



## State of Utah

### Department of Commerce Division of Public Utilities

MARGARET W. BUSSE  
*Executive Director*

CHRIS PARKER  
*Director, Division of Public Utilities*

SPENCER J. COX  
*Governor*

DEIDRE HENDERSON  
*Lieutenant Governor*

## Action Request Response

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Brenda Salter, Utility Technical Consultant Supervisor

Ron Slusher, Utility Technical Consultant

**Date:** August 12, 2021

**Re:** **Docket No. 21-2530-01**, In the Matter of the Notice of Indirect Change of Control of Mobilitie, LLC to BAI Communications US Holdings II, LLC.

### Recommendation (Acknowledge)

The Division of Public Utilities (“Division”) has reviewed the notification of the indirect transfer of control of Mobilitie, LLC (“Mobilitie”), and BAI Communications US Holdings II, LLC (“BAI”) (together the “Applicants”). The public interest will be promoted by the Public Service Commission (“Commission”) acknowledging this indirect transfer of control. As a result of the transfer, the companies should be in a better position to provide expanded and advanced telecommunications services in the State of Utah.

The Division expects that, based on history that a filing of this type and with the information submitted by the company, there will be no objections or opposition to this recommendation. Therefore, the Division requests that this docket be adjudicated informally in accordance with R746-110-1.

## **Discussion**

On or about July 26, 2021, The Gary Jabara Revocable Trust (“GJRT”) and BAI notified the Commission of a transaction, which will result in an indirect transfer of control of Mobilitie to BAI.

Mobilitie is a Nevada limited liability company headquartered at 660 Newport Center Drive, Suite 200, Newport Beach, California 92660. It is authorized to provide public telecommunications services in the State of Utah by the Commission on October 06, 2010, Docket No. 10-2530-01. It is indirectly owned and controlled by The Gary Jabara Revocable Trust.

BAI is a Delaware limited liability company headquartered at 1400 Broadway, New York, New York 10018. It is a holding company created for the purposes of the transaction.

The companies entered into an agreement where BAI will acquire GJRT and in doing so, will indirectly acquire the ownership and control of Mobilitie.

The Applicants submit that the transaction described will serve the public interest and that the change in control will occur at the parent level only. It will not involve any assignment of operating authority, assets, or customers. Mobilitie’s current management, technical, and operational teams will continue to be responsible for the day-to-day operation of Mobilitie’s business following completion of the transaction.

The Applicants further submit that the transaction will be conducted in a manner that will be largely transparent their customers. The transaction will not result in a change of carrier for customers or any assignment of authorizations, and in no event will it result in the discontinuance, reduction, loss, or impairment of service to customers.

## **Conclusion**

The Division has reviewed the notice filed by the Applicants for the transfer of control and concludes that the Applicants are in compliance with Commission Rule R746-349-7, and have provided reasonable documentation of the following:

1. The CLEC shall submit an application which includes but is not limited to:
  - a. Identification that it is not an ILEC,
  - b. Identification that it seeks approval of the application pursuant to this rule,
  - c. A reasonably detailed description of the transaction for which approval is sought,
  - d. A copy of any filings required by the Federal Communications Commission or any other state utility regulatory agency in connection with the transaction, and,
  - e. Copies of any notices, correspondence, or orders from any federal agency or any other state utility regulatory agency reviewing the transaction, which is the subject of the application.

The Division recommends the Commission acknowledge this notice.

Cc: Phillip R. Marchesiello, Counsel for Gary Jabara Revocable Trust and Mobilitie, LLC  
Matthew A. Brill, Counsel for BAI Communications US Holdings II LLC  
Justin Jetter, Assistant Attorney General, State of Utah  
Office of Consumer Services, State of Utah