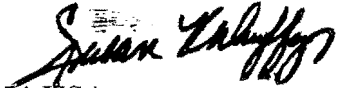


STATE CORPORATION COMMISSION

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

MAR 03 2011

In the Matter of the Application of Eagle)
Communications, Inc. Filing for Kansas Video) Docket No. 11-EAGC-154-VSA
Service Authorization.)



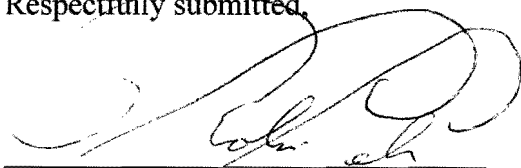
NOTICE OF FILING OF STAFF REPORT AND RECOMMENDATION

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), and for its Notice of Filing of Staff Report and Recommendation states as follows:

1. Staff hereby files the attached Report and Recommendation dated February 24, 2011, recommending that the Commission approve Eagle Communication, Inc.'s Application Filing for Kansas Video Service Authorization with its service area footprint to be identified and known as set out in the Report and Recommendation.

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

Respectfully submitted,



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For Commission Staff

Staff Report and Recommendation
UTILITIES DIVISION

TO: Thomas E. Wright, Chairman
Ward Loyd, Commissioner

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: February 24, 2011

DATE SUBMITTED TO LEGAL: 2/28/11

DATE SUBMITTED TO COMMISSIONERS: 3/03/11

SUBJECT: In the Matter of the Application of Eagle Communications, Inc. Filing for Kansas Video Service Authorization.
Docket No. 11-EAGC-154-VSA

BACKGROUND:

On February 22, 2011, Eagle Communications, Inc. filed an Amended Application for statewide Video Service Authorization, as authorized by K.S.A. 12-2006 through 12-2026, a/k/a the Video Competition Act.

Commission action in this matter is required not later than **Thursday, March 24, 2011.**

ANALYSIS:

The Applicant has previously¹ identified its principal place of business as 2703 Hall Street, Suite 15, Hays, Kansas, 67601, has identified its senior management responsible for cable television matters and has updated its application management contact to show Mr. Dennis Weese, Dir. of Community Relations and Product Development.

The Applicant currently holds a state-issued video service authorization in the city of Victoria.

Eagle Communications, Inc. is registered with the Kansas Secretary of State's office as a Kansas For Profit Corporation and is currently (a/o 2-23-2011) 'Active and in Good Standing' with that office.

The Applicant is seeking statewide video service authorization in Bennington, Kansas, and has provided the FCC assigned Community Unit Identification Number (CUID) KS0776. Staff has verified the registration with the FCC's Media Bureau's web site, <http://www.fcc.gov/mb/engineering/liststate.html> (a/o 2-23-2011).

¹ Applicant's Initial Application in the Docket dated August 24, 2010.

ANALYSIS: (Continued)

The Applicant has provided a metes and bounds description of the proposed service area (footprint) and is included as Attachment A to this Report and Recommendation. Staff has assigned an identifier² of BENN-02-EAGC-01 to the proposed service area.

The Applicant's filing includes an electronic version of the legal description compatible with the Commission's mapping system. The Applicant states that they will pass all the homes within the encompassed service area by December 31, 2011 (Attachment 4).

By initialing, the Applicant agrees¹ 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's system consists of coax cable and/or a combination of fiber and coax cable in its distribution plant.

By initialing, the Applicant agrees 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 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 the Application with its service area footprint to be identified and known as indicated above.

² KCC Identifiers are assigned by staff for ease of future reference using the following four field numbering convention; ABCD-xx-EFGH-yy, where ABCD is a four character abbreviation of the major community(s) encompassed within the serving area, xx is a two digit sequentially assigned number of the provider's service area, EFCH is the commission assigned four alpha character company code and yy indicates the version of the company's footprint where 01 is the initial version, 02 the first revision, etc.

Bennington Service Area Footprint
Metes and Bounds description

Beginning at the Northwest corner of the East Half of the Southeast Quarter (E1/2 SE1/4) of Section One (1), Township Twelve (12) South, Range Three (3); thence South three-fourths of a mile to the Southwest Corner of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twelve (12), Township Twelve (12) South, Range Three (3); thence East one-half mile to the Southeast corner of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Seven (7), Township Twelve (12) South, Range Two (2), West of the 6th P.M.; thence North to a point 35 feet North of the South section line of Section Six (6), Township Twelve (12) South, Range Two (2), West of the 6th P.M.; thence East at right angle a distance of 360 feet; thence North at right angle a distance of 275.3 feet; thence West at right angle a distance of 360 feet; thence North to the Northeast corner of the West Half of the Southwest Quarter (W1/2 SW1/4) of Section Six (6), Township Eleven (11) South, Range Two (2), West of the 6th P.M.; thence East a distance of 1320 feet to the Southeast corner of the Northwest Quarter (NW1/4) of Section Six (6), Township Twelve (11) South, Range Two (2), thence North a distance of 470 feet; thence West 1245 feet; thence North 30 feet; thence West a distance of 534.98 feet; thence N00°25'45"W a distance of 137.03 feet; thence N34°55'40"E a distance of 292.79 feet; thence S89°36'48"W parallel with the South line of the said Northwest Quarter (NW1/4) to the West line of said Northwest Quarter (NW1/4); thence S00°00'03"W a distance of 845.38 feet to the Southwest Corner of the Northwest Quarter (NW1/4) of said Section Six (6); thence West to the point of beginning all of said property being in Ottawa County Kansas

CERTIFICATE OF SERVICE

11-EAGC-154-VSA

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Staff Report and Recommendation was placed in the United States mail, postage prepaid, or hand-delivered this 4th day of March, 2011, to the following:

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