

**MEMORANDUM
UTILITIES DIVISION**

NOV 04 2008

TO: Thomas E. Wright, Chairman
Michael C. Moffet, Commissioner
Joe F. Harkins, Commissioner

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: October 22, 2008

DATE SUBMITTED TO LEGAL: 10/23/08

DATE SUBMITTED TO COMMISSIONERS: 10/28/08

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

BACKGROUND:

On September 23, 2008, Home Communications, Inc., filed an Initial application for statewide Video Service Authorization, as authorized by K.S.A. 12-2006 through 12-2026, a/k/a the Video Competition Act.

In an e-mail to staff, dated October 6, 2008, the applicant clarified that it is already capable of providing (video) service to throughout the proposed service areas.

In an e-mail to staff, dated October 22, 2008, the applicant submitted a corrected service area description for the community of Assaria. The corrected description is included herein.

Commission action in this matter is required not later than **Monday, November 17, 2008.**

ANALYSIS:

The applicant has identified its principal place of business as 211 South Main, P.O. Box 8, Galva, Kansas, 67443 and has identified its senior management, responsible for cable television matters. In addition, the applicant has provided contact phone numbers and e-mail addresses for trouble reporting matters.

Home Communications, Inc., is registered with the Kansas Secretary of State's office as a For Profit Corporation and is currently (a/o 9-25-2008) 'Active and in Good Standing' with that office.

The applicant is seeking state wide video service authorization in the cities of Assaria, Galva, Roxbury, Salemsborg and Canton. The applicant states that they are a Multi-channel Video Programming Distributor (MVPD). Thus, they are exempt from the FCC's Community Unit Identification Number (CUID) (a/k/a Form 322) registration process.

The applicant has provided the following service area (footprint) descriptions. Staff notes that proposed service areas coincide with their Telephone franchise areas:

ANALYSIS: (Continued)
Docket No. 09-HOMC-284-VSA

Assaria Service Area

*KCC Identifier: ASSA-01-HOME-01

Beginning at a point 1/4 mile north and 1/4 mile east of the southwest corner of Section 13, T15S, R3W, Saline County, Kansas; thence east 4 1/4 miles; thence north 1/2 mile; thence east 1 mile; thence south 3 1/4 miles; thence east to a point 1/2 mile north and 1/2 mile west of the northeast corner of Section 2, T16S, R2W; thence south 5 miles to the center of Section 26, T16S, R2W; thence east 1 3/4 miles; thence south 1 1/4 miles; thence west 4 3/4 miles; thence north 1/4 mile; thence west 3 1/4 miles; thence north 1 3/4 miles; thence west 1/2 mile; thence north 4 miles; thence east approximately 3/4 mile to the center of I-35 Highway; thence north 2 1/2 miles in the center of said I-35 Highway; thence east approximately 3/4 mile to a point 1/4 mile east and 1/4 mile south of the northwest corner of Section 24, T15S, R3W; thence north 1/2 mile to the point of beginning.

Galva Service Area

*KCC Identifier: GALV-02-HOME-01

Beginning at a point 1/2 mile east and 1/2 mile north of the southwest corner of Section 6, T18S, R1W, McPherson County, Kansas; thence south 4 1/2 miles; thence east 1/2 mile; thence south 1/2 mile; thence west 3/4 mile; thence south 1 3/8 miles; thence west 3/4 mile; thence south 1 mile; thence east 3/4 mile; thence south 2 3/8 miles to a point 1/4 mile south and 1/4 mile east of the northwest corner of Section 30, T19, R1W; thence west 1/2 mile; thence south 4 miles; thence west 4 1/4 miles to a point 1/2 mile west and 1/4 mile south of the northeast corner of Section 17, T20S, R2W; thence north 5 3/4 miles; thence west 3 1/4 miles; thence north 2 miles; thence west 3/4 mile; thence north 2 1/4 miles; thence west 3/4 mile to a point 1/4 mile west and 1/4 mile south of the northeast corner of Section 28, T18S, R3W; thence north 3 miles; thence east 2 3/4 miles; thence north 3/4 mile; thence east 4 1/2 miles; thence north 1/2 mile; thence east 1 1/2 miles; thence south 1/2 mile; thence east 1 mile to point of beginning.

