

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

NOV 01 2011

In the Matter of the Application of)
Southwestern Bell Telephone Company)
Filing for Kansas Video Service)
Authorization.)

Docket No. 07-SWBT-355-VSA by
State Corporation Commission
of Kansas

NOTICE OF FILING OF STAFF REPORT AND RECOMMENDATION

COMES Now the Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission", respectively), and files its Notice of Filing of Staff Report and Recommendation recommending the Commission approve Southwestern Bell Telephone Company's request for state-issued Video Service Authorization expanding its service area footprint to include the City of Ottawa, Kansas.

WHEREFORE, Staff requests the Commission consider its Report and Recommendation and grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,



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Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

**STAFF REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Mark Sievers
Commissioner Ward Loyd
Commissioner Thomas E. Wright

FROM: Kelly Mabon, Telecommunications Analyst

Date: October 28, 2011

DATE SUBMITTED TO EXECUTIVE DIRECTOR: N/A

DATE SUBMITTED TO LEGAL: 10/31/11

DATE SUBMITTED TO COMMISSIONERS: 11/1/11

SUBJECT: In the Matter of the Application of Southwestern Bell Telephone Company Filing
for Kansas Video Service Authorization.
Docket No. 07-SWBT-355-VSA

BACKGROUND:

On October 20, 2011, Southwestern Bell Telephone Company (SWBT) filed an Amended Application for its state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1.

The Applicant has previously been granted video service authorization in the Kansas City Metro Area (Order dated October 25, 2006). An Amended Application expanding authority to include Leavenworth County was granted (Order dated September 12, 2007), and again to include the greater Wichita Area, greater Topeka Area, and Lawrence (Order dated July 10, 2008). This amended filing seeks to expand previously granted authority to include the city of Ottawa, Kansas.

In accordance with K.S.A. 12-2023(a), Commission action in this matter is required not later than **Sunday, November 20, 2011.**

ANALYSIS:

The Applicant has previously identified its principal place of business as 220 E. 6th Street, Topeka, Kansas, and the company's principal officers as:

Mr. Daniel Jacobsen, President — Kansas;

Mr. Jose M. Gutierrez, President & CEO;

Mr. Alfred G. Richter, Jr., Senior Vice President-General Counsel and Secretary; and

Mr. Jonathan P. Klug, Senior Vice President-Treasurer.

In addition, the Applicant has identified their key personnel contacts for regulatory and complaint matters.

The Applicant is registered with the Kansas Secretary of State's office as a Foreign Limited Partnership and is currently 'Active and in Good Standing' with that office.

The Applicant is not registered with the FCC as a Cable System Operator. They have previously 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 applies only 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 agrees.

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

The Applicant is proposing to add Ottawa, Kansas, area, as more precisely described in the attached. An electronic version of this description is included with the application in a format compatible with the Commission's mapping system.

The Applicant has previously provided drawings and a general description of the technologies to be used in providing their 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, the Applicant states that they will pass 100% of the households within their proposed footprint within the required five year deployment window.

By initialing, the Applicant 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. (Initial Application last item.)

Staff has reviewed the Applicant's Amended Application and has found it to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82-15-1.

RECOMMENDATION:

Staff recommends Commission approval of SWBT's Application with its additional service area footprint to be identified¹ and known as Ottawa, OTTA-06-SWBT-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.

