

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Application of Cox)
Communications Kansas, LLC Filing for) Docket No. 07-CXKC-621-VSA
Kansas Video Service Authorization.)

ORDER GRANTING AMENDED VIDEO SERVICE AUTHORIZATION

The above-captioned 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 January 10, 2019, Cox Communications Kansas, LLC ("Cox") filed an Amended Application for a state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. Cox currently holds a Video Service Authorization that includes seventy-nine service areas.

2. Cox's amended filing seeks additional authority to include the city of Lyons, 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 an amended authorization dated January 28, 2019, attached hereto and made a part hereof by reference. Staff found that Cox is properly registered with the Kansas Secretary of State’s Office. Staff found that the Amended Application affirmed that Cox’s principal place of business is located at 901 S. George Washington Blvd., Wichita, Kansas. (*See* K.S.A. 12-2023(a)(1)). Staff verified that Cox is properly registered with the Federal Communications Commission regarding the Community Unit Identification Number (“CUID”) for Lyons, Kansas. (*See* K.S.A. 12-2023(a)(2)). Staff found that Cox 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 areas as follows: Lyons, LYNS-80-CXKC-01.

5. Staff recommended approval of the amended Video Service Authorization.

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

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Amended Application filed by Cox on January 10, 2019, for a Video Service Authorization is approved.

B. Cox 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. Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.¹

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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 02/05/2019 _____



Lynn M. