

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Susan K. Duffy

Eagle Broadband Investments, LLC                    )  
Kansas Video Service Authorization                    )    Docket No. 20-EBIC-046-VSA  
Initial Application.                    )

**ORDER NUNC PRO TUNC**

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 July 22, 2021, the Commission issued an Order Approving Video Service Authorization for Eagle Broadband Investment, LLC that expanded its service territory. The Order omitted the Federal Communications Commission Community Unit Identification (CUID) for the portion of the authorized area covering Rawlins County and incorrectly referenced the Atwood, Kansas CUID.

2.        Paragraph No. 5 of the Order Approving Video Service Authorization should accordingly be restated as follows:

Staff notes that Eagle Broadband is registered with the Federal Communications Commission (FCC). According to Staff, Eagle Broadband is properly registered with the Federal Communications Commission (FCC) for its proposed service area and provided the following Community Unit Identification (CUID) information:

<u>Community Served:</u>	<u>CUID#:</u>
Atwood	KS0875
Rawlins County	KS0874

3. Eagle Broadband is registered with the Kansas Secretary of State's office as a Kansas limited liability company.

4. A Supplemental Report and Recommendation dated August 16, 2021, is attached and incorporated by reference with the restated CUIDs.

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

A. To correct the error contained in paragraph No. 5, the corrections outlined above shall be adopted.

B. The Commission retains jurisdiction over Eagle Broadband Investments, LLC, and the subject matter of this Docket for the purpose of issuing such additional orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/24/2021



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Lynn M. Retz  
Executive Director

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**SUPPLEMENTAL REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairperson Andrew J. French  
Commissioner Dwight D. Keen  
Commissioner Susan K. Duffy

**FROM:** Brooke Tibbits, Telecommunications Analyst  
Kelly Mabon, Senior Telecommunications Analyst  
Sandy Reams, Assistant Chief of Telecommunications  
Bryan Seamans, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** August 16, 2021

**SUBJECT:** Docket No. 20-EBIC-046-VSA  
In the Matter of the Amended Application of Eagle Broadband  
Investments, LLC. Filing for Kansas Video Service Authorization.

**EXECUTIVE SUMMARY:**

On July 2, 2021, Eagle Broadband Investments, LLC (Eagle Broadband) filed an Application for Amending Eagle Broadband's state-issued Video Service Authorization (VSA), 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 **Friday, August 1, 2021.**

**BACKGROUND:**

The Applicant has previously been granted state-issued video service authorizations in twenty-four service areas (footprints). This filing requests to expand its services to the city of Atwood, Kansas and surrounding territory in Rawlins County.

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 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.

July 2, 2021, Eagle Broadband filed to amend its footprint to provide additional areas, which would include within the bounds of Rawlins County and within and eastward of the Atwood city limits. Eagle Broadband provided Boundary (passive optical network) PON Service Area electronically that contained the proposed additional service area.

Eagle Broadband estimates this would expand its coverage area 124.3 (+/-) acres of potential business clients. Expected date for 100% coverage for this area is December 1, 2021.

#### **ANALYSIS:**

The Applicant identified its principal place of business as 4 International Drive, Suite 330, Rye Brook, NY.

The Applicant is properly registered with the Kansas Secretary of State's Office as of July, 15, 2021. Its current status with the Secretary's office is Active and in Good Standing.

Eagle Broadband states it is properly registered with the FCC for its proposed service area and provided the following Community Unit Identification (CUID) information:

Community Served	CUID#
Atwood	KS0875
Rawlins Co	KS0874

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

Eagle Broadband provided a legal description of the service area footprint. It provided this information in a format compatible with the Commission's mapping system and will be considered as the legal description.

**RECOMMENDATION:**

Staff recommends Commission approval of Eagle Broadband to amend its Video Service Authorization, to include the service area of Atwood, Kansas and surrounding areas of Rawlins County.

## **CERTIFICATE OF SERVICE**

20-EBIC-046-VSA

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/24/2021.

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/S/ DeeAnn Shupe

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DeeAnn Shupe