

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

In the Matter of the Application of)
Southwestern Bell Telephone, L.P., Filing) Docket No. 07-SWBT-355-VSA
for Kansas Video Service Authorization.)

ORDER APPROVING APPLICATION

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

1. On October 25, 2006, Southwestern Bell Telephone Company, d/b/a AT&T Kansas ("SWBT" or "Applicant") was granted video service authorization in this docket.

2. On August 23, 2007, SWBT filed an Amended Application ("Application") for authority to expand video service in Kansas from its previously authorized video service area, pursuant to K.S.A. 2006 Supp. 12-2023 and K.A.R. 82-15-1.

3. On September 5, 2007, Commission Staff ("Staff") submitted a Memorandum to the Commission recommending approval of SWBT's Application. In support of its recommendation, Staff stated that it has reviewed SWBT's Application and determined that the Applicant has provided all information required for video service authorization.

4. Staff notes that SWBT provided information on its principal place of business address; the principal officers of the company; and contacts for regulatory and complaint matters.

5. Staff states that the Applicant included a precise electronic version of the Metes and Bounds description of the expanded area that is compatible with the Commission's mapping system.

6. Staff's Memorandum confirmed that the Applicant is in good standing with the Kansas Secretary of State's Office.

7. Staff notes that the Applicant has affirmed it will comply with applicable federal and state statutes and regulations and also with all lawful municipal regulations governing the use and occupation of public rights-of-way and the police powers of each municipality, as required by K.S.A. 2006 Supp. 12-2023(a)(3) and (4). The Applicant has also 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.

8. SWBT proposes to expand its existing service to the north and west to encompass a large portion of Leavenworth County including the communities of Leavenworth, Lansing, Basehor, Tonganoxie, and surrounding unincorporated areas. The new service area footprints are identified and known as KACY-01-SWBT-02.

9. The applicant is not registered with the FCC as a Cable System Operator and has not been assigned a Community Unit Identification Number by the Federal Communications Commission. Staff and the Applicant agree that this is not necessary since it does not apply to the types of services offered by the Applicant.

10. SWBT included a general description of the technologies it uses to provide video service. The technologies include fiber to home, a combination of satellite and DSL service and an integrated satellite service. The Applicant states that it will provide video programming throughout its footprints within five years of approval of its application.

11. Staff concluded SWBT's application is complete and meets the requirements of the statute. Staff recommended the Commission approve SWBT's application with its service area footprints to be expanded as listed above in paragraph 8.

12. The Commission finds it has jurisdiction to consider applications for video service authorization. K.S.A. 2006 Supp. 12-2023.

13. Pursuant to the authority granted to the Commission by K.S.A. 2006 Supp. 12-2023 the Commission finds that SWBT's application meets the requirements of the statute and K.A.R. 82-15-1. The Commission approves SWBT's Amended Application.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company, d/b/a AT&T Kansas' Amended Application for video service authorization for the expanded service area, as designated in paragraph 8 above, is approved.

B. The parties have fifteen days, plus three 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. 66-118; K.S.A. 2006 Supp. 77-529(a)(1).

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.

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: SEP 12 2007

ORDER MAILED

SEP 12 2007

 Executive
Director

Susan K. Duffy
Executive Director

BL:jjc

**METES AND BOUNDS DESCRIPTION OF THE
LEAVENWORTH COUNTY
VIDEO FOOTPRINT AREA**

LEAVENWORTH EXCHANGE AREA

Beginning at a point $\frac{1}{4}$ mile east and $\frac{1}{8}$ mile south of the northwest corner of Section 15, T7S, R21 E, Atchison County, Kansas; thence east approximately $3\frac{3}{8}$ miles to the center of the Missouri River; thence in a southeasterly direction along said river to a point $\frac{1}{2}$ mile east of the west side of Section 34, T9S, R23E, Leavenworth County; thence south approximately 1 mile to a point $\frac{1}{2}$ mile west and $\frac{1}{8}$ mile north of the southeast corner of Section 3, T10S, R23E, Leavenworth County; thence west $3\frac{1}{2}$ miles; thence south $\frac{5}{8}$ mile; thence west $1\frac{1}{2}$ miles; thence north $\frac{1}{4}$ mile; thence west $\frac{3}{4}$ mile; thence south $\frac{1}{4}$ mile; thence west $\frac{7}{8}$ mile; thence south $\frac{1}{4}$ mile; thence west $4\frac{7}{8}$ miles; thence south $\frac{1}{2}$ mile; thence west $1\frac{1}{2}$ miles; thence south $\frac{1}{2}$ mile; thence west $1\frac{1}{4}$ miles; thence north 1 mile; thence west $\frac{3}{4}$ mile; thence north $1\frac{3}{8}$ miles; thence west $\frac{1}{2}$ mile to a point $\frac{3}{8}$ mile south of the northwest corner of Section 6, T10S, R21E; thence north 1 mile; thence east $\frac{1}{4}$ mile; thence north 1 mile; thence west $\frac{3}{4}$ mile; thence north $2\frac{1}{2}$ miles; thence east $3\frac{1}{8}$ miles; thence north $3\frac{1}{2}$ miles; thence east $\frac{3}{4}$ mile; thence north $5\frac{1}{8}$ miles; thence east $\frac{3}{8}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $2\frac{5}{8}$ miles to the point of beginning.

