

**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 Fiber)
Communications of Columbus LLC Filing) Docket No. 14-FCCC-462-VSA
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 April 7, 2014, Fiber Communications of Columbus LLC (Fiber) filed an Initial Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2012 Supp. 12-2023 and K.A.R. 82-15-1.

2. K.S.A. 2012 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. On April 29, 2014, Staff filed its Report and Recommendation dated April 25, 2014, recommending the Commission grant Fiber the requested VSA. According to Staff, Fiber seeks to serve the cities of Galena/Riverton, including unincorporated areas adjacent to or connected with the incorporated area, Cherokee County, Kansas. Staff states that Fiber has provided a legal description of the requested territory, which is on file in this docket and which

has been provided electronically in a format compatible with the Commission's mapping system. Staff notes Fiber's indication that it will be able to provide service to 100% of the households encompassed in the requested area within five (5) years of the date the Commission grants the company's Application. Staff states that Fiber is registered with the Federal Communications Commission (FCC) as a Cable System Operator, under the following Community Unit Identification (CUID) number:

Community Served:

CUID#:

Galena/Riverton, including unincorporated areas adjacent to or connected with an incorporated area

KS0808

Staff has verified the above CUID via the FCC's Media Bureau's website: <http://www.fcc.gov/mb/engineering/liststate.html>. For ease of future reference, Staff identifies the proposed service area footprint as follows: Galena/Riverton, GLRV-01-FCCC-01. Staff notes that Commission action on this matter is required not later than May 7, 2014. Report and Recommendation at pages 1 through 3.

4. Staff's Report and Recommendation confirms that Fiber is properly registered with the Kansas Secretary of State's office as a Kansas limited liability company and that the company's status with the Secretary's office is *active and in good standing*. Staff indicates that Fiber's principal place of business is 224 South Kansas Avenue, Columbus, Kansas, and that the company has provided in its Application the company's key personnel contacts for application and regulatory matters. Staff further indicates that by initialing¹, Fiber 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

¹ Initial Application, Item #5.

service is delivered. Having met all application requirements, Staff recommends the Commission grant Fiber's Application and approve the company's requested service area footprint. Report and Recommendation at pages 2 and 3.

5. The Commission adopts Staff's analysis and recommendation of April 25, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part of this Order by reference, and finds that Fiber's Application should be granted and the requested service area footprint approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Fiber Communications of Columbus LLC requesting state-issued Video Service Authorization is hereby granted and the requested service area footprint to be identified and known as Galena/Riverton, GLRV-01-FCCC-01 is hereby approved. 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. 2012 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, Com.; Apple, Com.

Dated: MAY 01 2014


ORDER MAILED MAY 02 2014
Kim Christiansen
Executive Director

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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: April 25, 2014

DATE SUBMITTED TO LEGAL: 4/29/14

DATE SUBMITTED TO COMMISSIONERS: 4/29/14

SUBJECT: Docket No. 14-FCCC-462-VSA
In the Matter of the Application of Fiber Communications of Columbus,
LLC Filing for Kansas Video Service Authorization.

EXECUTIVE SUMMARY:

On April 7, 2014, Fiber Communications of Columbus, LLC filed an Initial 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 **Saturday, May 7, 2014.**

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 Applicant has identified its principal place of business as 224 South Kansas Avenue, Columbus, Kansas, 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 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

Galena/Riverton

(including unincorporated areas adjacent to or connected with an incorporated area)

CUID #

KS0808

Staff has verified the above Community Unit Identification Number (CUID) via the FCC's Media Bureau's web site: <http://www.fcc.gov/mb/engineering/liststate.html>.

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 authority in Galena/Riverton (including unincorporated areas adjacent to or connected with an incorporated area) and has provided the following description:

Galena: Township 34S, Range 25E, Sections 7, 13, 23, and 24

The Applicant is seeking to serve the cities of Galena/Riverton and unincorporated areas adjacent to or connected with the incorporated area in Cherokee County in 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 identifying¹ the proposed service area footprint, as follows: Galena/Riverton, GLRV-01-FCCC-01.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Galena/Riverton, GLRV-01-FCCC-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.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
PATRICIA CARROLL, GENERAL MANAGER COLUMBUS TELEPHONE CO. INC. 224 S KANSAS AVE COLUMBUS, KS 66725		
J. MARK DOTY GLEASON & DOTY CHTD 401 S MAIN STREET, Suite 10 P.O. BOX 490 OTTAWA, KS 66067-0490		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		

ORDER MAILED MAY 02 2014

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.