

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commission

Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of the Application of Southern)
Kansas Telephone Company, Inc. for Kansas)
Video Service Authorization.)

Docket No. 16-SNKT-330-VSA

ORDER GRANTING VIDEO SERVICE AUTHORIZATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On January 5, 2016, The Southern Kansas Telephone Company, Inc. (Southern Kansas) filed an Initial Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2014 Supp. 12-2023 and K.A.R. 82-15-1.

2. K.S.A. 2014 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. At pages 1 and 2 of its Report and Recommendation attached to this Order, the Commission Staff (Staff) sets forth in detail the showings applicants must make with regard to applications for video service authorization, and the same are adopted herein by reference. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3. On January 25, 2016, Staff filed its Report and Recommendation dated January 21, 2016, recommending the Commission grant Southern Kansas the requested VSA. According to Staff, Southern Kansas seeks to serve thirteen cities and unincorporated areas within Sumner and Sedgwick Counties, Kansas. Staff further states that Southern Kansas is registered with the Federal Communications Commission (FCC) as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID#</u>
The City of Howard, Kansas	KS0137
The City of Moline, Kansas	KS0144
The City of Longton, Kansas	KS0416
The City of Grenola, Kansas	KS0521
The City of Belle Plaine, Kansas	KS0308
Unincorporated Areas of Sumner County, Kansas*	KS0752
The City of Leon, Kansas	KS0331
The City of Burden, Kansas	KS0311
The City of Atlanta, Kansas	KS0417
The City of Dexter, Kansas	KS0529
The City of Clearwater, Kansas	KS0263
The City of Viola, Kansas	KS0681
Unincorporated Areas of Sedgwick County, Kansas**	KS0740
The City of Severy, Kansas	KS0524
The City of Cedar Vale, Kansas	KS0527

*The unincorporated areas of Sumner County are identified as:

Including Peck, Rural Mulvane, and Rural Belle Plaine; Peck is served in Township 29S, Range 1W, Section 36, Township 29S, Range 1E, Section 31, Township 30S, Range 1W, Section 1 and Township 30S, Range 1E, Section 6. Rural Belle Plain and Rural Mulvane are served in Township 30S, Range 1E, Sections 2,3,4,5,8,9,10,13,14,15,16,21,22, 23,24 and 26.

**The unincorporated areas of Sedgwick County are identified as:

Including Rural Clearwater K42 area and Goddard areas called Beaver Creek and Lake Waltanna; K42 is served within Township 28S, Range 2W, Section 21 and 22. Beaver Creek and Lake Waltanna is served within Township 28S, Range 3W, Section 23 and 24. the following cities and unincorporated areas of Sumner and Sedgwick Counties, Kansas:

Staff notes Southern Kansas' indication that the company will be able to provide service to 100% of the households encompassed in the requested area within five (5) years of the date the Commission grants the Application. For ease of future reference, Staff identifies the proposed service area footprint as follows: Howard, HWRD-01-SNKT-01; Moline, MOLN-02-SNKT-01; Longton, LGTN-03-SNKT-01; Grenola, GNLA-04-SNKT-01; Belle Plaine, BLPL-05-SNKT-01; Sumner County, SMCT-06-SNKT-01; Leon, LEON-07-SNKT-01; Burden, BRDN-08-SNKT-01; Atlanta, ATLT-09-SNKT-01; Dexter, DXTR-10-SNKT-01; Clearwater, CLWT-11-

SNKT-01; Viola, VILA-12-SNKT-01; Sedgwick County, SGCT-13-SNKT-01; Severy, SVRY-14-SNKT-01; and Cedar Vale, CDVL-15-SNKT-01.¹

4. Staff's Report and Recommendation confirms that Southern Kansas is properly registered with the Kansas Secretary of State's office as a Kansas for profit corporation and that the company's status with the Secretary's office is *active and in good standing*. Staff indicates that Southern Kansas' principal place of business is 112 South Lee, Clearwater, Kansas, and that the company has provided in its Application the company's key personnel contacts for application and regulatory matters. Staff further indicates that by initialing², Southern Kansas has agreed to comply with all applicable federal and state statutes and regulations and agrees to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of video services, including the police powers of the municipalities in which the service is delivered. Having met all application requirements, Staff recommends the Commission grant Southern Kansas' Application and approve the company's requested service area footprint.³

