

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

Before Commission Pat Apple, Chairman
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Application)
of RG Fiber, LLC for Kansas)
Video Service Authorization.) Docket No. 17-RGFT-278-VSA

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 January 3, 2017, RG Fiber, LLC (RG Fiber) filed an Initial Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2015 Supp. 12-2023 and K.A.R. 82-15-1.

2. K.S.A. 2015 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 January 18, 2017, Staff filed its Report and Recommendation dated January 12, 2017, recommending the Commission grant RG Fiber the requested VSA. RG Fiber states in its Application that it plans to offer video services to the cities of Lawrence and Eudora, Kansas via a fiber optic network. Staff indicates that Applicant has identified its principal place of business as 713 High Street, Baldwin City, Kansas, and provided the company's key personnel

contacts for Regulatory and Application matters. Applicant is properly registered with the Kansas Secretary of State's office as a Kansas limited liability company and the company's status with the Secretary's office is *active and in good standing*.¹ Staff states that the Applicant is registered Federal Communications Commission (FCC) as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID#</u>
Eudora, Kansas	KS0834
Lawrence, Kansas	KS0835

Staff states that it has verified the above Community Unit Identification Numbers (CUID) via the FCC's Media Bureau's website: <https://apps.fcc.gov/coals/forms/search/cableSearch>.

4. By initialing, RG Fiber 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.² According to Staff, RG Fiber seeks to serve the cities of Eudora and Lawrence, Kansas, and has provided the Commission with a legal description of the requested territories. The legal 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. RG Fiber represents that the company will be able to provide service to 100% of the households encompassed in the subject area within five years of the date the Commission grants the company's Application. For ease of future reference, Staff identifies the proposed service area footprints as follows: Eudora, EUDR-01-RGFT-01 and Lawrence, LWRN-02-RGFT-01.³ Having determined that RG Fiber has met

¹ Report and Recommendation, page 2.

² Application, Item 5.

³ Report and Recommendation, pages 2 and 3.

all application requirements, Staff recommends the Commission grant RG Fiber's Application and approve the footprints as identified above.

5. The Commission adopts Staff's analysis and recommendation of January 12, 2017, contained in its Report and Recommendation, which is attached hereto and made a part of this Order by reference, and finds that RG Fiber's Application should be granted and the requested service area footprints approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of RG Fiber, LLC, filed in the above-captioned docket on January 3, 2017, requesting state-issued Video Service Authorization is hereby granted and the requested service area footprints to be identified and known as: Eudora, EUDR-01-RGFT-01 and Lawrence, LWRN-02-RGFT-01 are hereby approved effective as of the date of this Order.

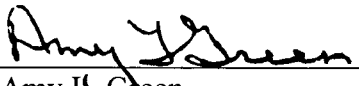
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529.

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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 24 2017


Amy L. Green
Secretary to the Commission

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Order Mailed Date

JAN 25 2017

REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

DATE: January 12, 2017

RE: Docket No. 17-RGFT-278-VSA
In the Matter of the Application of RG Fiber, LLC for Kansas Video
Service Authorization.

EXECUTIVE SUMMARY:

On January 3, 2017, RG Fiber, LLC filed an Initial 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.

The Application did not include the filing fee. The fee was received on January 5, 2017. Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Saturday, February 4, 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 713 High Street, Baldwin City, 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 Limited Liability Company. 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>
Eudora, Kansas	KS0834
Lawrence, Kansas	KS0835

Staff has verified the above Community Unit Identification Numbers (CUID) via the FCC's Media Bureau's web site: <https://apps.fcc.gov/coals/forms/search/cableSearch>.

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 is seeking to serve the cities of Eudora and Lawrence, Kansas, and 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 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: Eudora, EUDR-01-RGFT-01 and Lawrence, LWRN-02-RGFT-01.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprints to be identified and known as Eudora, EUDR-01-RGFT-01 and Lawrence, LWRN-02-RGFT-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

17-RGFT-278-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 JAN 24 2017.

MIKE BOSCH, CEO
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o.newton@kcc.ks.gov
Hand Delivered

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

JAN 25 2017