

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

Before Commissioners: Mark Sievers, Chairman
Ward Loyd
Thomas E. Wright

In the Matter of the Application of)
Southwestern Bell Telephone Company) Docket No. 07-SWBT-355-VSA
Filing for Kansas Video Service)
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 records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On October 20, 2011, Southwestern Bell Telephone Company (SWBT) 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. The Commission Staff (Staff) reviewed SWBT's Application and on November 1, 2011, filed its Report and Recommendation recommending approval of SWBT's Application requesting to expand its previously granted authority to include the City of Ottawa, Kansas. Staff indicates that it found SWBT's Application to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82-15-1. Further, SWBT provided information on SWBT's principal place of business; the principal officers of the company; and contacts for regulatory and compliance matters.

3. Staff's Report and Recommendation confirms that SWBT is registered with the Kansas Secretary of State's office and that its current status with that office is active and in good standing.

4. SWBT has previously been granted VSA in this Docket pursuant to Orders issued October 25, 2006; September 12, 2007; and July 10, 2008. The instant Application seeks to amend the company's previously granted authority to include the City of Ottawa, Kansas, the precise area to be served being more particularly described on Attachment 1 to SWBT's Application. An electronic version of the area to be served is included with the Application in a format compatible with the Commission's mapping system.

5. Staff observed that by initialing, SWBT has previously agreed that it will not deny service to any group of potential residential subscribers because of the income of residents in the local area in which such group resides.

6. SWBT is not registered with the FCC as a Cable System Operator. According to Staff, the FCC has stated that "AT&T has not filed with the Federal Communications Commission a 'Cable Community Registration form 322' or been assigned any 'Community Unit Identification Number (CUID)' as these items are described in federal regulations 47 C.F.R. 76.1801. This regulation only applies to a 'cable operator' operating a 'cable system' as defined at 47 C.F.R. 76.5 and does not apply to AT&T's IPTV, Homezone, or satellite video programming offerings." Staff notes that it agrees.

7. Staff observed that by initialing, SWBT in its original Application filed in this matter, 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.

8. SWBT has previously provided drawings and a general description of the technologies to be used in providing the company's video service. The technologies include

fiber to the home, a combination of satellite and DSL service, and an integrated satellite service. Utilizing any combination of these services, SWBT states that it will pass 100% of the households within their proposed footprint within the required five-year deployment window.

9. Staff recommends Commission approval of SWBT's Application with its additional service area footprint to be identified and known as Ottawa, OTTA-06-SWBT-01.

10. The Commission concurs with Staff's analysis and recommendation and finds that SWBT's Application should be granted approving SWBT's request to expand its service area footprint to include the City of Ottawa, Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Southwestern Bell Telephone Company for state-issued Video Service Authorization is hereby granted and the requested expansion of SWBT's service area footprint to include the City of Ottawa, Kansas, is hereby approved, which shall be known and identified as OTTA-06-SWBT-01. The Video Service Authorization granted herein shall become effective as of the date of this Order.


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. 2010 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.

Sievers, Chmn.; Loyd, Comm.; Wright, Comm.

Dated: NOV 08 2011


ORDER MAILED NOV 08 2011
Patrice Petersen-Klein
Executive Director

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IN RE: DOCKET NO. **07-SWBT-355-VSA**

DATE **NOV 08 2011**

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
MIKE SCOTT, DIRECTOR - EXTERNAL AFFAIRS SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T 220 SE 6TH AVE STE 515 TOPEKA, KS 66603-3507		

ORDER MAILED **NOV 08 2011**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.