

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

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

In the Matter of the Application of Skitter)
Cable TV, Inc. for Video Service) Docket No. 18-SKCT-139-VSA
Authorization.)

ORDER GRANTING VIDEO SERVICE AUTHORIZATION

This matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On September 18, 2017, Skitter Cable TV, Inc. (Skitter) filed its application for a state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1.
2. Skitter's filing seeks authority to serve the following areas: Bluff City, Caldwell, Corbin-Perth, Freeport, Geuda Springs, Hardtner, Mayfield, South Haven, Waldron and Perth, Kansas.
3. K.S.A. 12-2023 states that the Commission shall issue a video service authorization permitting a video service provider to provide video service in the state, or amend a video service authorization previously issued, within 30 days after receipt of a completed affidavit submitted by the video service applicant and signed by an officer or general partner of the applicant affirming:

(1) The location of the applicant's principal place of business and the names of the applicant's principal executive officers;

(2) that the applicant has filed or will timely file with the federal communications commission all forms required by that agency in advance of offering video service in this state;

(3) that the applicant agrees to comply with all applicable federal and state statutes and regulations;

(4) that the applicant agrees 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;

(5) the description of the service area footprint to be served within the state of Kansas, including any municipalities or parts thereof, and which may include certain designations of unincorporated areas, which description shall be updated by the applicant prior to the expansion of video service to a previously undesignated service area and, upon such expansion, notice to the state corporation commission of the service area to be served by the applicant; including:

(A) The period of time it shall take applicant to become capable of providing video programming to all households in the applicant's service area footprint, which may not exceed five years from the date the authorization, or amended authorization, is issued; and

(B) a general description of the type or types of technologies the applicant will use to provide video programming to all households in its service area footprint, which may include wireline, wireless, satellite or any other alternative technology.

4. Commission Staff ("Staff") submitted a Report and Recommendation regarding the application for authorization dated October 12, 2017, attached hereto and made a part hereof by reference. Staff found that Skitter is properly registered with the Kansas Secretary of State's Office. Staff found that the Application affirmed that Skitter's principal place of business is located at 3230 Peachtree Corners Circle, Ste. H, Norcross, Georgia, 30092. (*See* K.S.A. 12-2023(a)(1)). Staff verified that Skitter is properly registered with the Federal Communications Commission regarding the Community Unit Identification Numbers ("CUIDs") for the Communities of Bluff City, Caldwell, Corbin-Perth, Freeport, Geuda Springs, Hardtner, Mayfield, South Haven, Waldron and Perth, Kansas. (*See* K.S.A. 12-2023(a)(2)). Staff found that Skitter agreed to follow all applicable federal, state, and municipal rules and regulations. (*See* K.S.A. 12-2023(a)(3)-(4)). For ease of future reference, Staff is identifying the proposed service area footprint as follows: Bluff City, BLCT-01-SKCT-01; Caldwell, CDWL-02-SKCT-

01; Corbin-Perth, CRBN-03-SKCT-01; Freeport, FRPT-04-SKCT-01; Geuda Springs, GDSP-05-SKCT-01; Hardtner, HRDR06-SKCT-01; Mayfield, MFLD-07-SKCT-01; South Haven, SHVN-08-SKCT-01; Waldron, WLRN-09-SKCT-01; Perth, PRTH10-SKCT-01.

5. Staff recommended approval of the Video Service Authorization.

6. The Commission finds Staff's findings to be reasonable and hereby adopts Staff's recommendation of approving the Video Service Authorization.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application filed by Skitter Cable TV, Inc. on September 18, 2017, for Video Service Authorization is approved.

B. Skitter Cable TV, Inc. is granted authority to provide video service as requested in the application. The grant of authority is subject to lawful operation of the video service by the applicant or its successor in interest.

C. 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. 77-529(a)(1).

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: OCT 17 2017



Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

OCT 18 2017

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Pat Apple
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emler

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

DATE: October 12, 2017

SUBJECT: 18-SKCT-139-VSA
In the Matter of the Application of Skitter Cable TV, Inc. Application for Video Service Authorization

EXECUTIVE SUMMARY:

On September 18, 2017, Skitter Cable TV, Inc. filed an Initial Application for a 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, October 18, 2017.**

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:

The Applicant has identified its principal place of business as 3230 Peachtree Corners Circle, Ste. H, Norcross, Georgia, 30092 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 Corporation. Its current status with the Secretary's office is Active and in Good Standing.

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

<u>Community Served</u>	<u>CUID#</u>
The Community of Bluff City, Kansas	KS0840
The Community of Caldwell, Kansas	KS0841
The Community of Corbin-Perth, Kansas	KS0852
The Community of Freeport, Kansas	KS0845
The Community of Geuda Springs, Kansas	KS0843
The Community of Hardtner, Kansas	KS0842
The Community of Mayfield, Kansas	KS0848
The Community of South Haven, Kansas	KS0847
The Community of Waldron, Kansas	KS0849
The Community of Perth, Kansas	KS0856

The above mentioned locations have been verified by staff on the FCC website: <https://apps.fcc.gov/coins/forms/search/cableSearchNf.cfm>. The applicant indicated that KS0852 is actually Corbin only and is in the process of correcting that with the FCC.

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 Applicant has provided a legal description of the territories. 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 the area by October 1, 2017.

For ease of future reference, Staff is identifying¹ the proposed service area footprint, as follows: Bluff City, BLCT-01-SKCT-01; Caldwell, CDWL-02-SKCT-01; Corbin-Perth, CRBN-03-SKCT-01; Freeport, FRPT-04-SKCT-01; Geuda Springs, GDSP-05-SKCT-01; Hardtner, HRDR-06-SKCT-01; Mayfield, MFLD-07-SKCT-01; South Haven, SHVN-08-SKCT-01; Waldron, WLRN-09-SKCT-01; Perth, PRTH-10-SKCT-01.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Bluff City, BLCT-01-SKCT-01; Caldwell, CDWL-02-SKCT-01; Corbin-Perth, CRBN-03-SKCT-01; Freeport, FRPT-04-SKCT-01; Geuda Springs, GDSP-05-SKCT-01; Hardtner, HRDR-06-SKCT-01; Mayfield, MFLD-07-SKCT-01; South Haven, SHVN-08-SKCT-01; Waldron, WLRN-09-SKCT-01; Perth, PRTH-10-SKCT-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

CERTIFICATE OF SERVICE

18-SKCT-139-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 OCT 17 2017.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

STEVE HUGHES, TREASURER / CEO
SKITTER CABLE TV, INC.
3230 PEACHTREE CORNERS CIR STE H
NORCROSS, GA 30092-3655
steve.hughes@skitter.tv

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

OCT 18 2017