Roxbury Service Area

*KCC Identifier: ROXB-03-HOME-01

Beginning at a point 1/4 mile north and 1/2 mile west of the southeast corner of Section 1, T17S, R2W, McPherson County, Kansas; thence east 7 miles; thence south 3 3/4 miles; thence west 1/4 mile; thence south 2 miles; thence west 3 3/4 miles; thence south 2 miles; thence west 2 miles; thence north 2 miles; thence west 1 mile; thence north 5 3/4 miles to the point of beginning.

Salemsborg Service Area

*KCC Identifier: SALE-04-HOME-01

Beginning at a point 1/2 mile east of the northwest corner of Section 9, T15S, R3W, Saline County, Kansas; thence south 7/8 mile; thence east 1 5/8 miles; thence south 1 3/8 miles; thence east approximately 3/8 mile to the center of I-35 Highway; thence south 2 1/2 miles in the center of said I-35 Highway; thence west approximately 3/4 mile to a point 1/4 mile west and 1/4 mile north of the northeast corner of Section 3, T16S, R3W; thence south 4 miles; thence west 3 1/4 miles; thence south 3/4 mile; thence west 1 mile; thence south 1 3/4 miles to a point 1/4 mile south and 1/2 mile east of the northwest corner of Section 1, T17S, R4W, McPherson County; thence west 4 1/4 miles; thence north 3/4 mile; thence west 5 3/4 miles; thence north 1 1/2 miles; thence east 4 1/2 miles; thence north 1 mile; thence east 1 mile; thence north 2 miles; thence east 1 mile; thence north 1 mile; thence west approximately 1/8 mile to the southwest corner of Section 33, T15S, R4W; thence north 1 mile; thence east 1 mile; thence north 2/3 mile; thence east 1 mile; thence north 1/3 mile; thence east 1/2 mile; thence north 1/2 mile; thence east 1 3/4 miles; thence north 1 mile; thence east 3/4 mile; thence north 1 1/2 miles to the northwest corner of Section 8, T15S, R3W; thence east 1 1/2 miles to the point of beginning.

ANALYSIS: (Continued)
Docket No. 09-HOMC-284-VSA

Canton Service Area

*KCC Identifier: CANT-05-HOME-01

The current city limits of Canton.

* KCC Identifiers were added by staff for ease of future reference using the following four field numbering convention; ABCD-xx-EFGH-yy, where ABCD is a four character abbreviation of the major community(s) encompassed within the serving area, xx is a two digit sequentially assigned number of the provider's service area, EFCH is the commission assigned four alpha character company code and yy indicates the version of the company's footprint where 01 is the initial version, 02 the first revision, etc.

The applicant's filing includes an electronic version of the above legal descriptions, compatible with the commission's mapping system. In a clarifying e-mail, dated October 6, 2008, the applicant states that they currently pass 100% of residential households within their proposed serving area "footprints".

By initialing, the applicant agrees 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's system utilizes Internet Protocol Television (IPTV) for the delivery of their video services. IPTV is typically provided over a broadband internet connection to the end user/customer's location.

By initialing, the applicant agrees that it will not deny access to service to any group of potential residential subscribers because of the income of residents in the local area in which such group resides. (Initial Application last item.)

Staff has reviewed the applicant's Initial application and has found it to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82-15-1.

RECOMMENDATION:

Staff recommends commission approval of the application with its service area footprints to be identified and known as indicated above.

cc: Don Low
Janet Buchanan

Tom Stratton
Bob Lehr

Susan Duffy
Patricia Shurtz