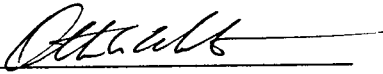
METES AND BOUNDS DESCRIPTION OF THE
OTTAWA, KANSAS VIDEO FOOTPRINT AREA

Beginning at a point $\frac{1}{4}$ mile south and $\frac{4}{10}$ mile east of the northwest corner of Section 27, T15S, R20E, Franklin County, Kansas; thence South $1\frac{3}{4}$ miles; thence to a point $\frac{1}{10}$ mile west of the northeast corner of Section 3, T16S, R20E; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{10}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east $\frac{1}{4}$ mile; thence south $\frac{3}{4}$ mile; thence east $\frac{1}{2}$ mile; thence south 2 miles; thence west 1 mile; thence south 1 mile; thence west approximately $\frac{1}{2}$ mile to the Marais des Cygnes River; thence along said river in a southeasterly direction to the north line of Section 13, T17S, R20E; thence east approximately $1\frac{1}{4}$ miles to a point $\frac{1}{2}$ mile west of the northeast corner of Section 18, T17S, R21E; thence south approximately $\frac{3}{4}$ mile to the Marais des Cygnes River; thence along said river in a westerly direction to a point $\frac{3}{8}$ mile north of the south side of Section 13, T17S, R20E; thence west approximately 1 mile to a point $\frac{1}{2}$ mile west and $\frac{3}{8}$ mile north of the southeast corner of Section 14, T17S, R20E; thence south approximately 1 mile to Middle Creek; thence along said creek in a southwesterly direction to a point $\frac{1}{2}$ mile north of the south side of Section 26, T17S, R20E; thence west approximately 1 mile to a point $\frac{1}{4}$ mile east and $\frac{1}{2}$ mile north of the southwest corner of Section 27, T17S, R20E; thence south $1\frac{3}{4}$ miles; thence west $\frac{3}{4}$ mile; thence south $\frac{3}{8}$ mile; thence west 1 mile; thence north $\frac{3}{8}$ mile; thence west $6\frac{1}{4}$ miles; thence south $\frac{1}{4}$ mile; thence west $\frac{1}{2}$ mile; thence north $1\frac{1}{4}$ miles; thence west $1\frac{1}{4}$ miles; thence north $\frac{3}{8}$ mile; thence west $\frac{5}{8}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{3}{8}$ mile; thence north $2\frac{1}{4}$ miles; thence east $\frac{1}{4}$ mile; thence north $\frac{7}{16}$ mile; thence east $\frac{5}{16}$ mile; thence north $\frac{5}{16}$ mile; thence east $\frac{3}{16}$ mile; thence north approximately $\frac{3}{4}$ mile to the Marais des Cygnes River; thence along said river in a southwesterly direction to a point $\frac{1}{4}$ mile west of the east side of Section 2, T17S, R18E; thence north approximately $1\frac{1}{8}$ miles to the A.T. & S.F. Railroad; thence along said railroad in a northeasterly direction to a point $\frac{1}{4}$ mile east of the west side of Section 36, T16S, R18E; thence north approximately $1\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile east and $\frac{1}{2}$ mile north of the southwest corner Section 25, T16S, R18E; thence west $\frac{3}{4}$ mile; thence north $1\frac{1}{4}$ miles; thence west $\frac{3}{8}$ mile; thence north 1 mile; thence west $\frac{7}{8}$ mile; thence north $2\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile east of the northwest corner of Section 3, T16S, R18E; thence to a point $\frac{1}{4}$ mile west of the southeast corner of Section 33, T15S, R18E; thence north $\frac{1}{4}$ mile; thence east $1\frac{1}{2}$ miles; thence south $\frac{1}{4}$ mile to a point $\frac{1}{4}$ mile east of the southwest corner of Section 35, T15S, R18E; thence to a point $\frac{1}{4}$ mile west of the northeast corner of Section 2, T16S, R18E; thence south $\frac{3}{4}$ mile; thence east $1\frac{3}{4}$ miles; thence north $\frac{1}{2}$ mile; thence east $\frac{3}{4}$ mile; thence north $\frac{1}{4}$ mile to a point $\frac{1}{4}$ mile east of the northwest corner of Section 5, T16S, R19E; thence to a point $\frac{1}{4}$ mile west of the southeast corner of Section 31, T15S, R19E; thence north $\frac{1}{8}$ mile; thence east 2 miles; thence north $1\frac{5}{8}$ miles; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{4}$ mile; thence east 2 miles; thence north $\frac{1}{8}$ mile; thence east $1\frac{5}{8}$ miles; thence south $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{8}$ mile; thence east 1 mile plus 1,452 feet to the point of beginning.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Notice of Filing of Staff Report and Recommendation* was placed in the United States Mail, postage prepaid, on this 1st day of November, 2011, properly addressed to:

Mike Scott, Director-External Affairs
Southwestern Bell Telephone Company,
d/b/a AT&T Kansas
220 E. 6th Street
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Topeka, KS 66603



Otto A. Newton
Litigation Counsel