

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman  
Thomas E. Wright  
Shari Feist Albrecht

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

**ORDER GRANTING AMENDED VIDEO SERVICE AUTHORIZATION TO INCLUDE  
THE CITY OF RILEY**

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 August 28, 2012 Eagle Communications, Inc. ("Eagle") filed an Amended Application for a state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. Eagle currently holds a Video Service Authorization that includes four service areas.
2. Eagle's filing seeks to add an additional service area to its Video Service Authorization. Specifically, Eagle wishes to serve the City of Riley, 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.

3. Commission Staff ("Staff") submitted a Report and Recommendation regarding the application for an amended authorization on September 6, 2012, attached hereto and made a part hereof by reference. Staff found that Eagle is properly registered with the Kansas Secretary of State's Office, and its principal place of business is 2703 Hall Street, Ste. 15, Hays, Kansas. (See K.S.A. 12-2023(a)(1)). Staff verified that Eagle is properly registered with the Federal Communications Commission regarding the Community Unit Identification Number ("CUID") for the City of Riley, Kansas. (See K.S.A. 12-2023(a)(2)). Staff found that Eagle agreed to follow all applicable federal, state, and municipal rules and regulations. (See K.S.A. 12-2023(a)(3)-(4)). Finally, Staff found that Eagle states it currently passes 100% of households encompassed in the proposed service area. (See K.S.A. 12-2023(a)(5)(A)). For ease of future

reference, Staff is identifying the proposed service area as follows: The City of Riley, RILY-05-EAGC-01.

4. Staff recommended approval of the amended Video Service Authorization.

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

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

A. The amended application filed by Eagle on August 28, 2012 for a Video Service Authorization is approved.

B. Eagle is granted authority to provide video service as requested in the 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.**

Sievers, Chmn.; Wright, Com.; Feist Albrecht, Com.

Dated: SEP 19 2012

  
**ORDER MAILED SEP 19 2012**

Patrice Petersen-Klein  
Executive Director

MRN

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Mark Sievers, Chairman  
Thomas E. Wright, Commissioner

Sam Brownback, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

STATE CORPORATION  
COMMISSION

**SEP 07 2012**

PATRICE PETERSEN-KLEIN  
EXECUTIVE DIRECTOR

**TO:** Chairman Mark Sievers  
Commissioner Thomas E. Wright  
Commissioner Shari Feist Albrecht

**FROM:** Kelly Mabon, Telecommunications Analyst

**DATE:** September 6, 2012

**DATE SUBMITTED TO EXECUTIVE DIRECTOR:** 9/7/12

**DATE SUBMITTED TO LEGAL:** 9.11.12

**DATE SUBMITTED TO COMMISSIONERS:** 9-12-12

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

**EXECUTIVE SUMMARY:**

On August 28, 2012, Eagle Communications, Inc. (Eagle) 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. Staff recommends approval of this Application.

**BACKGROUND:**

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

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Thursday, September 27, 2012.**

**ANALYSIS:**

The Applicant has identified its principal place of business as 2703 Hall Street, Ste. 15, Hays, Kansas.

The Applicant is properly registered with the Kansas Secretary of State's office as a Kansas For Profit Corporation. Its current status with the Secretary's office is Active and in Good Standing.

The Applicant states they are properly registered with the FCC for their proposed service areas and provided the following Community Unit Identification (CUID) information:

<u>Community Served</u>	<u>CUID#</u>
Riley	KS0207

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

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 Application includes a three (3) page "Meets and Bounds" description of the service area. 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 currently passes 100% of the households encompassed in that area.

For ease of future reference, Staff is identifying<sup>2</sup> the proposed service area footprint, as follows: The City of Riley, RILY-05-EAGC-01.

**RECOMMENDATION:**

Staff recommends Commission approval of Eagle's Application with its additional service area footprint to be identified and known as Riley, RILY-05-EAGC-01.

cc: Patrice Petersen-Klein, Executive Director  
Jeff McClanahan, Utilities Director  
Christine Aarnes, Chief of Telecommunications

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1. Applicant's initial filing in this Docket, dated 8-24-2010.

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.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
GARY D. SHORMAN, PRESIDENT EAGLE COMMUNICATIONS, INC. 2703 HALL, STE. 15 P.O. BOX 817 HAYS, KS 67601		
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED SEP 19 2012

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.