

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

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

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

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 April 3, 2023, Eagle Broadband Investments, LLC (Eagle Broadband) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1.
2. K.S.A. 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 April 17, 2023, the Commission Staff (Staff) submitted its Report and Recommendation, recommending the Commission grant Eagle Broadband's Application requesting to expand its previously granted authority to include the cities of Gorham, Detroit, and Coby in the State of Kansas. An electronic version of the description was provided in a format compatible with the Commission's mapping system. Staff finds Eagle Broadband's

Application to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82- 15-1. Staff observes that by initialing its Application, Eagle Broadband 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.¹ Eagle Broadband has previously been granted VSA in twenty-five footprint areas in Kansas.

4. Staffs Report and Recommendation confirms that Eagle Broadband is registered with the Kansas Secretary of State's office as a Kansas not-for-profit corporation and that its current status with that office is active and in good standing.

5. 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>
Gorham	KS0934
Detroit	KS0935
Colby	KS0936

6. Utilizing a combination of services, Eagle Broadband states that it will pass 100% of the households within its proposed footprint within the required five-year deployment window. By initialing, Eagle Broadband 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.²²

7. Staff recommends Commission approval of Eagle Broadband' s Application to amend its Video Service Authorization to include the service areas of the cities of Gorham,

¹ Item #5, Initial Application.

² Initial Application last item.

Detroit, and Colby in the State of Kansas.

8. The Commission concurs with Staffs analysis and recommendation of April 17, 2023, which Report and Recommendation is attached to the Order and incorporated by reference, and finds that Eagle Broadband's Application should be granted approving the Company's request to expand its service area footprint to include the City of Gorham, Detroit, and Colby in the State of Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Eagle Broadband Investments, LLC for state-issued Video Service Authorization is hereby granted and the requested expansion of Eagle Broadband's service area footprint to include the cities of Gorham, Detroit, and Colby in the State of Kansas is hereby approved. 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).³

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.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 04/20/2023



Lynn M. Retz
Executive Director

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

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

FROM: Hemant Bhagat, Senior Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Bryan Seamans, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: April 13, 2023

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

EXECUTIVE SUMMARY:

On April 3, 2023, Eagle Broadband Investments, LLC (Eagle Broadband) filed an Amended Application for 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. On April 12, 2023, Eagle Broadband filed an Amendment to Legal Description of the VSA.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than Tuesday, May 2, 2023.

BACKGROUND:

The Applicant, Eagle Broadband, holds a state-issued VSA in twenty-five service areas (footprints). This Amended Application requests to expand the Company's footprint to the cities of Gorham, Detroit, and Colby in the state of Kansas.

K.S.A. 12-2023 gives the Commission the authority to review applications for entities who desire to provide cable service or video service in the state of Kansas.

The Commission must review an application for 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 identified its principal place of business as 4 International Drive, Suite 330, Rye Brook, NY, 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 Kansas For Profit Corporation. Its current status with the Secretary's office is Active and in Good Standing.

The Applicant is properly registered with the FCC for its proposed service area and provided the following information:

<u>Community Served</u>	<u>CUID#</u>
Gorham	KS0934
Detroit	KS0935
Colby	KS0936

The Applicant stated it would provide business and residential services covering 120 (+/-) acres in Gorham; 44.4 (+/-) acres in Detroit; and 1,908 (+/-) acres in Colby. The expected date for 100% coverage is July 1, 2023, in Gorham; May 1, 2023, in Detroit; and August 1, 2023, in Colby.

Staff verified the above Community Unit Identification Numbers (CUID) via the FCC's Media Bureau's web site: https://fccprod.servicenowservices.com/coals?id=coals_search_communities.

By initialing, the Applicant has previously¹ agreed to comply with all applicable federal and state statutes and regulations and agrees to comply with all lawful and applicable municipal regulations

¹ Applicant's initial filing in this Docket, dated July 24, 2019.

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 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 identifying² the proposed service area footprint, as follows: Gorham - GRHM-26-EBIC-01; Detroit - ABLD-27-EBIC-01; and Colby - CLBY-28-EBIC-01.

RECOMMENDATION:

Staff recommends Commission approval of Eagle Broadband's Application adding the territory of Gorham, Detroit, and Colby in the state of Kansas.

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

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 04/20/2023.

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/S/ KCC Docket Room

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