

**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 Home)
Communications, Inc., Filing for Kansas) Docket No. 09-HOMC-284-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 April 2, 2018, Home Communications, Inc. (Home) 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. 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. On April 23, 2018, Staff submitted its Report and Recommendation dated April 18, 2018 recommending approval of Home's Application. According to Staff, Home has been previously granted VSA in five service areas (footprints). Home's instant filing seeks additional authority in four new service area footprints, specifically, Gypsum, Geneseo, McPherson County Country Club, and northwest Saline County, Kansas. In addition, Home is expanding a current

service area footprint for Canton, Kansas.¹ Home has provided as attachments to its Application legal descriptions for the requested service area footprints. An electronic version of the description, with more precise boundary information, is included with the Application in a format compatible with the Commission's mapping system and will be considered as the legal description.²

4. Staff states that Home is properly registered with the Kansas Secretary of State's office as a Kansas for profit corporation where its status is shown to be *active and in good standing*. Staff indicates that Home is not registered with the Federal Communications Commission (FCC) as a Cable System Operator and has not filed with the FCC a 'Cable Community Registration form 322' or been assigned any 'Community Unit Identification Number (CUID)' as these items are described in Federal Regulations, 47 C.F.R. 76.1801. This regulation applies only to a 'cable operator' operating a 'cable system' as defined at 47 C.F.R. 76.5, and does not apply to Home's IPTV programming offerings. By initialing, Home 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.³

5. For ease of future reference, Staff identifies the proposed service area footprints as follows: Gypsum, GYPM-06-HOMC-02; Geneseo, GENS-07-HOMC-02; McPherson County Country Club, MPCC-08-HOMC-02; and NW Saline County, NWSL-09-HOMC-02. In addition, Home has expanded the service area footprint for Canton which was previously designated as

¹ Report and Recommendation, page 1.

² Id., pages 2 and 3.

³ Initial Application, Item #5.

CANT-05-HOMC-01. Concluding, Staff recommends Commission approval of Home's Application with the company's additional service area footprints as identified above.⁴

6. The Commission concurs with Staff's analysis and recommendation and finds that Home's Application should be granted approving the company's request to expand its service area footprint to include the service area footprints identified in paragraph 5 above.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Home Communications, Inc. requesting state-issued Video Service Authorization is hereby granted and the requested expansion of Home's service area footprint to include the additional service areas, which shall be known and identified as Gypsum, GYPM-06-HOMC-02; Geneseo, GENS-07-HOMC-02; McPherson County Country Club, MPCC-08-HOMC-02; and NW Saline County, NWSL-09-HOMC-02; and the expansion of the service area footprint for Canton, CANT-05-HOMC-01 is hereby approved and 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. 2017 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.

⁴ Report and Recommendation, page 3.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 04/26/2018



Lynn M. Retz
Secretary to the Commission

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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

DATE: April 18, 2018

SUBJECT: Docket No. 09-HOMC-284-VSA
In the Matter of the Application of Home Communications, Inc. Filing for Kansas
Video Service Authorization.

EXECUTIVE SUMMARY:

On April 2, 2018, Home Communications, Inc. (Home) 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.

BACKGROUND:

The Applicant has previously been granted state-issued video service authorizations in five service areas (footprints). This amended filing seeks additional authority in four new service area footprints, specifically, Gypsum, Geneseo, McPherson County Country Club, and northwest Saline County, Kansas. Additionally Home is expanding a current service area footprint for Canton, Kansas.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Wednesday, May 2, 2018.**

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 211 South Main Street, Galva, Kansas.

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 not registered with the FCC as a Cable System Operator and has not filed with the Federal Communications Commission a 'Cable Community Registration form 322' or been assigned any 'Community Unit Identification Number (CUID)' as these items are described in federal regulations, 47 C.F.R. 76.1801. This regulation applies only to a 'cable operator' operating a 'cable system' as defined at 47 C.F.R. 76.5, and does not apply to Home's IPTV programming offerings.

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. (Application item #5).

The Applicant has provided a legal description of the service area footprints.

An electronic version of this description, with more precise boundary information, is included with the Application in a format compatible with the Commission's mapping system and will be considered as the legal description.

For ease of future reference, Staff is identifying² the proposed service area footprints, as follows: Gypsum, GYPM-06-HOMC-02; Geneseo, GENS-07-HOMC-02; McPherson County Country Club, MPCC-08-HOMC-02; and NW Saline County, NWSL-09-HOMC-02. Additionally, Home has expanded the service area footprint for Canton which was previously designated as CANT-05-HOMC-01.

RECOMMENDATION:

Staff recommends Commission approval of Home's Application with its additional service area footprints to be identified and known as Gypsum, GYPM-06-HOMC-02; Geneseo, GENS-07-HOMC-02; McPherson County Country Club, MPCC-08-HOMC-02; and NW Saline County, NWSL-09-HOMC-02 and the expansion of the service area footprint for Canton, CANT-05-HOMC-01.

1. Applicant's initial filing in this Docket, dated 9-23-2008.
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 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

09-HOMC-284-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 04/27/2018.

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/S/ DeeAnn Shupe
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