

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

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

In the Matter of the Application of )  
Valu-Net, LLC filing for Kansas ) Docket No. 13-VNLT-556-VSA  
Video Service Authorization. )

**ORDER GRANTING WITHDRAWAL OF AMENDED APPLICATION**

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 July 15, 2016, Valu-Net, LLC (Valu-Net) filed an amended Application for state-issued Video Service Authorization (VSA) seeking authorization to serve the geographic boundaries of the cities of Baldwin City, Eudora, and Lawrence, Kansas.

2. K.S.A. 2015 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. At pages 1 and 2 of its Report and Recommendation attached to this Order, the Commission Staff (Staff) sets forth in detail the showings applicants must make with regard to applications for video service authorization, and the same are adopted herein by reference. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3. In a letter dated July 29, 2016 and filed in this matter on August 1, 2016, Valu-Net requested to withdraw the amended Application filed by Valu-Net on July 15, 2016. The July 29, 2016 letter states that the company has not yet received the required Community Unit Identification (CUID) numbers from the Federal Communications Commission (FCC) for the

requested service territory. Valu-Net further expressed its intent to re-file its application upon receipt of the requested CUID numbers.

4. On August 1, 2016, the Commission Staff filed its Report and Recommendation of even date concurring in Valu-Net's request. Staff states that upon learning of the circumstances the company was experiencing, Staff requested that the company withdraw its amended Application in favor of re-filing an amended application when the required CUID numbers are obtained. Consequently, Staff is recommending that the Commission grant Valu-Net's request to withdraw its amended Application filed herein and afford the company the opportunity to refile an amended and complete application once the required information is obtained. Commission action in this matter is required no later than Sunday, August 14, 2016.

5. The Commission adopts Staff's analysis and recommendation of August 1, 2016, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Valu-Net's request to withdraw its amended Application should be granted. The Commission determines that Valu-Net has provided a sufficient basis for permitting withdrawal of its amended Application, subject to re-filing an amended application when the required CUID information is obtained. Consequently, the Commission finds that Valu-Net's request should be granted and the company's instant amended Application should be withdrawn, without prejudice to the company's filing of a new and complete amended application.

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

A. Valu-Net, LLC's request to withdraw its amended Application filed in this matter on July 15, 2016, is hereby granted, without prejudice to the company's filing of a new amended application when the required CUID information is obtained.

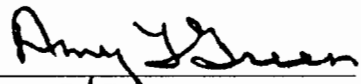
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated:       AUG 04 2016      

  
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Amy L. Green  
Secretary to the Commission

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**Order Mailed Date**

**AUG 05 2016**

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Jay Scott Emler  
Commissioner Shari Feist Albrecht  
Commissioner Pat Apple

**FROM:** Kelly Mabon, Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** August 1, 2016

**SUBJECT:** Docket No. 14-VNLT-556-VSA  
In the Matter of the Application of Valu-Net LLC Filing for Kansas Video  
Service Authorization.

**EXECUTIVE SUMMARY:**

On July 15, 2016, Valu-Net, LLC 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 the Commission accept, without prejudice, the Company's plea to withdraw this Application.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Sunday, August 14, 2016.**

**BACKGROUND:**

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

The Commission must review an application for a video service authorization (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:**

Due to issues the Company experienced with regard to obtaining FCC-issued CUID numbers, Staff asked that the Company withdraw the Application.

Staff received a request to Withdraw its Application Without Prejudice on August 1, 2016.

**RECOMMENDATION:**

Staff recommends Commission approval of the Company's leave to Withdraw its Application Without Prejudice and to be allowed to refile once the Application is complete.

**CERTIFICATE OF SERVICE**

13-VNLT-556-VSA

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on   AUG 04 2016  .

OTTO NEWTON, LITIGATION COUNSEL  
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\*\*\*Hand Delivered\*\*\*

RICHARD LEE TIDWELL, MANAGING PARTNER  
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rick@myvalunet.com

/s/ DeeAnn Shupe

DeeAnn Shupe

**Order Mailed Date**

**AUG 05 2016**