5. The Commission adopts Staff's analysis and recommendation of January 21, 2016, as stated in its Report and Recommendation, which is attached hereto and made a part of this Order by reference, and finds that Southern Kansas' Application should be granted and the requested service area footprint approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of The Southern Kansas Telephone Company, Inc. requesting state-issued Video Service Authorization is hereby granted and the requested service area footprint to be identified and known as Howard, HWRD-01-SNKT-01; Moline, MOLN-02-

¹ Report and Recommendation, pages 1 and 2.

² Initial Application, Item #5.

³ Report and Recommendation, page 2.

SNKT-01; Longton, LGTN-03-SNKT-01; Grenola, GNLA-04-SNKT-01; Belle Plaine, BLPL-05-SNKT-01; Sumner County, SMCT-06-SNKT-01; Leon, LEON-07-SNKT-01; Burden, BRDN-08-SNKT-01; Atlanta, ATLT-09-SNKT-01; Dexter, DXTR-10-SNKT-01; Clearwater, CLWT-11-SNKT-01; Viola, VILA-12-SNKT-01; Sedgwick County, SGCT-13-SNKT-01; Severy, SVRY-14-SNKT-01; and Cedar Vale, CDVL-15-SNKT-01, is hereby approved. The Video Service Authorization granted herein shall become effective as of the date of this Order.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

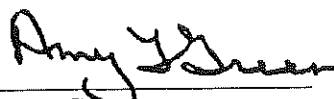
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: JAN 28 2016

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Amy L. Green

Secretary to the Commission

Order Mailed Date

FEB 29 2016

Utilities Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3220
Fax: 785-271-3357
<http://kcc.ks.gov/>

Jay Scott Emler, Chairman
Shari Feist Albrecht, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Jay Emler
Commissioner Shari Feist Albrecht
Commissioner Pat Apple

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: January 21, 2016

SUBJECT: 16-SNKT-330-VSA
In the Matter of the Application of The Southern Kansas Telephone Company, Inc. for Kansas Video Service Authorization

EXECUTIVE SUMMARY:

On January 5, 2016, Southern Kansas Telephone Company, Inc. filed an Initial Application for a state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. Staff recommends approval of this Application.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Thursday, February 4, 2016.**

BACKGROUND:

K.S.A. 12-2023 gives the Commission the authority to review applications for those entities who desire to provide cable service or video service in the state of Kansas.

The Commission must review an application for a video service authorization (VSA) to determine whether:

- 1) The applicant identified the location of its principal place of business and the names of its principal executive officers;
- 2) The applicant has filed or will file all forms required by the Federal Communications Commission (FCC) before offering video service in Kansas;
- 3) The applicant has agreed to comply with all applicable federal and state statutes and regulations;

- 4) The applicant has agreed to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the municipalities in which the service is delivered; and
- 5) The applicant has described the service area footprint to be served within Kansas and provided the period of time, not to exceed five years, in which the applicant will be capable of providing video service to all households in the service area footprint, and a general description of the type or types of technologies the applicant will use to provide the video programming.

These showings by the applicant are to be made in the form of an affidavit signed by an officer or general partner of the applicant. Upon proper showing, the Commission shall approve the VSA.

ANALYSIS:

The Applicant has identified its principal place of business as 112 S. Lee, P.O. Box 800, Clearwater, Kansas, and provided the Company's key personnel contacts for Regulatory and Application matters.

The Applicant is properly registered with the Kansas Secretary of State's office as a Kansas for Profit Corporation. Its current status with the Secretary's office is Active and in Good Standing.

