

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

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of the Application of)
Southwestern Bell Telephone, Filing) Docket No. 07-SWBT-355-VSA
Authorization for a Kansas Video Service.)

ORDER APPROVING APPLICATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas for an order. Being fully advised in the premises and familiar with its files and records, the Commission finds and concludes as follows:

1. On October 9, 2006, Southwestern Bell Telephone L.P. d/b/a AT&T Kansas (AT&T) filed an Initial Application for authority to provide video service in Kansas, pursuant to 2006 SB 449 (SB 449); K.A.R. 82-15-1.
2. Staff reviewed the Application and submitted a Memorandum to the Commission recommending approval. Staff stated AT&T had provided all the information required by the Initial Application Form adopted by the Commission for applications for video service authorization. This information includes the principal place of business address for AT&T; the principal officers of the company; and contacts for regulatory and complaint matters.
3. Staff's Memorandum confirmed that AT&T is in good standing with the Kansas Secretary of State's Office.
4. AT&T stated in response to item 4 on the Application Form that it is not registered with the FCC as a Cable System Operator and therefore does not have a

“Community Unit Identification” number. AT&T stated 47 C.F.R. § 76.1801 only applies to “cable operators” that operate a cable system, as defined at 47 C.F.R. § 76.5, which does not include AT&T’s IPTV, Homezone or satellite video program options. Staff indicated agreement with AT&T’s position.

5. Staff observed AT&T has affirmed, by initialing, that it will comply with applicable federal and state statutes and regulations and also with all lawful municipal regulations governing the use and occupation of public rights-of-way and the police powers of each municipality, as required by SB 449.

6. AT&T proposes to serve most of the greater Kansas City, Kansas metropolitan area. It provided a map and a legal description of its service area footprint with the application. As required on the application form, AT&T also provided an electronic version of this information in a format compatible with the Commission’s mapping system. For ease of future reference Staff identifies AT&T’s initial application footprint as KSCY-01-SWBT-01. Staff explains in footnote 1 of the Memorandum that the first four letters in the identification is the four character abbreviation of the major city in the service area; the number following those letters is a two digit sequentially assigned number of AT&T’s service area; the next four letters identify the company, consistent with the Commission’s docketing system; and the last two numbers indicate that this is the first of AT&T’s footprints.

7. AT&T included drawings and a general description of the technologies it will use to provide video service. These include fiber to the home, a combination of satellite and digital subscriber line (DSL) service and an integrated satellite service. AT&T states it will be able to provide video service to all customers within its footprint,

using one or more of these technologies within five years of the date of its application, as required by the statute. AT&T affirmed, by initialing, that it will not deny service to any group of residential customers because of income.

8. Staff concluded AT&T's application is complete and meets the requirements of the statute. Staff recommended the Commission approve AT&T's application.

9. The Commission finds it has jurisdiction to consider applications for video service authorization. SB 449, New Sec. 3(a).

10. Pursuant to the authority granted to the Commission by SB 449 New Sec. 3(a) the Commission finds that AT&T's application meets the requirements of SB 449 and K.A.R. 82-15-1. The Commission approves AT&T's application and designates its first footprint as KSCY-01-SWBT-01. The map and legal description of AT&T's footprint are attached to this order.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone L.P.'s d/b/a AT&T Kansas initial application for video service authorization for the footprint designated as KSCY-01-SWBT-01 is approved.

B. The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was mailed in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 2005 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: **OCT 25 2008**

ORDER MAILED

OCT 26 2006

 Executive
Director

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Susan K. Duffy
Executive Director