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September 20, 2019

**VIA ELECTRONIC DELIVERY**

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Re: Q LINK WIRELESS LLC; Docket No. 20-QLWZ-064-KSF  
Reply to Staff's Response, and Modified Request for Additional Time

To Whom It May Concern:

Q LINK WIRELESS LLC ("Q Link" or "Company") hereby respectfully submits its Reply to Staff's September 18, 2019 Response to Q Link's Request for Additional Time to Answer KUSF Data Requests. The attached Reply includes a modified request for additional time.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me at 770-232-7805 or hkirby@telecomcounsel.com.

Respectfully submitted,

*s/ Heather Kirby*

Heather Kirby  
Regulatory Specialist  
Lance J.M. Steinhart, P.C.  
*Attorneys for Q LINK WIRELESS LLC*

cc: Issa Asad

**BEFORE THE KANSAS CORPORATION COMMISSION**

In the Matter of the Audit of Q Link Wireless, LLC )		
by the Kansas Universal Service Fund (KUSF) )		
Administrator Pursuant to K.S.A. 2018 Supp. )		Docket No. 20-QL WZ-064-KSF
66-2010(b) for KUSF Operating Year 22, Fiscal Year )		
March 2018-February 2019. )		

**Q LINK WIRELESS LLC’S REPLY TO STAFF’S RESPONSE,  
AND MODIFIED REQUEST FOR ADDITIONAL TIME**

Q LINK WIRELESS LLC (“Q Link”) hereby respectfully submits this reply to Kansas Corporation Commission (“Commission”) Staff’s September 18, 2019 Response to Q Link Wireless, LLC’s Request for Additional Time to Answer KUSF Data Requests (“Staff’s Response”).

On August 15, 2019, the Commission opened the above-captioned Docket and issued an Order to KUSF Administrator to Commence Audit (“Audit Order”) designating Q Link for a KUSF audit to be performed by GVNW Consulting, Inc. (GVNW), the current Administrator for the Kansas Universal Service Fund (KUSF). Q Link does not object to being audited and the Audit Order did not provide any details as to when Q Link would be contacted by GVNW or the amount of time Q Link would have to respond to any requests for information, and thus Q Link did not object to the Audit Order.

While Q Link was aware of the impending audit, Q Link was not aware of the data requests themselves or the amount of time to respond until the email correspondence sent to the Company on August 26, 2019. Staff’s Response states that GVNW electronically sent audit correspondence, including standard data requests (DR), to Q Link on August 15, 2019. However, the supporting correspondence attached to Staff’s Response does not include any electronic correspondence from August 15, 2019; Attachment A includes emails beginning August 26, 2019 and Attachment B includes a copy of the audit packet with cover letter dated August 2, 2019—which Q Link assumes

was an error given the docket was not initiated until August 15, 2019.<sup>1</sup> The email sent to the Company by the auditor on August 26, 2019 attached the Audit Order and requested a point of contact so that the auditor could *then* forward the initial audit packet (which included the DRs). Moreover, the data requests themselves, as shown in Staff's Response Attachment B, reflect a Request Date of August 25, 2019. Thus, in Q Link's experience, the Company was given a turnaround time of only eight business days (since September 2 was a federal holiday) in order to provide responses.

Despite the assertions in Staff's Response, it was not Q Link's intent to merely cause delay for the simple convenience of the Company. Q Link believed it would need the requested time in order to adequately respond to the requests. It was Q Link's understanding that an even longer extension had been granted informally to a similar carrier, so Q Link did not expect that the timing of its request would be considered unreasonable. It is clear from Staff's Response, which cited in paragraph 6 a comment made by Q Link's President, that the cited comment created offense. Q Link hereby respectfully apologizes for any disrespect that was communicated towards the persons involved in the audit or for Commission processes; any disrespect was certainly unintentional.

Q Link's Good Faith Efforts. It was Q Link's understanding that the Company had made good faith efforts to comply with the procedural requirements for extension requests. The procedures allow for a up to two (2) seven (7) day extensions to be sought directly with the auditors. Q Link understood that for the second extension (from 7 days to 14) as well as any additional time thereafter, the auditors would have to consult Staff. But, based on the Regulatory Specialist's experience with other carriers, Q Link expected such consultation and response to be informal. Q Link first communicated its need for an extension of time via email to the auditors on September 4, 2019.

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<sup>1</sup> Q Link's version of the same packet with letter dated August 2, 2019 shows a header referencing August 26, 2019 on page 2, and the email to which the packet was attached was labeled "Qlink FY22 Initial Audit Packet 2019-08-26.pdf".

Staff's Response incorrectly asserts that Q Link's first request for an extension of time was made out of time on September 9, 2019 through correspondence filed with the Commission in letter form. As explained above and in the audit procedures, the initial request for extension was not required to be made formally, and Q Link did make a timely informal request for additional time via email on September 4, 2019. Q Link believed the initial requirements for an extension request had been met based upon the auditor's response as follows:

"Instructions on submitting a Request for Additional Time can be found in the Initial Audit Packet's Attachment A (attached). Specifically, a Request for Additional Time must contain the following (emphasis added in bold):

1. DRs, by number, that cannot be provided by the due date (in this case, DRs 1-16),
2. The reason the additional time is being requested (which has been provided), and
3. The number of days requested (which has been provided).

**Such a request can be made via email, as long as it is clearly identified as a Request for Additional Time –and- all three (3) criteria (above) are met.**

GVNW is authorized to approve requests for additional time up to (but not greater than) seven (7) days. Requests in excess of 7 days will be forwarded to KCC Staff for consideration."