BASEHOR EXCHANGE AREA

Beginning at the northwest corner of Section 11, T10S, R22E, Leavenworth County, Kansas; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $5\frac{1}{4}$ miles to a point $\frac{3}{4}$ mile south of the north side of Section 6, T10S, R23E, Wyandotte County, Kansas; thence west approximately $\frac{3}{4}$ mile to a point $\frac{1}{4}$ mile west and $\frac{3}{4}$ mile south of the northeast corner of Section 1, T10S, R22E, Leavenworth County, Kansas; thence south approximately $1\frac{5}{8}$ miles to a point $\frac{1}{2}$ mile south and $\frac{1}{4}$ mile west of the northeast corner of Section 13, T10S, R22E, Leavenworth County, Kansas; thence west 1 mile; thence south approximately $\frac{3}{4}$ mile to the center line of Interstate 70 highway; thence in a southwesterly direction along said highway to a point $\frac{1}{2}$ mile east of the west line of Section 20, T10S, R22E; thence north approximately $\frac{3}{8}$ mile to a point $\frac{1}{2}$ mile south and $\frac{1}{2}$ mile east of the northwest corner of Section 20, T10S, R22E; thence west $\frac{3}{8}$ mile; thence north $1\frac{3}{8}$ miles; thence west $\frac{1}{8}$ mile; thence north $\frac{1}{8}$ mile; thence west $\frac{1}{8}$ mile; thence north 1 mile; thence west 1 mile; thence north approximately $\frac{3}{4}$ mile to a point $\frac{1}{8}$ mile west of the northeast corner of Section 1, T10S, R21 E; thence to a point $\frac{1}{2}$ mile west of the southeast corner of Section 36, T10S, R22E; thence north $2\frac{3}{4}$ miles; thence east 1 mile; thence north $1\frac{1}{2}$ miles; thence east $2\frac{3}{8}$ miles; thence north $\frac{1}{4}$ mile; thence east $\frac{7}{8}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile to the point of the beginning.

TONGANOXIE EXCHANGE AREA

Beginning at a point $\frac{1}{2}$ mile east and $\frac{1}{4}$ mile north of the southwest corner of Section 7, TIOS, R22E, Leavenworth County, Kansas; thence south $1\frac{1}{2}$ miles; thence west 1 mile; thence south $2\frac{3}{4}$ miles to a point $\frac{1}{2}$ mile west of the southeast corner of Section 36, TIOS, R21 E, thence to a point $\frac{1}{8}$ mile west of the northeast corner of Section 1, TIIS, R21 E; thence south approximately $\frac{3}{4}$ mile to a point $\frac{1}{4}$ mile north and $\frac{1}{8}$ mile west of the southeast corner of Section I, TIIS, R21E; thence east 1 mile; thence south $1\frac{1}{4}$ miles; thence east $\frac{1}{8}$ mile; thence south $\frac{1}{8}$ mile; thence east $\frac{1}{8}$ mile; thence south $1\frac{3}{8}$ miles; thence east $\frac{3}{8}$ mile; thence south $\frac{5}{8}$ mile; thence west 1 mile; thence south $1\frac{3}{8}$ miles; thence west $2\frac{3}{4}$ mile; thence south $1\frac{1}{4}$ miles; thence west $\frac{7}{8}$ mile; thence south $\frac{3}{4}$ mile; thence west $\frac{7}{8}$ miles; thence north $\frac{3}{8}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{5}{8}$ mile; thence west $\frac{3}{4}$ mile; thence north $1\frac{1}{2}$ miles; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $1\frac{1}{16}$ mile; thence west $\frac{3}{4}$ mile; thence north $\frac{7}{16}$ mile; thence west $1\frac{5}{8}$ miles to a point $\frac{3}{8}$ mile north and $\frac{1}{8}$ mile west of the southeast corner of Section 28, TIIS, R20E, Jefferson County, Kansas; thence north approximately $4\frac{7}{8}$ miles to a point $\frac{1}{8}$ mile west and $\frac{1}{8}$ mile north of the northeast corner of Section 4, TIIS, R20E; thence east approximately $\frac{1}{4}$ mile to a point $\frac{1}{4}$ mile west and $\frac{1}{8}$ mile north of the southeast corner of Section 33, TIOS, R20E; thence north $\frac{3}{4}$ mile; thence east $\frac{3}{4}$ mile to a point $\frac{1}{2}$ mile east and $\frac{1}{8}$ mile south of the northwest corner of Section 34, TIOS, R20E, Leavenworth County, Kansas; thence north 1 mile; thence east 1 mile thence north $\frac{7}{8}$ mile; thence east 1 mile; thence north 1 mile; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east $\frac{3}{4}$ mile; thence south 1 mile; thence east $1\frac{1}{4}$ miles; thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{4}$ miles; thence north $\frac{1}{2}$ mile; thence east $2\frac{1}{4}$ miles to the point of the beginning.

