

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Q LINK WIRELESS LLC )  
 ) Docket No. 12-0095  
Application for Designation as an )  
Eligible Telecommunications Carrier )  
in the State of Illinois. )

STAFF OF THE ILLINOIS COMMERCE COMMISSION'S  
SURREPLY TO Q LINK WIRELESS LLC'S MOTION TO STRIKE

PUBLIC VERSION

**XXX BEGIN CONF Denotes Confidential Information END CONF XXX**

NOW COMES the Staff of the Illinois Commerce Commission, by and through its undersigned counsel, and, pursuant to Rule of Practice 200.190 and for its Surreply to the Motion to Strike of Q Link Wireless LLC (Q Link), respectfully states as follows:

1. Under almost all circumstances, Staff would refrain from filing this pleading. The Staff is aware that surreply pleadings are generally frowned upon in Commission practice and the Administrative Law Judge's June 12, 2014 Ruling did not allow for the filing of surreplies. However, allegations made by Q Link in its Reply to Staff's Response to Q Link's Motion to Strike compel Staff to make its position utterly clear.

2. In its Reply, Q Link states that:

Staff argues that some of its references are mere court records. Response, 3, fn. 3. That's incorrect. In its Initial Brief, Staff cites to a "Chapter 7 bankruptcy" by name but Staff's use of "Chapter 7 bankruptcy" case name – without a confidential designation – improperly divulges Q LINK's confidential information. Q LINK attached as CONFIDENTIAL Exhibit 2.3 three contracts demonstrating that Q LINK currently offers wholesale wireless service to carriers nationwide. Q LINK Surrebuttal, Q LINK Exhibit 2.0, 21:674-675. By publicly divulging the name of one of the three contract carriers in its Initial Brief, in its "Appendices," and now in its

Response, Staff is ignoring its own duties to prevent the dissemination of confidential information it receives, a violation of state law. (Emphasis added.)

Q Link Reply, 3.

3. These claims should be disregarded for any of several reasons.

4. First, assuming entirely for the sake of argument that a violation of confidentiality took place – and none, in fact did – it does not constitute a basis for striking any reference in the Staff’s Initial Brief, for either of two reasons. First, whatever else might conceivably be designated as confidential, court records, without more, assuredly cannot be. This is especially true of the records of a bankruptcy court. See 11 U.S.C. §107(a) (bankruptcy court filings are public records, unless otherwise ordered by the court). Indeed, by definition, the giving of notice to the public, and more specifically to creditors, is at the heart of bankruptcy. 11 U.S.C. §342. There can be no relief on that score.

5. Second, again assuming entirely for the sake of argument that a violation of confidentiality took place, Q Link certainly overlooked it in its Reply Brief and Motion to Strike, which alleged specifically that Staff had introduced new evidence in its Initial Brief, but made no mention of any alleged confidentiality violations. Thus, any attempt to raise these alleged violations in reply is untimely, and apparently any alleged confidentiality violation appears to be of little actual significance to Q Link.

6. Further, Q Link appears to have ignored the possibility of a bankruptcy filing sub nom., under the name of a parent or affiliate. The mere citation need not indicate the name of an entity, which is what matters for confidentiality purposes.

7. Q Link’s real concern is of course **XXX BEGIN CONF XXXXXXXX**

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XXXXXXXXXXXXX END CONF XXX and which was produced in surrebuttal testimony  
and XXX BEGIN CONF

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8. Further, XXX BEGIN CONF XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
END CONF XXX. For example, Q Link stated that it procured wireless service from  
Sprint for resale; it identified no other reseller or resale agreement. Staff Ex. 2.05(a). Q  
Link also averred it did not resell Sprint service to other carriers. Staff Group Cross Ex.  
3 (Q Link Response to Staff DR QL 5.09). XXX BEGIN CONF

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END CONF XXX.

9. Staff, of course, takes very seriously indeed its obligations regarding  
confidentiality and will, if Q Link wishes, file a revised brief with the offensive corporate  
name redacted.

Respectfully submitted,  
s/\_\_\_\_\_

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