

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

Eagle Broadband Investments, LLC)
Kansas Video Service Authorization) Docket No. 20-EBIC-046-VSA
Initial Application.)

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 July 2, 2021, Eagle Broadband Investments, LLC (Eagle Broadband) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1.

2. K.S.A. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3. On July 15, 2021, the Commission Staff (Staff) submitted its Report and Recommendation, recommending the Commission grant Eagle Broadband's Application requesting to expand its previously granted authority to include the City of Atwood, Kansas and surrounding territory in Rawlins County. An electronic version of the description has been provided in a format compatible with the Commission's mapping system. Staff finds Eagle Broadband's Application to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82-15-1. Staff observes that by initialing its Application, Eagle Broadband has previously agreed to comply with all 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 Eagle Broadband has previously been granted VSA in twenty-four footprint areas in Kansas.

4. Staff's Report and Recommendation confirms that Eagle Broadband is registered with the Kansas Secretary of State's office as a Kansas not-for-profit corporation and that its current status with that office is *active and in good standing*.

5. Staff notes that Eagle Broadband is registered with the Federal Communications Commission (FCC). According to Staff, Eagle Broadband 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>
Atwood	KS0874

6. Utilizing a combination of services, Eagle Broadband states that it will pass 100% of the households within their proposed footprint within the required five-year deployment window. By initialing, Eagle Broadband has previously agreed 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.²

7. Staff recommends Commission approval of Eagle Broadband's Application to amend its Video Service Authorization to include the service area of the City of Atwood, Kansas and the surrounding areas of Rawlins County.

8. The Commission concurs with Staff's analysis and recommendation of July 15, 2021, which Report and Recommendation is attached to the Order and incorporated by reference,

¹ Item #5, Initial Application.

² Initial Application last item.

and finds that Eagle Broadband's Application should be granted approving the company's request to expand its service area footprint to include the City of Atwood, Kansas and the surrounding areas of Rawlins County.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Eagle Broadband Investments, LLC for state-issued Video Service Authorization is hereby granted and the requested expansion of Eagle Broadband's service area footprint to include the City of Atwood, Kansas and the surrounding areas of Rawlins County is hereby approved. 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).³

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.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 07/22/2021



Lynn M Retz
Secretary to the Commission

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³ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairperson Andrew J. French
Commissioner Dwight D. Keen
Commissioner Susan K. Duffy

FROM: Brooke Tibbits, Telecommunications Analyst
Kelly Mabon, Senior Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Bryan Seamans, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: July 15, 2021

SUBJECT: Docket No. 20-EBIC-046-VSA
In the Matter of the Amended Application of Eagle Broadband
Investments, LLC. Filing for Kansas Video Service Authorization.

EXECUTIVE SUMMARY:

On July 2, 2021, Eagle Broadband Investments, LLC (Eagle Broadband) filed an Application for Amending Eagle Broadband's state-issued Video Service Authorization (VSA), 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 **Friday, August 1, 2021.**

BACKGROUND:

The Applicant has previously been granted state-issued video service authorizations in twenty-four service areas (footprints). This filing requests to expand its services to the city of Atwood, Kansas and surrounding territory in Rawlins County.

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 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.

July 2, 2021, Eagle Broadband filed to amend its footprint to provide additional areas, which would include within the bounds of Rawlins County and within and eastward of the Atwood city limits. Eagle Broadband provided Boundary (passive optical network) PON Service Area electronically that contained the proposed additional service area.

Eagle Broadband estimates this would expand its coverage area 124.3 (+/-) acres of potential business clients. Expected date for 100% coverage for this area is December 1, 2021.

ANALYSIS:

The Applicant identified its principal place of business as 4 International Drive, Suite 330, Rye Brook, NY.

The Applicant is properly registered with the Kansas Secretary of State's Office as of July, 15, 2021. Its current status with the Secretary's office is Active and in Good Standing.

Eagle Broadband states it is properly registered with the FCC for its proposed service area and provided the following Community Unit Identification (CUID) information:

Community Served
Atwood

CUID#
KS0874

By initialing, the Applicant previously 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, include the police powers of the municipalities in which the service is delivered.
(Application item #5)

Eagle Broadband provided a legal description of the service area footprint. It provided this information in a format compatible with the Commission's mapping system and will be considered as the legal description.

RECOMMENDATION:

Staff recommends Commission approval of Eagle Broadband to amend its Video Service Authorization, to include the service area of Atwood, Kansas and surrounding areas of Rawlins County.

CERTIFICATE OF SERVICE

20-EBIC-046-VSA

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/22/2021.

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/S/ DeeAnn Shupe

DeeAnn Shupe