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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
Brenda Salter, Assistant Director
Abdinasir Abdulle, Utility Technical Consultant Supervisor
Ron Slusher, Utility Technical Consultant

Date: April 17, 2023

Re: **Docket No(s). 23-2413-01 and 23-2452-02**, In the Matter of the Joint Notice Regarding Reorganization of BullsEye Telecom, Inc. and Lingo Telecom, LLC d/b/a Trinsic Communications d/b/a Lingo d/b/a BullsEyeComm and Approval for Transfer of Customers.

Recommendation (Acknowledge)

The Division of Public Utilities (“Division”) has reviewed the notification of reorganization and the transfer of customers of BullsEye Telecom, Inc. (“BullsEye”) and Lingo Telecom, LLC d/b/a Trinsic Communications d/b/a Lingo d/b/a BullsEyeComm (“Lingo”) (together the “Applicants”). The public interest will be promoted by the Public Service Commission (“Commission”) acknowledging this reorganization and the transfer of customers.

Upon the completion of the reorganization and transfer of customers, BullsEye requests that its Certificate of Public Convenience and Necessity (“CPCN”) be cancelled. BullsEye will notify the Commission when the transfer is complete.

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 03, 2023, BullsEye and Lingo notified the Commission of a transaction, which will result in a transfer of control of BullsEye to Lingo. Once the transaction is completed BullsEye will no longer have any customer base in Utah and asked that its CPCN be cancelled.

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 from the Commission on November 19, 2003, Docket No. 03-2413-01.

Lingo is a Texas limited liability corporation, headquartered at 25925 Telegraph Road, Suite 210, Southfield, MI 48033. Lingo received authorization to provide public telecommunications services in the State of Utah from the Commission on December 28, 2005, Docket No. 05-2451-01.

Both companies are direct subsidiaries of Impact Telecom, LLC and an indirect subsidiary of Lingo, Lingo Communications, LLC and B. Riley Principal Investments, LLC (the "Parent").

The Parent company is planning on an internal reorganization that will transfer all existing customers of BullsEye to its affiliate Lingo. The expected date of this transfer is July 01, 2023. The Applicants have notified its customers of the changes and included a copy of the notice with this filing.

The Applicants submit that the transaction will serve the public interest. That the proposed customer transfer is an internal corporate reorganization that will reduce costs and provide enhanced operational and economic efficiencies. The resulting savings will provide greater opportunities to improve the services available to Utah customers. The Applicants further submit that the transaction will be conducted in a manner that will be largely transparent to its customers. Furthermore, the Applicant's indicate that as a result of the transfer, BullsEye

customers will not incur any charges or immediate changes to services, terms and conditions, or rates.

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: Carey Roesel, Consultant to Lingo Telecom, LLC and BullsEye Telecom, Inc.,
Inteserra Consulting Group
Alex Valencia, Chief Compliance Officer, Lingo Telecom, LLC and BullsEye Telecom, Inc.
Patricia Schmid, Assistant Attorney General, State of Utah
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