

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 Zito West    )  
Holding, LLC d/b/a Zito Media, LP Filing for    ) Docket No. 18-ZWHT-375-VSA  
Kansas Video Service Authorization.            )

**ORDER GRANTING VIDEO SERVICE AUTHORIZATION**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1.        On February 13, 2018, Zito West Holding, LLC (“Zito West”) filed an Initial Application for a Video Service Authorization pursuant to K.S.A. 12-2023 and K.A.R. 82-15-1.
2.        Pursuant to its Initial Application, Zito West requests authority to provide video service in Liberal, Kansas.
3.        K.S.A. 12-2023 states that the Commission shall issue a video service authorization permitting a video service provider to provide video service in the state, or amend a video service authorization previously issued, within 30 days after receipt of a completed affidavit submitted by the video service applicant and signed by an officer or general partner of the applicant affirming:

- (1) The location of the applicant's principal place of business and the names of the applicant's principal executive officers;
- (2) that the applicant has filed or will timely file with the federal communications commission all forms required by that agency in advance of offering video service in this state;
- (3) that the applicant agrees to comply with all applicable federal and state statutes and regulations;

(4) that the applicant agrees 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;

(5) the description of the service area footprint to be served within the state of Kansas, including any municipalities or parts thereof, and which may include certain designations of unincorporated areas, which description shall be updated by the applicant prior to the expansion of video service to a previously undesignated service area and, upon such expansion, notice to the state corporation commission of the service area to be served by the applicant; including:

(A) The period of time it shall take applicant to become capable of providing video programming to all households in the applicant's service area footprint, which may not exceed five years from the date the authorization, or amended authorization, is issued; and

(B) a general description of the type or types of technologies the applicant will use to provide video programming to all households in its service area footprint, which may include wireline, wireless, satellite or any other alternative technology.

4. Commission Staff (“Staff”) submitted a Report and Recommendation regarding the Initial Application on March 6, 2018, attached hereto and made a part hereof by reference. Staff found that Zito West is properly registered with the Kansas Secretary of State’s Office. Staff found that the Application provided a list of Zito West’s key personnel contacts for regulatory matters, and affirmed that Zito West’s principal place of business is located at 102 S Main Street, Coudersport, PA 16915. (*See* K.S.A. 12-2023(a)(1)). Staff found that Zito West is registered as a Cable System Operator with the Federal Communications Commission (FCC) under its d/b/a Zito Media, LP, in Liberal, Kansas, CUID # KS0054. (*See* K.S.A. 12-2023(a)(2)). Finally, Staff found that Zito West agreed to follow all applicable federal, state, and municipal rules and regulations. (*See* K.S.A. 12-2023(a)(3)-(4)). For ease of future reference, Staff is identifying the proposed service area as follows: Liberal, LBRL-01-ZWHT-01.

5. Staff recommended approval of the Video Service Authorization.

6. The Commission finds Staff’s findings to be reasonable and hereby adopts Staff’s recommendation of approving the Video Service Authorization.

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

- A. The Initial Application filed by Zito West is approved.
- B. Zito West is granted authority to provide video service as requested in the Initial Application. The grant of authority is subject to lawful operation of the video service by the applicant or its successor in interest.
- C. 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. 77-529(a)(1).
- D. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

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

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 03/13/2018  
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Lynn M. Retz  
Secretary to the Commission

MRN

# STATE OF KANSAS



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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | PAT APPLE, COMMISSIONER

## 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:** March 6, 2018

**SUBJECT:** Docket No. 18-ZWHT-375-VSA  
In the Matter of the Application of Zito West Holding, LLC d/b/a Zito Media, LP  
Filing for Kansas Video Service Authorization.

### EXECUTIVE SUMMARY:

On January 4, 2018, Zito West Holding, LLC d/b/a Zito Media, LP filed an 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, March 15, 2018.**

### 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 102 S Main Street, Coudersport, PA, 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 under its d/b/a Zito Media, LP, as follows:

<u>Community Served</u>	<u>CUID #</u>
Liberal	KS0054

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 Liberal, Kansas, and has provided a legal description of the territories.

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.

For ease of future reference, Staff is identifying<sup>1</sup> the proposed service area footprint, as follows:  
Liberal, LBRL-01-ZWHT-01.

**RECOMMENDATION:**

Staff recommends Commission approval of this Application with service area footprint to be identified and known as Liberal, LBRL-01-ZWHT-01.



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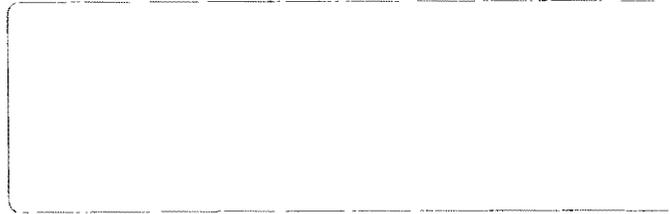
<sup>1</sup> For ease of future referencing, staff assigns a four field footprint number using the following convention: ABCD-xx-EFGH-yy, where ABCD is the four character abbreviation of the major city encompassed by the service area, xx is a two digit sequentially assigned number of the provider's service 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.

**CERTIFICATE OF SERVICE**

18-ZWHT-375-VSA

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of  
03/14/2018  
first class mail/hand delivered on \_\_\_\_\_.

COLIN H HIGGIN, VICE PRESIDENT  
Zito West Holding, LLC  
102 S MAIN ST  
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/S/ DeeAnn Shupe  
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DeeAnn Shupe