

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

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Application of)
Google Fiber Kansas, LLC filing for) Docket No. 12-GFKC-643-VSA
Kansas Video Service Authorization)

**ORDER GRANTING APPLICATION OF GOOGLE FIBER
KANSAS, LLC FILING FOR KANSAS
VIDEO SERVICE AUTHORIZATION**

The above-captioned matter comes on before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. Google Fiber Kansas, LLC (“Google Fiber”) filed its initial application for state-issued video service authorization on February 17, 2012.
2. Commission Staff (“Staff”) filed its Report and Recommendation on March 6, 2012.
3. Staff reports that Google Fiber has identified its principal place of business as 1600 Ampitheater Parkway, Mountain View, California, 94043. Staff has verified that Google Fiber is properly registered with the Kansas Secretary of State as a Foreign Limited Liability Corporation.
4. Staff reports that Google Fiber has not provided a Federal Communications (“FCC”) Community Unit Identifications (“CUID”) because Google Fiber is not a cable operator operating a cable system as defined at 47 C.F.R. § 76.5. Google Fiber states that the FCC has held the definition of “cable service” as meaning to encompass services provided over cable

systems, which operate using a one-way, broadcast transmission model. Video programming transmission on the Google Fiber network would be based on a client-served architecture similar to that used by end users to access the internet which is a two-way, interactive network. Staff further reports that Google Fiber's proposed service areas encompass the following described areas of Kansas City, Kansas:

Township 11S, Range 25E, Section 17-10, 15-22, 27-34 and fractional Sections of 2-6, 11, 14, 23, 26, and 35

Township 11S, Range 24E, Sections 7-29 and 33-36 and fractional Sections of 1-6, 30, 31, and 32

Township 11S, Range 23E, fractional Sections of 1-2

Township 10S, Range 25E, Sections 30-34 and fractional Sections of 18, 19, 26 27, 28, 29, and 35

Township 10S, Range 24E, Sections 18, 19, 20, 24-36 and fractional Sections of 7, 8, 13, 14, 17, and 21-23

Township 10S, Range 23E, Sections 7-36 and fractional Sections 1-6

5. The electronic version of the described areas is in a format compatible with the Commission's mapping system and will be considered as the legal description. For future references, Staff is identifying the proposed service area footprint as follows: KCKS-01-GFKC-01.

6. Google Fiber 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 municipalities in which the service is delivered.

7. Google Fiber has represented that it is currently capable of providing video programming to all households within the requested service area.

8. Staff recommends approval of Google Fiber's Application with the footprint to be identified and known as stated in paragraph 5, supra.

9. The Commission has reviewed Staff's Report and Recommendation as well as the Application and legal description of the proposed foot print area and concludes that the Application should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Google Fiber Kansas, LLC for the service area in Kansas of The City of Kansas City is approved.

B. A party may file a petition for reconsideration of this order within fifteen (15) days from the date of service of this order. If service is by mail, service is complete upon mailing and three (3) days shall be added to the above fifteen (15) day time period. K.S.A. 66-118b; K.S.A. 77-529.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn.; Loyd, Comm.; Wright, Comm.

Dated: MAR 16 2012



ORDER MAILED MAR 16 2012

Patrice Petersen-Klein
Executive Director

raf

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
Milo Medin, MANAGER GOOGLE FIBER KANSAS, LLC 1600 Amphitheatre Parkway Mountain View, CA 94043		
ROBERT A. FOX, SENIOR LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
FRANK A. CARO, JR., ATTORNEY POLSINELLI SHUGHART 6201 COLLEGE BLVD STE 500 OVERLAND PARK, KS 66211-2435		

ORDER MAILED MAR 16 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.