



## Public Service Commission

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*Chair*

DAVID R. CLARK  
*Commissioner*

RON ALLEN  
*Commissioner*

## State of Utah

SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

June 14, 2022

Chérie R. Kiser  
Angela F. Collins  
CAHILL GORDON & REINDEL LLP  
1990 K Street, N.W., Suite 950  
Washington, DC 20006

Andrew M. Klein  
Allen C. Zoracki  
KLEIN LAW GROUP PLLC  
1250 Connecticut Avenue, N.W., Suite 700  
Washington, DC 20036

Alex Valencia  
VP – Government Affairs & Compliance  
Lingo Management, LLC  
9330 LBJ Freeway, Suite 944  
Dallas, TX 75243

Steven M. Avromov  
General Counsel & Secretary  
BullsEye Telecom, Inc.  
25925 Telegraph Road, Suite 210  
Southfield, MI 48033

Re: Docket No. 22-2413-01, *BullsEye Telecom, Inc. – 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*

Docket No. 22-2452-02, *Lingo Telecom, LLC f/k/a Matrix Telecom, LLC – 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*

All,

The Public Service Commission (PSC) has reviewed the notice (“Notification”) filed on April 28, 2022, in the above cited dockets, by Lingo Management, LLC (“Lingo Management”), Lingo Communications, LLC (“Lingo”), and B. Riley Principal Investments, LLC (“BRPI”) (Lingo Management, Lingo, and BRPI collectively, the “Lingo Entities”), BullsEye Telecom, Inc. (“BullsEye”), and Lingo Telecom, LLC (f/k/a Matrix Telecom, LLC) (“Lingo Telecom”) (BullsEye and Lingo Telecom collectively, the “Licensees”) (the Lingo Entities and the

Licensees collectively, the “Parties”) of the proposed transfer of control of BullsEye to the Lingo Entities (the “Transaction”).<sup>1</sup>

The Parties state that they are competitive entrants under Utah Code Ann. § 54-8b-2.1 and the Transaction is therefore exempt from the approval requirements of Utah Code Ann. § 54-4-29 under the exemption for competitive entrants described in Utah Code Ann. § 54-8b-3.4. As competitive entrants, the Parties do not receive high cost support from the Universal Public Telecommunications Support Fund. Consequently, the Notification states the Parties need only submit notice to the PSC of the Transaction before it is completed. The Parties further assert that the Transaction is in the public interest because consumers will benefit from the extensive telecommunications experience and expertise of the combined company. The financial, technical, and managerial resources that Lingo will bring to BullsEye (and BullsEye to Lingo Telecom) are expected to enhance the combined company’s ability to compete in the communications marketplace.

The Division of Public Utilities (DPU) filed comments on May 11, 2022, recommending the PSC acknowledge the Notification and requesting informal adjudication of the matter under Utah Admin. Code R746-110-1. DPU states that the Notification provides reasonable documentation of information required by Utah Admin. Code R746-349-7. DPU does not address whether PSC approval of the Transaction is required.

No party has identified a statutory or other legal requirement for the PSC to approve the Transaction, and no party has requested a declaratory ruling on the issue pursuant to Utah Admin. Code R746-101-1, et seq. Accordingly, the PSC acknowledges that the Notification was filed with the PSC and gives notice it will take no further action in these dockets unless a party files a request for action and explains the basis on which the PSC may or should act.

Sincerely,

/s/ Gary L. Widerburg  
PSC Secretary  
DW#324502

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<sup>1</sup> Matrix Telecom, Inc.’s CPCN was granted in Docket No. 05-2452-01 on December 15, 2005 (through various subsequent transactions the CPCN is now held by Lingo Telecom, LLC). BullsEye’s CPCN was granted in Docket No. 03-2413-01 on November 19, 2003.