

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of S&T)
Communications, LLC for Video Service) Docket No. 19-S&CT-099-VSA
Authorization.)

ORDER APPROVING 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 September 5, 2018, S&T Communications, LLC (S&T) filed an Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2017 Supp. 12-2023 and K.A.R. 82-15-1. The original application did not include some information, and the Commission Staff informed S&T about its content. S&T promptly updated its filing and stipulated the effect of the updated filing was to file a superseding application with the filing date to be determined from the date of the new filing on September 19, 2018. As a consequence, the Commission is deciding this matter consistent with the intent of the Applicant to have the application process start over again and allow for a determination by October 19, 2018.

2. K.S.A. 2017 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 October 3, 2018, Staff submitted its Report and Recommendation recommending approval of S&T's Application essentially requesting authority to convert its municipally approved video services to statewide authority as provided in the Video Competition Act of July 1, 2006. Staff indicates that in accordance with K.S.A. 2017 Supp. 12-2023(a), Commission action in this matter is required no later than Friday, October 19, 2018. The Staff Report and Recommendation is attached to the Order and is thereby included by reference.

4. Staff's Report and Recommendation confirms that S&T is properly registered with the Kansas Secretary of State's office as a Kansas Limited Liability Corporation and the company's status with the Secretary's office is *active and in good standing*.

5. According to Staff, S&T is properly registered with the Federal Communications Commission (FCC) for its proposed service area and provided the following Community Unit Identification (CUID) information:

<u>Community Served:</u>	<u>CUID#:</u>
The City of Oakley, Kansas	KS0112
The City of Brewster, Kansas	KS0384
The City of Grinnell, Kansas	KS0396
The City of Kanarado, Kansas	KS0552
The City of Winona, Kansas	KS0557
The City of Colby, Kansas	KS0722
The City of Goodland, Kansas	KS0723
The City of Healy, Kansas	KS0512
The City of Dighton, Kansas	KS0680
The County of Thomas County	KS0715

Staff notes that it has verified the above CUID via the FCC's Media Bureau's website. By initialing, S&T 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.¹

6. S&T has provided a legal description of the service area footprint. An electronic version of the description, with more precise boundary information, is included with the Application in a format compatible with the Commission's mapping system and will be considered as the legal description. For ease of future reference, Staff identifies the proposed service area footprint as follows: Oakley, OKLY-01-S&CT-01; Brewster, BRTR-02-S&CT-01; Grinnell, GRNL-03-S&CT-01; Kanarado, KRDO-04-S&CT-01; Winona, WNNA-05-S&CT-01; Colby, CLBY-06-S&CT-01; Goodland, GDLD-07-S&CT-01; Healy, HELY-08-S&CT-01; Dighton, DGTN-09-S&CT-01; and Thomas County, THCT-10-S&CT-01.

7. Staff recommends Commission approval of S&T's Application with its additional service area footprint to be identified and known as Oakley, OKLY-01-S&CT-01; Brewster, BRTR-02-S&CT-01; Grinnell, GRNL-03-S&CT-01; Kanarado, KRDO-04-S&CT-01; Winona, WNNA-05-S&CT-01; Colby, CLBY-06-S&CT-01; Goodland, GDLD-07-S&CT-01; Healy, HELY-08-S&CT-01; Dighton, DGTN-09-S&CT-01; and Thomas County, THCT-10-S&CT-01.

8. The Commission concurs with Staff's analysis and recommendation and finds the S&T's Application should be granted approving the company's request for statewide authority for its service area footprint of Oakley, Brewster, Grinnell, Kanarado, Winona, Colby, Goodland, Healy, Dighton and Thomas County, Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of S&T Communications, LLC requesting state-issued Video Service Authorization is hereby granted and the requested service area footprint of Oakley, OKLY-

¹ Initial Application, Item #5.

01-S&CT-01; Brewster, BRTR-02-S&CT-01; Grinnell, GRNL-03-S&CT-01; Kanarado, KRDO-04-S&CT-01; Winona, WNNA-05-S&CT-01; Colby, CLBY-06-S&CT-01; Goodland, GDLD-07-S&CT-01; Healy, HELY-08-S&CT-01; Dighton, DGTN-09-S&CT-01; and Thomas County, THCT-10-S&CT-01 is hereby approved and to be known by the same identification references. The Video Service Authorization granted herein shall become effective as of the date of this Order.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/11/2018



Lynn M. Retz
Secretary to the Commission

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² K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

STATE OF KANSAS



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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Emler
Commissioner Dwight D. Keen

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

DATE: October 3, 2018

SUBJECT: 19-S&CT-099-VSA
In the Matter of the Application of S&T Communications, LLC for Video Service

EXECUTIVE SUMMARY:

On September 5, 2018, S&T Communications, LLC. 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; however, the filing was incomplete. On September 19, 2018, S&T Communications submitted supplemental information to the Docket and submitted additional information again on October 2, 2018, to complete the Application. Staff recommends approval of this Application.

Per K.S.A. 12-2023(a), Commission action in this matter would have been required not later than Friday October 5, 2018. However, since the initial filing was incomplete, the current action date is **Friday, October 19, 2018.**

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.

S&T has indicated that their video offering is being transferred from a municipal authorization to a state authorization per the Video Competition Act of July 1, 2006. Per the Act, cable service providers no longer negotiate franchise agreements with local municipalities but apply to the KCC for state-issued authority. The company has offered video in these areas for many years. Some areas received authorization in the mid-1970's and 1980's.

ANALYSIS:

The Applicant has identified its principal place of business as 320 Kansas Ave., Brewster, 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 Limited Liability 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 Oakley, Kansas	KS0112
The City of Brewster, Kansas	KS0384
The City of Grinnell, Kansas	KS0396
The City of Kanarado, Kansas	KS0552
The City of Winona, Kansas	KS0557
The City of Colby, Kansas	KS0722
The City of Goodland, Kansas	KS0723
The City of Healy, Kansas	KS0512
The City of Dighton, Kansas	KS0680
The County of Thomas County, Kansas	KS0715

The above mentioned locations have been verified by staff on the FCC website: <https://apps.fcc.gov/coals/forms/search/cableSearchNf.cfm>.

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.)

S&T provided a high-level sketch and a general description of the architecture and components used in providing its video service. The technologies include optical nodes, fiber and coax, with a portion being fiber-to-the-home.

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 currently able to provide service to 100% of the households encompassed in the different areas and therefore meets the requirement. For ease of future reference, Staff is identifying¹ the proposed service area footprint, as follows: Oakley, OKLY-01-S&CT-01; Brewster, BRTR-02-S&CT-01; Grinnell, GRNL-03-S&CT-01; Kanarado, KRDO-04-S&CT-01; Winona, WNNA-05-S&CT-01; Colby, CLBY-06-S&CT-01; Goodland, GDLD-07-S&CT-01; Healy, HELY-08-S&CT-01; Dighton, DGTN-09-S&CT-01; and Thomas County, THCT-10-S&CT-01.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Oakley, OKLY-01-S&CT-01; Brewster, BRTR-02-S&CT-01; Grinnell, GRNL-03-S&CT-01; Kanarado, KRDO-04-S&CT-01; Winona, WNNA-05-S&CT-01; Colby, CLBY-06-S&CT-01; Goodland, GDLD-07-S&CT-01; Healy, HELY-08-S&CT-01; Dighton, DGTN-09-S&CT-01; and Thomas County, THCT-10-S&CT-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

19-S&CT-099-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 10/12/2018.

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