

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

Before Commissioners: Thomas E. Wright, Chairman
Ward Loyd

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

**ORDER APPROVING EAGLE APPLICATION
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 grants the Application of Eagle Communications, Inc. (Eagle) for Kansas Video Service Authorization (Application).

1. Eagle filed its Application on February 22, 2011.
2. Commission staff (Staff) provided its Report and Recommendation (Report) on March 3, 2011, analyzing the Application. Staff's Report was posted on the Commission's web site the same day to provide interested persons with the opportunity to comment on the Application. No public comments were received.
3. Staff reported that Eagle had previously identified its principal place of business as 2703 Hall Street, Suite 15, Hays, Kansas. Eagle identified senior management responsible for cable television matters and had updated its Application identifying the Director of Community Relations and Product Development.
4. Eagle currently holds a state-issued video service authorization for the City of Victoria.

5. Staff reported that Eagle is currently registered with the Kansas Secretary of State's office and is in "Active and Good Standing" with that office.

6. Eagle is seeking statewide service authorization in Bennington, Kansas. Staff confirmed that the Federal Communication Commission had issued Eagle the Community Unit Identification Number (CUID) of KS0776.

7. Staff further reported that Eagle had provided a metes and bounds description of the proposed service area (footprint). In addition, Eagle provided an electronic version of the legal description of the service area compatible with the Commission's mapping system. Eagle stated that it would pass all homes within the service area of the City of Bennington within five years of approval of its Application.

8. Eagle has agreed to comply with all applicable federal and state statutes and regulations and agreed 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 video service is delivered. Eagle further agreed that it would 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.

9. Staff recommended Commission approval of the Application.

10. The Commission has reviewed Staff's Report and concludes that it should approve the Application.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission grants the Application of Eagle Communications, Inc. for Video Service Authorization in the footprint of the City of Bennington.

B. The Commission retains jurisdiction over Eagle and the subject matter of this docket for the purpose of issuing such additional orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Loyd, Comm.

Dated: **MAR 23 2011**

ORDERED MAILED

MAR 24 2011

 **EXECUTIVE
DIRECTOR**

Susan K. Duffy, Executive Director

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