

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                      Dwight D. Keen, Chair  
   Shari Feist Albrecht  
   Susan K. Duffy

In the Matter of the Audit of Q Link Wireless,   )  
LLC by the Kansas Universal Service Fund   )  
(KUSF) Administrator Pursuant to K.S.A.   )       Docket No. 20-QLWZ-064-KSF  
2017 Supp. 66-2010(b) for KUSF Operating   )  
Year 22, Fiscal Year March 2018-February   )  
2019.    )

**ORDER GRANTING ADDITIONAL TIME**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1.       On August 15, 2019, the Commission directed GVNW Consulting, Inc. (GVNW), the Kansas Universal Service Fund (KUSF) third party administrator, to perform a routine audit of Q Link Wireless, LLC (Q Link) pursuant to K.S.A. 66-2010(b).<sup>1</sup>

2.       On August 15, 2019, GVNW emailed an audit notice to the address on file for Q Link,<sup>2</sup> listing all data points necessary for completing the audit, providing instructions on submitting the information, setting September 5, 2019, as the deadline for submitting the data, and a request for notice of receipt.<sup>3</sup>

3.       In the instructions, GVNW explained Q Link could request a seven (7) day extension if it notified GVNW which data required extended preparation time and the reasons for

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<sup>1</sup> Order to KUSF Administrator to Commence Audit of Q Link Wireless, LLC and Order Setting Procedure Schedule (Order), Aug. 15, 2019; See K.S.A. 66-2002(h), (The Commission is charged with establishing and administering the KUSF).

<sup>2</sup> Staff's Response to Q Link Wireless, LLC's Request for Additional Time (Staff's Response), Sep. 18, 2019, p. 2.

<sup>3</sup> *Id.*

why extended preparation time was needed. If additional time was needed beyond the initial 7 day extension, Q Link could request a second 7 day extension pursuant to Commission approval.<sup>4</sup>

4. GVNW never received a notice of receipt and, on August 26, 2019, GVNW reached out to a known Q Link agent in hopes of obtaining a response from Q Link.<sup>5</sup> The agent responded the same day and provided an additional email address to contact Q Link; GVNW then forwarded the audit notice to that contact.<sup>6</sup>

5. On September 3, 2019, having received no response, GVNW sent a follow up email reminding Q Link that data required for the audit was due September 5, 2019.

6. On September 4, 2019, Q Link replied by email stating that it would not be able to fulfill the data request until October 17, 2019,<sup>7</sup> due to concurrent compliance and audit deadlines; as well as anticipated disruptions from Hurricane Dorian.<sup>8</sup>

7. In its email correspondence with Q Link's representative, GVNW referred the Company's representative to the initial email containing instructions for extension requests.<sup>9</sup> Rather than complying with the proper procedure for extension requests, Q Link's President advised that GVNW and the Q Link representative could "work out the politics of it," but Q Link would need until October 17, 2019, to fulfill the data request.<sup>10</sup>

8. The email exchange continued into the following day, September 5, 2019, at which time Staff interceded and advised Q Link that material progress in answering the data requests was expected in conjunction with the two, 7 day extension periods. If the entire data request was not

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<sup>4</sup> Staff's Response, p. 5.

<sup>5</sup> Attachment A, p. 1, attached to Staff's Response, Sep. 18, 2019.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* p. 6.

<sup>8</sup> *Id.*

<sup>9</sup> See Attachment A generally.

<sup>10</sup> Attachment A, p. 5.

submitted within that 14-day period, Q Link would be required to submit a formal request to the Commission for any additional extensions.<sup>11</sup>

9. On September 9, 2019, 4 days after the due date, Q Link filed an extension request directly with the Commission, restating its initial reasons for delay and indicating it needed 14 more days for data requests 13 through 15, and until October 17, 2019, for data requests 2 through 12 and 16.<sup>12</sup>

10. On September 18, 2019, Staff filed its response requesting that the Commission deny Q Link's request for additional time because: (1) Q Link did not comply with the standard procedure for extension requests provided in the audit instructions and resorted to an unprecedented extension request made 4 days after the deadline; (2) Q Link is not the only company GVNW is required to audit for KUSF purposes, and the timely submission of data requests is vital to GVNW meeting its June 30, 2020 KUSF audit deadlines; and (3) Q Link's convenience is not justification for a 6-week extension, even if it was due to the negligible damage of Hurricane Dorian.

11. On September 20, 2019, Q Link replied to Staff's Response, rebutting Staff's assertion that the first extension request was submitted after the September 5, 2019 deadline by claiming the first extension request was made via its September 4, 2019 email, 1 day before the deadline.<sup>13</sup> Q Link also asserted the KUSF audit ignores customary auditing practices by not providing a thirty (30) day response window (plus any necessary extensions).<sup>14</sup>

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<sup>11</sup> *Id.* p. 10.

<sup>12</sup> Q Link Wireless LLC Request for Additional Time, Sep. 9, 2019.

<sup>13</sup> Q Link Wireless LLC's Reply to Staff's Response, and Modified Request for Additional Time, Sep. 20, 2019, p. 3.

<sup>14</sup> *Id.* p. 5.

12. The Commission largely agrees with Staff's Response. The evidence indicates Q Link failed to make a good faith effort to meet its submission deadlines. Instead, Q Link shifted its burden to GVNW – who is now behind schedule on its own deadline. Q Link is expected to meet its obligations as an Eligible Telecommunications Carrier (ETC). Due to the Commission's inability to timely address Q Link's request for additional time, and not the merits of Q Link's request, the Commission grants Q Link's extension request and sets October 17, 2019, as the deadline for all data request submissions. No further extensions will be granted.

**THEREFORE, THE COMMISSION ORDERS:**

A. Q Link's request is granted. Q Link's data submission deadline is October 17, 2019. No further extensions will be granted to Q Link with regard to deadlines within this audit.

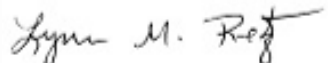
B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>15</sup>

C. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 10/17/2019

  
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Lynn M. Retz  
Executive Director

BGF/zc

<sup>15</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## CERTIFICATE OF SERVICE

20-QLWZ-064-KSF

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
electronic service on 10/17/2019.

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