The Applicant is registered with the FCC as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID#</u>
The City of Howard, Kansas	KS0137
The City of Moline, Kansas	KS0144
The City of Longton, Kansas	KS0416
The City of Grenola, Kansas	KS0521
The City of Belle Plaine, Kansas	KS0308
Unincorporated Areas of Sumner County, Kansas	KS0752
The City of Leon, Kansas	KS0331
The City of Burden, Kansas	KS0311
The City of Atlanta, Kansas	KS0417
The City of Dexter, Kansas	KS0529
The City of Clearwater, Kansas	KS0263
The City of Viola, Kansas	KS0681
Unincorporated Areas of Sedgwick County, Kansas	KS0740
The City of Severy, Kansas	KS0524
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The unincorporated areas of Sumner County are identified as:

Including Peck, Rural Mulvane, and Rural Belle Plaine; Peck is served in Township 29S, Range 1W, Section 36, Township 29S, Range 1E, Section 31, Township 30S, Range 1W, Section 1 and Township 30S, Range 1E, Section 6. Rural Belle Plain and

Rural Mulvane is served in Township 30S, Range 1E, Sections 2, 3, 4, 5, 8, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24 and 26.

The unincorporated areas of Sedgwick County are identified as:

Including Rural Clearwater K42 area and Goddard areas called Beaver Creek and Lake Waltanna; K42 is served within Township 28S, Range 2W, Section 21 and 22. Beaver Creek and Lake Waltanna is served within Township 28S, Range 3W, Section 23 and 24.

By initialing, the Applicant has agreed to comply with all applicable federal and state statutes and regulations and agrees to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of video services, including the police powers of the municipalities in which the service is delivered. (Application item #5).

The Applicant has provided a legal description of the territories. That description is on file with the Commission in this Docket and has been provided electronically in a format compatible with the Commission's mapping system. The Company states that it is able to provide service to 100% of the households encompassed in that area within five years of the date the Commission grants the Application.

For ease of future reference, Staff is identifying¹ the proposed service area footprint, as follows: Howard, HWRD-01-SNKT-01; Moline, MOLN-02-SNKT-01; Longton, LGTN-03-SNKT-01; Grenola, GNLA-04-SNKT-01; Belle Plaine, BLPL-05-SNKT-01; Sumner County, SMCT-06-SNKT-01; Leon, LEON-07-SNKT-01; Burden, BRDN-08-SNKT-01; Atlanta, ATLT-09-SNKT-01; Dexter, DXTR-10-SNKT-01; Clearwater, CLWT-11-SNKT-01; Viola, VILA-12-SNKT-01; Sedgwick County, SGCT-13-SNKT-01; Severy, SVRY-14-SNKT-01; and Cedar Vale, CDVL-15-SNKT-01.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Howard, HWRD-01-SNKT-01; Moline, MOLN-02-SNKT-01; Longton, LGTN-03-SNKT-01; Grenola, GNLA-04-SNKT-01; Belle Plaine, BLPL-05-SNKT-01; Sumner County, SMCT-06-SNKT-01; Leon, LEON-07-SNKT-01; Burden, BRDN-08-SNKT-01; Atlanta, ATLT-09-SNKT-01; Dexter, DXTR-10-SNKT-01; Clearwater, CLWT-11-SNKT-01; Viola, VILA-12-SNKT-01; Sedgwick County, SGCT-13-SNKT-01; Severy, SVRY-14-SNKT-01; and Cedar Vale, CDVL-15-SNKT-01.

¹ For ease of future referencing, staff assigns a four field footprint number using the following convention: ABCD-xx-EFGH-yy, where ABCD is the four character abbreviation of the major city encompassed by the service area, xx is a two digit sequentially assigned number of the provider's service areas, EFGH is the four alpha character company code and yy indicating the version of the company's footprint where 01 is the initial version, 02 the first revision, etc

CERTIFICATE OF SERVICE

16-SNKT-330-VSA

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on JAN 28 2016.

MARK E. CAPLINGER
MARK E. CAPLINGER, P.A.
7936 SW INDIAN WOODS PL
TOPEKA, KS 66615-1421
mark@caplingerlaw.net

WILLIAM R. MCVEY
SOUTHERN KANSAS TELEPHONE COMPANY, INC.
112 S LEE ST
PO BOX 800
CLEARWATER, KS 67026-0800
Fax: 620-584-2220
bill@sktc.net

OTTO NEWTON, LITIGATION COUNSEL
OTTO NEWTON
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3167
o.newton@kcc.ks.gov
Hand Delivered

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date
FEB 29 2016