



company's service area footprint. According to Staff, Applicant has previously been granted state-issued video service authorizations in eighteen service areas (footprints). Staff confirms that Vyve is properly registered with the Kansas Secretary of State's office as a Foreign Limited Liability Company and that the company's status with the Secretary's office is *active and in good standing*.

4. Staff indicates that Vyve is registered with the Federal Communications Commission (FCC) as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID#</u>
Garnett	KS0070

According to Staff, the Applicant has provided a legal description of the territory to be served, which is on file with the Commission in this docket and which has been provided electronically in a format compatible with the Commission's mapping system. Vyve states that the company will be able to provide service to 100% of the households encompassed in the requested service area within five years of the date the Commission grants the company's Application. For ease of future reference, Staff identifies the proposed service area footprints as follows: Garnett, GRNT-19-BCAT-01. By initialing, 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.<sup>1</sup> Concluding, Staff recommends the Commission grant Vyve's request adding the above unincorporated areas of Garnett, Anderson County, Kansas, to the service area footprint included in the company's state-issued Video Service Authorization.<sup>2</sup>

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<sup>1</sup> Initial Application, Item #5.

<sup>2</sup> Report and Recommendation, pages 2 and 3.

5. The Commission concurs with Staff's analysis and recommendation and finds that Vyve's Application should be granted, adding the unincorporated areas of Garnett, Anderson County, Kansas to Vyve's service area footprint.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of Vyve Broadband A, LLC, f/k/a BCI Allegiance, LLC, requesting addition of the unincorporated areas of Garnett, Anderson County, Kansas, GRNT-19-BCAT-01, is hereby granted and the requested areas are hereby added to Vyve's service area footprint included in the company's state-issued Video Service Authorization.

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. 2015 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: NOV 22 2016

  
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Amy L. Groen  
Secretary to the Commission

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Order Mailed Date

NOV 23 2016

## REPORT AND RECOMMENDATION UTILITIES DIVISION

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

**FROM:** Kelly Mabon, Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** November 15, 2016

**SUBJECT:** In the Matter of the Application of Vyve Broadband A, LLC f/k/a BCI Allegiance, LLC Filing for Kansas Video Service Authorization.  
Docket No. 13-BCAT-666-VSA

### **EXECUTIVE SUMMARY:**

On October 31, 2016, Vyve Broadband A, LLC f/k/a BCI Allegiance, LLC (Vyve) filed an Amended Application for 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.

### **BACKGROUND:**

The Applicant has previously been granted state-issued video service authorizations in 18 service areas (footprints). In this filing, the Applicant seeks to add one service area.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Wednesday, November 30, 2016.**

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 Four International Drive, Ste. 330, Rye Brook, NY 10573.

The Applicant is properly registered with the Kansas Secretary of State's office as a Foreign Limited Liability Company. 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>
Garnett	KS0070

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 is seeking to serve the unincorporated areas of Garnett, Anderson County, Kansas, and has provided a legal description of the territory.

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 will be 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 identifying<sup>1</sup> the proposed service area footprint, as follows: Garnett, GRNT-19-BCAT-01.

**RECOMMENDATION:**

Staff recommends Commission approval to add Anderson County, Kansas, identified as: Garnett, GRNT-19-BCAT-01, to the service area footprint included in its state-issued Video Service Authorization.

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<sup>1</sup> 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**

13-BCAT-666-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 NOV 22 2016.

MARIE CENSOPLANO, SENIOR VICE PRESIDENT AND  
GENERAL COUNSEL  
VYVE BROADBAND A, LLC  
FOUR INTERNATIONAL DRIVE STE 330  
RYE BROOK, NY 10573  
Fax: 914-234-8363  
marie.censoplano@vyvebb.com

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

/s/ DeeAnn Shupe  
DeeAnn Shupe

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Order Mailed Date

NOV 23 2016