Staff then communicated via email on September 5, 2019 at 5:08pm as follows (emphasis added in bold or underline):

"As the original due date is today, September 5, 2019, any 7 or 14 day requests for an extension of time should be submitted to GVNW today. Alternatively, if the Company believes it cannot provide **any** information prior to October 17th, it needs to file a request with the Commission seeking such an extension. That request should also be filed with the KCC today. A filing may be made until 11:59 p.m. using the KCC's efile system, however, Staff understands if a filing with the KCC cannot be submitted until tomorrow."

Believing that an informal request had already been submitted and more importantly, according to Staff's email, that a request received by September 6, 2019 would suffice, Q Link's Regulatory Specialist contacted Staff by phone (voicemail) and email on September 6, 2019 for additional direction—given that such formal requests were not detailed in the audit procedures—but received no response. Q Link's Regulatory Specialist then spoke with the auditor by phone later that afternoon to follow up on the informal extension request and seek further direction, and subsequently attempted to

file the formal request on September 6, 2019. However, the Friday, September 6, 2019 submission was rejected due to a lack of certificate of service, but such rejection was not communicated until Monday, September 9, 2019. Q Link's Regulatory Specialist communicated the file rejection issue with Staff and auditors immediately on September 9, 2019, noting "I will re-file today with a certificate of service, but wanted to make sure you were aware of our attempts to comply with the procedures requested," then re-submitted the formal extension request on September 9, 2019, specifically referencing in the letter that "This filing is a copy of the Request for Additional Time submitted electronically on September 6, 2019, but with a Certificate of Service added."

Similarly, Q Link believes it has made good faith efforts to provide information. When Q Link received the auditor's correspondence on August 26, 2019, the Company contact responded almost immediately with the point of contact information (the same information requested in DR 1). When it was brought to the Regulatory Specialist's attention on September 9, 2019 that the signed version of DR 1 was still outstanding, a signed version was provided the same day (and, based upon the auditor's request on September 11, 2019 that the signed version be updated to include the Regulatory Specialist as an official point of contact, an updated version was provided the following day). Between the initial informal extension request made on September 4, 2019 and the version submitted September 6, 2019 (re-filed September 9, 2019), Q Link did narrow its request so that three (3) DR responses could be provided earlier than the requested extension date (and within fourteen days of the original due date). Finally, Q Link filed its responses to DRs 13, 14 and 15 on September 19, 2019, will be filing responses to DRs 7, 9 and 10 today, and intends to file additional responses as soon as possible hereafter, on a rolling basis as outlined further below.

Clarification regarding Q Link's Reasons for Requesting Extension. Staff's Response belittles Q Link's assertion that Hurricane Dorian presented a unique circumstance given the location of the Company's headquarters in Dania Beach, Florida. Q Link's extension request noted that the Company

had been affected (past-tense) by the hurricane; this effect was due to having to focus internal resources on preparing for if the storm did hit (which it was projected to do), and Q Link and many other businesses, along with schools and government offices, were closed on September 3, 2019. While Q Link agrees with Staff that the hurricane did not ultimately inflict damage on Dania Beach, Q Link's claim that the hurricane had an effect on the Company's ability to respond is still true; the Company was affected by having to prepare for an impending hurricane during the week of August 26, 2019, and the Company made the decision on Friday, August 30 to remain closed on Tuesday, September 3 (after the Monday labor day holiday) for the safety of its employees in the event the hurricane did affect the area. Q Link was not asserting that the hurricane is what required the full extension requested, simply that it did play a role in the Company's ability to respond within 8 business days from receipt of the DRs.

Staff's Response further asserts that Q Link may not use its other regulatory commitments and audits as a basis for extension. Q Link does not believe it is unreasonable to cite such matters; it is a factual limitation that a given number of people can only accomplish so much in a given amount of time. Q Link is not claiming that the KUSF audit or the time of involved Staff/auditors is less important than other matters to which Q Link must attend. Rather, Q Link must meet all of its obligations in a timely manner, and it is customary in most audits for a company to be given at least thirty (30) days to respond (plus any necessary extensions), based upon Q Link's experience being audited by USAC and other states. Q Link did state that it would try to respond sooner if possible, with every intention of doing so. This was not a flippant statement with disregard for procedures and the responsibilities of other parties, it was an attempt to communicate that Q Link believed it would need an extension of six (6) weeks but would do its best to respond as soon as possible.

Staff claims that the DRs consist solely of standard requests for information where much of the information should be readily available. Q Link takes audits very seriously and is diligent to make

sure that the Company responds accurately and fully. Q Link also prefers to review any information request comprehensively, as a whole, to ensure responses are consistent and cohesive. The KUSF DRs request a mixture of accounting information, Lifeline subscriber information, advertising information, and policies behind how various revenue information is reported. The DRs thus address different areas of Q Link's business and involve the coordination of not only multiple internal personnel/departments but also, in several cases, consultation with third party compliance vendors (i.e. who assist with KUSF reporting) as well as legal counsel. For this reason, Q Link felt it would ideally need until October 17, 2019 to respond as accurately as possible.

That said, Q Link also values the responsibilities and timelines of GVNW and Staff, and thus Q Link modifies the length of extension requested for various DRs as follows:

DRs 13, 14, and 15:	September 19, 2019 (already provided)
DRs 7, 9, and 10:	September 20, 2019
DRs 5 and 8:	September 27, 2019
DRs 2, 3, 4, and 6:	October 9, 2019
DRs 11, 12, and 16:	October 17, 2019

Based upon the clarifications and additional information provided herein, Q Link respectfully requests that the Commission grant the Company's modified extension request.

Respectfully submitted,

*/s/ Lance J.M. Steinhart*

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September 20, 2019

## CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the following Reply to Staff's Response, and Modified Request for Additional Time filed in Docket No. 20-QLWZ-064-KSF has been served on the service list, as follows, by means of electronic service on September 20, 2019:

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