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Docket No. 34878

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

RECOMMENDED DECISION TO REVOKE Q LINK WIRELESS LLC'S DESIGNATION AS A ELIGIBLE TELECOMMUNICATIONS CARRIER

January 28, 2025, the Commission issued an Order initiating a Rule Nisi, Assignment to Hearing Officer and Procedural Order to Q Link Wireless, LLC. for the purpose of hearing evidence to determine whether Q LINK WIRELESS LLC ("Q LINK") has violated the conditions of its ETC designation.

The Staff of the Georgia Public Service Commission ("Staff") alleged that Q LINK 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 alleged that Q LINK has failed to comply with applicable state law, applicable Commission rules and orders, and applicable federal law, rules, and regulations. Staff based its allegations on Q LINK'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.

Legal Authority

This hearing was 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).

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 within the state of Georgia.

Findings of Fact and Conclusions of Law

1.

Staff asserted that Q LINK 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's ETC designation is conditioned upon their compliance with applicable state law, applicable Commission rules and orders and applicable federal law, rules and regulations."

2.

Staff testified that Q LINK violated federal law regarding its operation as an ETC. On August 22, 2024, the United States commented its criminal prosecution against Q LINK and Issa Asad (CEO of Q LINK 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 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 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."

3.

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

4.

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).

5.

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

6.

In Docket No. 34878, the Commission ordered that Q LINK's ETC designation "may at any time be suspended or revoked by order of the Commission." Further, the Order states that "Q LINK'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)

7.

On August 22, 2024, the United States commented its criminal prosecution against Q LINK and Issa Asad (CEO of Q LINK 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).

8.

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. U.S. v. Asad/Q Link, Document 21, 23.

9.

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.

10.

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.

11.

Q LINK 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." U.S. v. Asad/Q Link, Id. at p. 3-4.

12.

The Hearing Officer recommends the Commission find and conclude that Q LINK is in violation of the Commission's Order granting its Application as an Eligible Telecommunications Carrier.

The Hearing Officer certifies the record in this docket to the Commission and issues this recommendation pursuant to O.C.G.A. 46-2-58(d) and 50-13-17(a).

Further, the Hearing Officer certifies that Issa Asad, Q LINK WIRELESS, LLL a copy of this Recommended Decision to Revoke Q Link Wireless LLC's Designation as an Eligible Telecommunications Carrier by USPS located at 499 East Sheridan Street, Suite 300, Dania, FL 33004.

Ordering Paragraphs

WHEREFORE, it is

ORDERED that the Commission, hereby, revokes Q LINK's ETC designation made by the Commission, who has the authority and the grounds to revoke such designation.

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.

Hearing Officer

4/1/2025

Date