

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

Before Commissioners:                      Dwight D. Keen, Chair  
    Shari Feist Albrecht  
    Susan K. Duffy

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

**ORDER APPROVING 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 May 30, 2019, Spectrum Mid-America, LLC, f/k/a Time Warner Cable Midwest LLC (Spectrum) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2018 Supp. 12-2023 and K.A.R. 82-15-1. Spectrum remitted its filing fee on June 3, 2019, which completed the Application process and started the statutory timeline for decision.

2.        K.S.A. 2018 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3.        On June 21, 2019, the Commission Staff (Staff) submitted its Report and Recommendation, which is dated June 18, 2019, recommending the Commission grant Spectrum's Application requesting to expand its previously granted authority to include the City of Westwood Hills, Kansas. An electronic version of the description has been provided in a format compatible with the Commission's mapping system. Staff finds Spectrum's Application to be complete and

in conformity with K.S.A. 2018 Supp. 12-2023 and K.A.R. 82-15-1. Staff observes that by initialing its Application, Spectrum has previously agreed to comply with all 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> Spectrum has previously been granted VSA in twenty-four footprint areas in Kansas.

4. Staff's Report and Recommendation confirms that Spectrum is registered with the Kansas Secretary of State's office as a Kansas Foreign Limited Liability Company and that its current status with that office is *active and in good standing*.

5. Spectrum is registered with the Federal Communications Commission (FCC) as a Cable System Operator. According to Staff, Spectrum 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>
City of Westwood Hills	KS0299

6. Utilizing a hybrid fiber coaxial cable system, Spectrum states that it will pass 100% of the households within their proposed footprint within the required five-year deployment window. By initialing, Spectrum 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.<sup>2</sup>

7. Staff recommends Commission approval of Spectrum's Application with its additional service area footprint to be identified and known as City of Westwood Hills, WSHL-25-TWMC-01.

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<sup>1</sup> Item #5, Initial Application.

<sup>2</sup> Initial Application last item.

8. The Commission concurs with Staff's analysis and recommendation of June 18, 2019, which Report and Recommendation is attached to the Order and incorporated by reference, and finds that Spectrum's Application should be granted approving the company's request to expand its service area footprint to include the City of Westwood Hills, Kansas.

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

A. The Application of Spectrum Mid-America, LLC, f/k/a Time Warner Cable Midwest, LLC for state-issued Video Service Authorization is hereby granted and the requested expansion of Spectrum's service area footprint to include the City of Westwood Hills, Kansas, is hereby approved, which shall be known and identified as WSHL-25-TWMC-01. The Video Service Authorization granted herein shall become effective as of the date of this Order.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>3</sup>

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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 06/27/2019



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Lynn M Retz  
Secretary to the Commission

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<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Dwight D. Keen  
Commissioner Shari Feist Albrecht  
Commissioner Susan K. Duffy

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

**DATE:** June 18, 2019

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

**EXECUTIVE SUMMARY:**

On May 30, 2019, Spectrum Mid-America, LLC f/k/a Time Warner Cable Midwest LLC (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. The filing fee was not remitted with the Application on that date. Subsequently, the filing fee was remitted on June 3, 2019. Staff recommends approval of this Application.

**BACKGROUND:**

The Applicant has previously been granted state-issued video service authorizations in twenty-four service areas (footprints). This amended filing seeks additional authority, specifically, the city of Westwood Hills, Kansas.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Saturday, June 29, 2019.**

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 12405 Powerscourt Drive, St. Louis, Missouri.

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

Community Served  
City of Westwood Hills

CUID#  
KS0299

Staff has verified the above CUID via the FCC's Media Bureau's website.

By initialing, the Applicant has previously<sup>1</sup> 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 has provided a legal description of the service area footprint.

An electronic version of this description, with more precise boundary information, is included with the Application in a format compatible with the Commission's mapping system and will be considered as the legal description.

For ease of future reference, Staff is identifying<sup>2</sup> the proposed service area footprint, as follows: the City of Westwood Hills, Kansas, WSHL-25-TWMC-01.

**RECOMMENDATION:**

Staff recommends Commission approval of Spectrum's Application with its additional service area footprint to be identified and known as the City of Westwood Hills, Kansas, WSHL-25-TWMC-01.

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1. Applicant's initial filing in this Docket, dated 9-19-12.

2. 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.

**CERTIFICATE OF SERVICE**

13-TWMC-206-VSA

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/28/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe