2024, the United States commented its criminal prosecution against Q LINK WIRELESS LLC and Issa Asad (CEO of Q LINK WIRELESS LLC and its parent company QUADRANT) with the filing of an Information in the United States District Court, Southern District of Florida. United States v. Asad & Q Link Wireless LLC, Case No. 24-20363-CR-RAR, filed August 22, 2024, accessed via PACER. The Government charged both defendants with "Conspiracy to Commit Offenses Against, and to Defraud, the United States (18 U.S.C. § 371)." Further, Asad was charged with Money Laundering (18 U.S.C. § 1957). On October 15, 2024, Q LINK WIRELESS LLC 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. Q LINK WIRELESS LLC agreed in its Plea Agreement that "it shall not participate in any program administered by the FCC" 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."

If the Commission determines that an affected company is not in compliance with terms of its ETC designation or the orders of the Commission, then the Commission will be authorized as part of this proceeding to take all appropriate action under the law, including revocation of its ETC designation.

ASSIGNMENT TO HEARING OFFICER

Pursuant to O.C.G.A. § 46-2-58, the Commission assigns this matter to Hearing Officer Nancy Gibson. Her mailing address is 244 Washington Street, Atlanta, GA 30334, and her telephone number is (404) 463-0882.

Please forward any and all correspondence regarding this matter to the Hearing Officer listed above as well as any parties of record, in addition to filing the required number of copies

with the Executive Secretary of the Georgia Public Service Commission pursuant to Commission Rules.

PROCEDURES

The following are the procedures to which any party to this hearing should adhere with respect to this docket:

1. Intervention:

(a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings.

(b) Applications must clearly specify the docket in which the applicant seeks to intervene. In addition to the requirements prescribed in O.C.G.A. § 46-2-59 for applications for leave to intervene, the applicant must: (1) identify other intervening parties or intervening party applicants whose interests are similar to the applicant along with an explanation of why the identified intervening parties or intervening party applicant will not adequately represent the applicant's interest; and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party. Any objections to applications must be filed in accordance with O.C.G.A. § 46-2-59(d).

(c) Any application for leave to intervene that is filed late must state the reason why such application was not filed within thirty (30) days of the first published notice. Objections to later intervention application must be filed in conformity with the requirements of O.C.G.A. § 46-2-59(d).

(d) The Commission will take up and rule on applications for leave to intervene at the first hearing date scheduled in this docket.

2. Service:

In addition to electronically filing all documents in either Microsoft Word for text documents or Microsoft Excel format for spreadsheets, with the Commission's Executive Secretary, copies of all pleadings, filings, correspondence, and any other documents related to, and submitted in, the course of this docketed matter should be served upon:

Chris Collado, Staff Attorney
Georgia Public Service Commission
244 Washington St. S.W.
Atlanta, Georgia 30334
ccollado@psc.ga.gov

Nancy Gibson, Hearing Officer
Georgia Public Service Commission
244 Washington St. S.W.
Atlanta, Georgia 30334
ngibson@psc.ga.gov

and all other interveners recognized by the Commission in this docket.

3. Hearing Exhibits:

It shall be the responsibility of the party sponsoring any hearing exhibits to see that the court reporter and all parties of record, in addition to the individual Commissioners or hearing officer, receive copies of all exhibits at the time of their introduction at the hearing.

RIGHTS OF RESPONDENTS

Q LINK WIRELESS LLC has the following rights in connection with this hearing:

1. To respond in writing and by appearance at hearing to the matters asserted in this document and to present evidence on any relevant issue;
2. To be represented by counsel at Respondent's expense;
3. To subpoena witnesses through the Commission by filing requests with the Executive Secretary of the Commission for issuance of subpoenas; and
4. Such other rights as are conferred by law and the rules and regulations of the Commission.

GENERAL MATTERS ASSERTED

1.

Q LINK WIRELESS LLC has been designated an ETC for the limited purpose of providing Lifeline service.

2.

The Commission has the authority to designate telecommunications companies as ETCs, to adopt reasonable rules governing the designation of ETCs in the State of Georgia, and to grant, modify, impose conditions upon, or revoke such designation. O.C.G.A. §§ 46-5-163; 46-5-168(b), 47 USC 214(e)(2).

3.

The Order granting ETC designation to Q LINK WIRELESS LLC requires that the company comply with all orders, rules and requirements of the Commission.

4.

In Docket No. 34878, the Commission ordered that Q LINK WIRELESS LLC's ETC designation "may at any time be suspended or revoked by order of the Commission." Further, the Order states that "Q LINK WIRELESS LLC's ETC designation is conditioned upon their compliance with applicable state law, applicable Commission rules and orders and applicable federal law, rules and regulations." (June 19, 2014 Order on Application For Designation As An Eligible Telecommunications Carrier, p. 3)

5.

On August 22, 2024, the United States commented its criminal prosecution against Q LINK WIRELESS LLC and Issa Asad (CEO of Q LINK WIRELESS LLC and its parent company QUADRANT) with the filing of an Information in the United States District Court, Southern District of Florida. United States v. Asad & Q Link Wireless LLC, Case No. 24-20363-CR-RAR, filed August 22, 2024, accessed via PACER. The Government charged both defendants with

"Conspiracy to Commit Offenses Against, and to Defraud, the United States (18 U.S.C. § 371)." Further, Asad was charged with Money Laundering (18 U.S.C. § 1957).

6.

On October 15, 2024, Q LINK WIRELESS LLC 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. U.S. v. Asad/Q Link, Document 21, 23.

7.

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.

8.

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.

9.

Q LINK WIRELESS LLC agreed in its Plea Agreement that "it shall not participate in any program administered by the FCC" 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." The sentencing date is currently scheduled for January 15, 2025. U.S. v. Asad/Q Link, Id. at p. 3-4.

10.

These above-stated offenses constitute a violation of the terms of the ETC designation made by the Commission, whom has the authority and the grounds to revoke such designation.

STATUTES INVOLVED

O.C.G.A. § 46-2-20(a) provides that the Commission has general supervisory authority over telephone companies.

O.C.G.A. § 46-2-20(b) provides that the Commission may hear complaints against companies under its jurisdiction and may also perform duties it imposes on itself.

47 USC 214(e)(2) grants the Commission authority to designate a common carrier as an ETC for an are within the state of Georgia.

WHEREFORE, it is

ORDERED, that the initiation of the Rule Nisi and Procedural and Scheduling Order shall be served upon Q LINK WIRELESS LLC by certified mail and shall constitute notice of the

matters asserted pursuant to O.C.G.A. § 50-13-13(a). Public notice of this investigation and hearing shall also be given by publication by the Georgia Public Service Commission.

ORDERED FURTHER, that the Commission hereby adopts the findings, conclusions, schedule, and procedures set forth within this Order.

ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order(s) as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 23rd day of January 2025.

Sallie Tanner
Executive Secretary

1-28-25
DATE

Jason Shaw
Chairman

1-28-25
DATE