

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

Before Commissioners:                    Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Pat Apple

In the Matter of the Application of Time        )  
Warner Cable Midwest LLC, d/b/a Time        )        Docket No. 13-TWMC-206-VSA  
Warner Cable Filing for Kansas Video        )  
Service Authorization.                                )

**ORDER GRANTING 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 December 30, 2014, Time Warner Cable Midwest LLC d/b/a Time Warner Cable (Time Warner) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2013 Supp. 12-2023 and K.A.R. 82-15-1.

2.        K.S.A. 2013 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. At pages 1 and 2 of its Report and Recommendation attached to this Order, the Commission Staff (Staff) sets forth in detail the showings applicants must make with regard to applications for video service authorization, and the same are adopted herein by reference. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3.        The Commission Staff (Staff) reviewed Time Warner's Application and on January 12, 2015, filed its Report and Recommendation dated January 8, 2015, recommending approval of Time Warner's Application requesting authorization to serve the City of Westwood,

Johnson County, Kansas. Staff indicates that in accordance with K.S.A. 2013 Supp. 12-2023(a), Commission action in this matter is required not later than January 29, 2015.

4. Staff's Report and Recommendation confirms that Time Warner is properly registered with the Kansas Secretary of State's office as a foreign limited liability company and that the company's status with the Secretary's office is *active and in good standing*. Staff indicates that Time Warner's principal place of business is 6550 Winchester Avenue, Kansas City, Missouri, and that the company has provided its key personnel contacts for application and regulatory matters. Staff indicates that the Commission has previously granted video service authorization to Time Warner for 22 service area footprints.

5. According to Staff, Time Warner is registered with the Federal Communications Commission (FCC) as a Cable System Operator, as follows:

Community Served:  
The City of Westwood, Kansas

CUID#:  
KS0289

By initialing, Time Warner has 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<sup>1</sup>.

6. Staff states that in conjunction with Time Warner's Application requesting to serve the City of Westwood, Kansas, the company has provided a legal description of the territory to be served. That description is on file with the Commission in this Docket and has been provided electronically in a format compatible with the Commission's mapping system. The company states that it will be able to provide service to 100% of the households encompassed in that area within five (5) years of the date the Commission grants the company's

---

<sup>1</sup> Initial Application at Item 5.

Application. For ease of future reference, Staff identifies Time Warner's proposed service area footprint as Westwood, WSWD-023-TWMC-01.

7. Staff recommends Commission Approval of Time Warner's Application with a service area footprint to be identified and known as Westwood, WSWD-023-TWMC-01.

8. The Commission concurs with Staff's analysis and recommendation and finds that Time Warner's Application should be granted approving the company's requested service area footprint to include the City of Westwood, Kansas.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of Time Warner Cable Midwest LLC, d/b/a Time Warner Cable, requesting state-issued Video Service Authorization is hereby granted and the requested service area footprint including the City of Westwood, Kansas is hereby approved, which shall be known and identified as Westwood, WSWD-023-TWMC-01. The Video Service Authorization granted herein shall become effective as of the date of this Order.

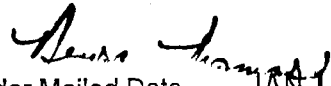
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529.

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.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 15 2015

  
Order Mailed Date JAN 16 2015  
Neysa Thomas  
Acting Secretary

oan

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3220  
Fax: 785-271-3357  
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Kelly Mabon, Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** January 8, 2015

**SUBJECT:** Docket No. 13-TWMC-206-VSA  
In the Matter of the Application of Time Warner Cable Midwest LLC,  
d/b/a Time Warner Cable Filing for Kansas Video Service Authorization.

### **EXECUTIVE SUMMARY:**

On December 30, 2014, Time Warner Cable Midwest LLC, d/b/a Time Warner Cable filed an Amended Application for state-issued Video Service Authorization, 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 **Thursday, January 29, 2015.**

### **BACKGROUND:**

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 video service authorization (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.

#### **ANALYSIS:**

The Commission previously approved the Company's Video Service Authorization for 22 service areas. The Company is amending its Authorization to include one new footprint.

The Applicant has identified its principal place of business as 6550 Winchester Avenue, Kansas City, Missouri, and provided the Company's key personnel contacts for Regulatory and Application Matters.

The Applicant is properly registered with the Kansas Secretary of State's office as a Foreign Limited Liability Company. Its current status with the Secretary's office is Active and in Good Standing.

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

Community Served  
The City of Westwood

CUID #  
KS0289

By initialing, the Applicant has 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. (Application item #5).

The Applicant is seeking to serve the City of Westwood, Kansas, and has provided a legal description of the territory.

That description is on file with the Commission in this Docket and has been provided electronically in a format compatible with the Commission's mapping system. The Company states that it will be able to provide service to 100% of the households encompassed in that area within five years of the date the Commission grants the Application.

For ease of future reference, Staff is identifying<sup>1</sup> the proposed service area footprint, as follows: Westwood, WSWD-023-TWMC-01.

**RECOMMENDATION:**

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Westwood, WSWD-023-TWMC-01.

---

<sup>1</sup> 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.

IN RE: DOCKET NO. **13-TWMC-206-VSA**

DATE **JAN 15 2015**

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

| NAME AND ADDRESS   | NO.<br>CERT.<br>COPIES | NO.<br>PLAIN<br>COPIES |
|--|------------------------|------------------------|
| OTTO NEWTON, LITIGATION COUNSEL<br>1500 SW ARROWHEAD ROAD<br>TOPEKA, KS 66604<br>***Hand Delivered***                            |                        |                        |
| MONIQUE CRAWFORD, ADMINISTRATOR, REGULATORY<br>AFFAIRS<br>TIME WARNER CABLE<br>13820 SUNRISE VALLEY DR<br>HERNDON, VA 20171-4659 |                        |                        |

Order Mailed Date **JAN 16 2015**

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.