

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

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

In the Matter of the Application of)
BCI Allegiance, LLC Filing for) Docket No. 13-BCAT-666-VSA
Video Service Authorization.)

ORDER GRANTING 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 August 30, 2013, BCI Allegiance, LLC (BCI) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2012 Supp. 12-2023 and K.A.R. 82-15-1.

2. The Commission Staff (Staff) reviewed BCI's Application, and on September 20, 2013, filed its Report and Recommendation dated September 18, 2013, recommending approval of BCI's Application requesting authorization to serve the City of Lancaster, Kansas, and areas in Barber County, Kansas.

3. Staff's Report and Recommendation confirms that BCI is properly registered with the Kansas Secretary of State's office as a foreign limited liability company and that the company's status with the Secretary's office is *active and in good standing*. Staff indicates that BCI's principal place of business is One Manhattanville Road, Purchase, New York, and that BCI has provided in its Application the company's key personnel contacts for application and regulatory matters.

4. According to Staff, BCI is registered with the Federal Communications Commission (FCC) as a Cable System Operator, currently serving nine registered communities in Kansas and wishes to add two additional communities as follows:

<u>Community Served:</u>	<u>CUID#:</u>
The City of Lancaster, Kansas	KS0572
Barber County, Kansas	KS0805

Staff indicates that it has verified the foregoing CUIDs via the FCC Media Bureau's website: <http://www.fcc.gov/mb/engineering/liststate.html>. By initialing, BCI 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 the municipalities in which the service is delivered. Application at item #5.

5. Staff states that BCI's Application includes a legal description of the proposed service areas. That description is on file with the Commission in this docket and has been provided electronically in a format compatible with the Commission's mapping system. According to Staff, the company states that it will be able to provide service to 100% of the households encompassed in the requested service area within five (5) years of the date the Commission grants the company's Application. For ease of reference, Staff identifies the proposed service area footprint as follows: Lancaster, LNCR-10-BCAT-01, and Barber County, BBCY-11-BCAT-01. Staff recommends Commission Approval of BCI's Application with a service area footprint to be identified and known as Lancaster, LNCR-10-BCAT-01, and Barber County, BBCY-11-BCAT-01. Report and Recommendation at pages 1 and 2.

6. The Commission concurs with Staff's analysis and recommendation and finds that BCI's Application should be granted, approving the company's requested service area footprint

to include the City of Lancaster, Kansas, and Barber County, Kansas, to be identified and known as set forth in paragraph 5 above.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of BCI Allegiance, LLC, requesting state-issued Video Service Authorization is hereby granted and the requested service area footprint which includes the City of Lancaster, Kansas, and areas in Barber County, Kansas is hereby approved and shall be identified and known as Lancaster, LNCR-10-BCAT-01, and Barber County, BBCY-11-BCAT-01. The Video Service Authorization granted herein shall become effective as of the date of this Order.


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. 2012 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 may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: SEP 24 2013


ORDER MAILED SEP 25 2013
Kim Christiansen
Executive Director

oan

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Mark Sievers, Chairman
Thomas E. Wright, Commissioner

Sam Brownback, Governor

**STAFF REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Mark Sievers
Commissioner Thomas E. Wright
Commissioner Shari Feist Albrecht

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

DATE: September 18, 2013

DATE SUBMITTED TO LEGAL: 9/19/13

DATE SUBMITTED TO COMMISSIONERS: 9/20/13

SUBJECT: Docket No. 13-BCAT-666-VSA
In the Matter of the Application of BCI Allegiance, LLC Filing for Kansas Video Service Authorization.

EXECUTIVE SUMMARY:

On August 30, BCI Allegiance, 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 approval of this Application.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Sunday, September 29, 2013.**

BACKGROUND:

The Applicant has previously been granted state-issued video service authorizations in nine service areas (footprints). This amended filing seeks additional authority, specifically the City of Lancaster, Kansas, and areas in Barber County, Kansas.

ANALYSIS:

The Applicant has identified its principal place of business as One Manhattanville Road, Purchase, New York, 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 Foreign Limited Liability Company. Its current status with the Secretary's office is Active and in Good Standing.

The Applicant is currently serving nine registered communities with the FCC as a Cable System Operator, and wishes to add two additional communities as follows:

<u>Community Served</u>	<u>CUID #</u>
Lancaster	KS0572
Barber County	KS0805

Staff has verified the above Community Unit Identification Number (CUID) via the FCC's Media Bureau's web site: <http://www.fcc.gov/mb/engineering/liststate.html>.

By initialing, the Applicant 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 the municipalities in which the service is delivered. (Application item #5).

The Application includes a legal description of the proposed service areas. That description is on file with the Commission in this Docket and has been provided electronically in a format compatible with the Commission's mapping system. The Company states that it will be able to provide service to 100% of the households encompassed in that area within five years of the date the Commission grants the Application.

For ease of future reference, Staff is identifying¹ the proposed service area footprints, as follows: Lancaster, LNCR-10-BCAT-01, and Barber County, BBCY-11-BCAT-01.

RECOMMENDATION:

Staff recommends Commission approval of this Application with service area footprint to be identified and known as Lancaster, LNCR-10-BCAT-01, and Barber County, BBCY-11-BCAT-01.

¹ 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.

IN RE: DOCKET NO. **13-BCAT-666-VSA**

DATE **SEP 24 2013**

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MARIE CENSOPLANO, SENIOR VICE PRESIDENT AND GENERAL COUNSEL BCI ALLEGIANCE, LLC One Manhattanville Road Purchase, NY 10577		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		

ORDER MAILED **SEP 25 2013**

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.