

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

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of the Application of The)
Southern Kansas Telephone Company, Inc.) Docket No. 16-SNKT-330-VSA
for Kansas Video Service Authorization.)

ORDER AMENDING 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 October 15, 2018, The Southern Kansas Telephone Company, Inc. (Southern Kansas) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2017 Supp. 12-2023 and K.A.R. 82-15-1.

2. K.S.A. 2017 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. K.S.A. 2017 Supp. 12-2023 also sets forth in detail the showings applicants must make with regard to applications for video service authorization. Upon an applicant meeting all the statutory requirements, the Commission will issue the requested VSA.

3. On November 1, 2018, Staff submitted its Report and Recommendation dated October 31, 2018, which is attached and included by reference to the Order, and supports approval of the Southern Kansas Application requesting the addition of eight areas to its Video Service Authorization. Staff indicates in accordance with K.S.A. 2017 Supp. 12-2023(a), Commission action in this matter is required no later than Wednesday, November 14, 2018.

4. Staff's Report and Recommendation confirms that Southern Kansas is properly registered with the Kansas Secretary of State's office as a Kansas for profit corporation and that the company's status with the Secretary's office is *active and in good standing*.

5. According to Staff, Southern Kansas is properly registered with the Federal Communications Commission (FCC) for its proposed service areas and provided the following Community Unit Identification (CUID) information:

<u>Community Served</u>	<u>CUID#</u>
The City of Elk Falls, Kansas	KS0860
The City of Cambridge, Kansas	KS0861
The City of Latham, Kansas	KS0862
The County of Cowley, Kansas	KS0863
The County of Butler, Kansas	KS0864
The County of Elk, Kansas	KS0865
The County of Greenwood, Kansas	KS0866
The County of Chautauqua, Kansas	KS0867

Staff notes that it has verified the above CUIDs via the FCC's Media Bureau's website. By initialing its original Application in this Docket, Southern Kansas has previously 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.¹

6. Southern Kansas initially provided incomplete legal descriptions of the service area footprints, but promptly updated the descriptions on October 25, 2018 to successfully complete the Application process. An electronic version of the descriptions, with more precise boundary information, has been supplied to the Commission as part of this Docket in a format compatible with the Commission's mapping system and will be considered as the legal descriptions. For ease

¹ Initial Application dated January 5, 2016, Item #5.

of future reference, Staff identifies the proposed service area footprint as follows: Elk Falls, EKFL-16-SNKT-01; Cambridge, CMBG-17-SNKT-01; Latham, LTHM-18-SNKT-01; Cowley County, CWTY-19-SNKT-01; Butler County, BUTY-20-SNKT-01; Elk County, EKTY-21-SNKT-01; Greenwood County, GWTY-22-SNKT-01; and Chautauqua County, CHTY-23-SNKT-01.

7. Southern Kansas has updated its filing to indicate that it will be able to provide service to 100% of the households encompassed in the locations proposed to be added to its Authorization by December 4, 2018.

8. Staff recommends Commission approval of Southern Kansas Application with its additional service area footprints to be identified and known as : Elk Falls, EKFL-16-SNKT-01; Cambridge, CMBG-17-SNKT-01; Latham, LTHM-18-SNKT-01; Cowley County, CWTY-19-SNKT-01; Butler County, BUTY-20-SNKT-01; Elk County, EKTY-21-SNKT-01; Greenwood County, GWTY-22-SNKT-01; and Chautauqua County, CHTY-23-SNKT-01.

9. The Commission concurs with Staff's analysis and recommendation and finds that Southern Kansas' Application should be granted approving the company's request to expand its service area footprint to include the locations set forth above.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of The Southern Kansas Telephone Company, Inc., requesting state-issued Video Service Authorization is hereby granted and the requested expansion of the service area footprints to include Elk Falls, Cambridge, Latham, Cowley County, Butler County, Elk County, Greenwood County, and Chautauqua County, Kansas, is hereby approved, which shall be known and identified as Elk Falls, EKFL-16-SNKT-01; Cambridge, CMBG-17-SNKT-01; Latham, LTHM-18-SNKT-01; Cowley County, CWTY-19-SNKT-01; Butler County, BUTY-20-

SNKT-01; Elk County, EKTU-21-SNKT-01; Greenwood County, GWTY-22-SNKT-01; and Chautauqua County, CHTY-23-SNKT-01.

B. The Video Service Authorization granted herein shall become effective as of the date of this Order. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 11/06/2018



Lynn M. Retz
Secretary to the Commission

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² K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Emler
Commissioner Dwight D. Keen

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: October 31, 2018

SUBJECT: 16-SNKT-330-VSA
In the Matter of the Application of The Southern Kansas Telephone Company, Inc.
for Kansas Video Service Authorization

EXECUTIVE SUMMARY:

On October 15, 2018, Southern Kansas Telephone Company, Inc. filed an Amended Application for the Company's 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 **Wednesday, November 14, 2018.**

BACKGROUND:

The Applicant was originally granted a Video Service Authorization in this Docket on January 28, 2016. The Applicant was granted authorization in fifteen service areas (footprints) at that time. This amended filing seeks authority for eight additional areas.

This Application provided legal descriptions in the amended filing that did not match the maps provided. The additional information was provided on October 25, 2018. Video Service Authorizations require a commitment by the provider of when 100% of the encompassed locations will have service. No commitment for when service would be available to the additional locations

was provided in the original amendment filing. The commitment was provided to Staff on October 29, 2018, that all locations would have service available by December 4, 2018.

ANALYSIS:

The Applicant has previously identified its principal place of business as 112 S. Lee, P.O. Box 800, Clearwater, Kansas, 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 Kansas for Profit Corporation. Its current status with the Secretary's office is Active and in Good Standing.

The Applicant is registered for the additional locations with the FCC as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID#</u>
The City of Elk Falls, Kansas	KS0860
The City of Cambridge, Kansas	KS0861
The City of Latham, Kansas	KS0862
The County of Cowley, Kansas	KS0863
The County of Butler, Kansas	KS0864
The County of Elk, Kansas	KS0865
The County of Greenwood, Kansas	KS0866
The County of Chautauqua, Kansas	KS0867

The above mentioned locations have been verified by staff on the FCC Cable Operations and Licensing System (COALS) website: <https://apps.fcc.gov/coals/forms/search/cableSearchNf.cfm>.

By initialing, the Applicant has previously¹ 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 (Initial Application item #5).

The Applicant has provided a legal description of the additional 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 is 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 identifying² the proposed additional service area footprint, as

¹ Applicant's initial filing in this Docket, dated 1-05-2016.

² 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

follows: Elk Falls, EKFL-16-SNKT-01; Cambridge, CMBG-17-SNKT-01; Latham, LTHM-18-SNKT-01; Cowley County, CWTY-19-SNKT-01; Butler County, BUTY-20-SNKT-01; Elk County, EKTY-21-SNKT-01; Greenwood County, GWTY-22-SNKT-01; and Chautauqua County, CHTY-23-SNKT-01.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Elk Falls, EKFL-16-SNKT-01; Cambridge, CMBG-17-SNKT-01; Latham, LTHM-18-SNKT-01; Cowley County, CWTY-19-SNKT-01; Butler County, BUTY-20-SNKT-01; Elk County, EKTY-21-SNKT-01; Greenwood County, GWTY-22-SNKT-01; and Chautauqua County, CHTY-23-SNKT-01.

CERTIFICATE OF SERVICE

16-SNKT-330-VSA

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 11/06/2018.

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