BONNER SPRINGS EXCHANGE ZONE

Beginning at the northeast corner of Section 15, TIOS, R23E, Wyandotte County, Kansas; thence south along Hutton Road to a point where Hutton Road intersects with Parallel Road on the south side of Section 34, TI OS, R23E; thence south $\frac{1}{8}$ mile; thence west 1 mile; thence south approximately $1\frac{3}{4}$ miles to its point of intersection with Interstate Highway 70; thence east along said highway approximately $2\frac{3}{4}$ miles to a point $\frac{1}{4}$ mile west of the east boundary of Section 12, TI iS, R23E; thence south approximately $1\frac{1}{2}$ miles to a point $\frac{1}{4}$ mile west and $\frac{3}{8}$ mile south of the NE corner of Section 24, TI IS, R23E; thence east $1\frac{1}{2}$ miles; thence south approximately $1\frac{7}{8}$ miles to the center of the Kansas River; thence in a southwesterly direction along said river approximately 1 mile to its point of intersection with I-435 Highway; thence south along said Highway approximately $\frac{5}{8}$ mile to a point $\frac{1}{2}$ mile south of the north boundary of Section 6, T12S, R24E, Johnson County, Kansas; thence west approximately $\frac{3}{4}$ mile to a point $\frac{1}{4}$ mile west and $\frac{1}{2}$ mile north of the southeast corner of Section 1, TI2S, R23E; thence south $1\frac{1}{2}$ miles; thence west $\frac{3}{4}$ mile; thence south 1 mile plus 5,130 feet to a point 150 feet north of the southeast corner of Section 23, TI2S, R23E; thence west approximately $\frac{1}{8}$ mile to the

BONNER SPRINGS EXCHANGE ZONE (Continued)

A.T.&S.F. Railroad tracks; thence in a southeasterly direction along said tracks to the south boundary of Section 26, T12S, R23E; thence west approximately 2 1/2 miles to a point 1/2 mile west of the northeast corner of Section 33, T12S, R23E; thence south 1/2 mile; thence west 1 1/2 miles; thence south 1/2 mile; thence west 1/2 mile; thence north 1/2 mile; thence west 1/2 mile; thence north 7/8 mile; thence west 1/8 mile; thence north 1/8 mile; thence west 1/8 mile; thence north approximately 1/2 mile to the center of the Kansas River; thence in a north and westerly direction along said river approximately 3 miles to a point 1/8 mile west and 1/8 mile north of the southeast corner of Section 22, T12S, R22E; thence north 1 1/2 miles; thence west 1/2 mile; thence north 1/2 mile; thence west 2/3 mile; thence north 1 mile; thence west 1 mile; thence north 1 2/3 miles; thence west 1 1/3 miles; thence north 1 1/3 miles; thence east 1 mile to its point of intersection with the Kansas Turnpike; thence east along said highway approximately 2 1/2 miles to a point 1/2 mile west of the east side of Section 23, T11S, R22E; thence north approximately 3/4 mile to a point 1/2 mile south and 1/2 mile west of the northeast corner of Section 14, T11S, R22E; thence east 1 1/4 miles; thence north 1 3/4 miles; thence east approximately 3/4 mile to Highway 73 in Section 6, T11S, R23E, Wyandotte County, Kansas; thence north 3/4 mile along Highway 73 to its point of intersection with the Leavenworth Wyandotte County Line at the southwest corner of Section 31, T10S, R23E; thence north along county line 5 1/8 miles; thence east 3 1/2 miles; thence north 1 1/4 miles to the center of the Missouri River; thence southeasterly along said river approximately 1/2 mile; thence south 1 1/2 miles; thence east 3/8 mile; thence south 5/8 mile to a point of the beginning.

This expands AT&T's previously authorized area known as KACY-01-SWBT-01 and designates the expanded service area footprint as KACY-01-SWBT-02.