

MEMORANDUM
UTILITIES DIVISION

TO: Brian J. Moline, Chair
Robert E. Krehbiel, Commissioner
Michael Moffet, Commissioner

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: February 8, 2007

DATE SUBMITTED TO LEGAL: 2/19/07

DATE SUBMITTED TO COMMISSIONERS: 2/20/07

SUBJECT: In the Matter of the Application of Cox Communications Kansas, LLC, Filing Authorization for a Kansas Video Service.
Docket No. 07-CXKC-621-VSA

BACKGROUND:

On January 24, 2007, Cox Communications Kansas, LLC, (Cox) filed an Amended application for statewide Video Service Authorization, as authorized by Senate Bill No. 449 and K.A.R. 85-12-1.

The applicant has previously been granted video service authorization (Order dated January 8, 2007 in this Docket) in six service areas (footprints) in the south and southwest parts of the state. This amended filing seeks authority in three additional areas; Haysville, Augusta and Salina.

Commission action in this matter is required not later than **Friday, February 23, 2007**.

ANALYSIS:

The applicant has previously identified¹ its principal place of business as 701 E. Douglas, Wichita Kansas, 67201, and the company's principal officers as;

Mrs. Kimberly Edmunds, Region Vice President and Region Manager Kansas,
Mr. Pat Esser, President,
Mr. Andrew Merdek, Secretary,
Ms. Susan Coker, Treasurer, and
Mr. Jay Allbaugh, Vice President Public and Government Affairs Kansas.

In addition, the applicant has previously identified¹ their key personnel contacts for regulatory and complaint matters.

The applicant is registered with the Kansas Secretary of State's office as a Limited Liability Company and is currently (a/o 2-3-07) 'Active and in Good Standing' with that office.

¹ Applicant's initial filing in this Docket, dated 12-20-06.

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

<u>Community Served</u>	<u>CUID #</u>
Haysville	KS0126
Augusta	KS0148
Salina	KS0052

Staff has verified the above Community Unit Identification Numbers (CUID) via the FCC's Media Bureau's web site, <https://svartifoss2.fcc.gov/csb/coals/index.html> (a/o 2-3-07).

By initialing, the applicant has previously agreed² 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 proposing three (3) additional service areas in the south and western parts of the state. The communities proposed are Haysville, Augusta and Salina. Maps with Township, Range and Section descriptions of the proposed areas are included with the application and are included as an attachment to this memo. An electronic version of this 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 is identifying³ the proposed footprints as follows:

Haysville	HYSV-07-CXKC-01
Augusta	AUGU-08-CXKC-01
Salina	SALN-09-CXKC-01

The applicant has provided drawings and a general description of the technologies to be used in providing their video service. The technologies include fiber and coax to the home utilizing ring topologies in both the Transport and Distribution portions of their network. The applicant states that they will provide video programming throughout its footprints within five years of approval of its application.

2 Applicant's initial filing in this Docket, dated 12-20-06.

3 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.

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By initialing, the applicant has previously agreed⁴ that it will not deny access to service to any group of potential residential subscribers because of the income of residents in the local area in which such group resides. (Last item of application)

Staff has reviewed the applicant's initial application and has found it to be complete and in conformity with Section 3 of S.B. 449.

RECOMMENDATION:

Staff recommends commission approval of Cox's application with its service area footprints to be identified and known as:

Haysville	HYSV-07-CXKC-01
Augusta	AUGU-08-CXKC-01
Salina	SALN-09-CXKC-01

In a previous Order, dated January 8, 2007, in this docket, Staff erred in assigning the service area footprint identifiers. Staff recommends the following corrections be made with this Order:

	<u>Previous assignment</u>	<u>Corrected assignment</u>
Dodge City	DDCY-01-CXKC-01	No change
Newton	NWTN-01-CXKC-01	NWTN-02-CXKC-01
North Newton	NNWT-01-CXKC-01	NNWT-03-CXKC-01
Andover	ANDV-01-CXKC-01	ANDV-04-CXKC-01
Derby	DRBY-01-CXKC-01	DRBY-05-CXKC-01
Ford County	FDCO-01-CXKC-01	FDCO-06-CXKC-01

cc: Don Low
Janet Buchanan

Eva Powers

Susan Duffy
Patricia Shurtz

⁴ Applicant's initial filing in this Docket, dated 12-20-06.