



State of Utah

Department of Commerce  
Division of Public Utilities

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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:** July 26, 2021

**Re:** **Docket No. 21-2590-01**, In the matter of the Notification of Transfer of Control of Boomerang Wireless, LLC to ViaOne Acquisition Company LLC.

### Recommendation (Acknowledge)

The Division of Public Utilities (“Division”) has reviewed the notification of the transfer of control of Boomerang Wireless, LLC (“Boomerang”) and ViaOne Acquisition Company LLC (“ViaOne”) (together the “Applicants”). The public interest will be promoted by the Public Service Commission (“Commission”) acknowledging this Transfer of Control. As a result of the transfer, Boomerang 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 06, 2021, Boomerang and ViaOne filed with the Commission a notice for the transfer of control, which will result the transfer of Boomerang to ViaOne. On July 19, 2021 the Companies filed a new notice with additional information regarding ViaOne.

Boomerang is an Iowa limited liability company with its principal offices located at 955 Kacena Road, Suite A, Hiawatha, Iowa 52233. Boomerang was granted Eligible Telecommunications Carrier (“ETC”) status on September 13, 2017, in Docket No. 16-2590-01.

ViaOne is a Delaware limited liability company headquartered at 910 Foulk Road, Suite 201, Wilmington, DE 19803.

On December 18, 2020, HH Ventures and ViaOne entered into a Membership Interest Purchase Agreement wherein ViaOne agreed to purchase Boomerang from HH Ventures. Under the Agreement, ViaOne initially acquired 49% of the Membership Interests owned by HH Ventures and it will now acquire the remaining 51% of the Membership Interests, thereby gaining control of Boomerang.

The Applicants submit that the transaction described herein will serve the public interest and that it will be conducted in a manner that will be largely transparent to their customers. Following the transaction, Boomerang will be able to leverage fully ViaOne expertise to continue to provide low-income consumers in Utah with high-quality voice and broadband Internet services. The Companies further state that the proposed transaction will deliver meaningful public interest benefits to consumers in Utah.

## **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: Joshua T. Guyan, Counsel for Boomerang Wireless, LLC  
Justin Jetter, Assistant Attorney General, State of Utah  
Office of Consumer Services, State of Utah