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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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Executive Director

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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: May 11, 2022

Re: **Docket No(s). 22-2413-01 and 22-2452-02;** BullsEye Telecom, Inc., and Lingo Telecom, LLC f/k/a Matrix Telecom, LLC's Notice of Proposed Transfer of Control to Lingo Management, LLC, Lingo Communications, LLC, and B. Riley Principal Investments, LLC.

Recommendation (Acknowledge)

The Division of Public Utilities ("Division") has reviewed the notification of the transfer of control of BullsEye Telecom, Inc. ("BullsEye") to Lingo Management, LLC ("Lingo Management"), Lingo Communications, LLC ("Lingo"), and B. Riley Principal Investments, LLC ("BRPI"), (collectively, the "Lingo Entities"), and (together the "Applicants"). The public interest will be promoted by the Public Service Commission ("Commission") acknowledging this Transfer of Control of BullsEye to Lingo Entities. 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.

Division of Public Utilities

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Therefore, the Division requests that this docket be adjudicated informally in accordance with R746-110-1.

Discussion

On or about April 28, 2022, Lingo Entities and BullsEye notified the Commission of a transaction, which will result in a transfer of control of BullsEye to Lingo Entities.

BullsEye is a Michigan corporation, headquartered at 25925 Telegraph Road, Suite 210, Southfield, MI 48033. BullsEye received authorization to provide public telecommunications services in the State of Utah by the Commission on November 11, 2003, in Docket No. 03-2413-01.

Lingo Entities is incorporated in multiple states. Headquartered at 3475 Piedmont Road NE, 12th Floor, Suite 1260, Atlanta, GA 30305.

On or about March 28, 2022, Lingo Entities and BullsEye entered into an agreement whereby, BullsEye and Lingo Management will be merged, with BullsEye continuing as the surviving entity. Following the consummation of the merger, BullsEye will change its name to BullsEye Telecom, LLC.

The Applicants submit that the transaction as described will serve the public interest. The Applicants expect that the merger will enable the combined entities to better meet the needs of enterprises, wholesale buyers, and other customers. The transaction will bring together two successful carrier organizations that have proven themselves in a highly competitive marketplace. The transaction will help create a stronger competitor by bringing together each organization's respective strengths. Operating as an integrated company will allow each of the operating companies to be more competitive and to deliver greater value and variety of services to their customers than they do individually.

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. Because of this customer notice is not required under Utah or FCC rules.

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. Cherie R. Kiser, Counsel for Lingo Entities
Alex Valencia, VP – Government Affairs & Compliance, Lingo Management, LLC
Andrew M. Klein, Counsel for BullsEye Telecom, Inc.
Steven M. Avromov, General Counsel & Secretary, BullsEye Telecom, Inc.
Justin Jetter, Assistant Attorney General, State of Utah
Office of Consumer Services, State of Utah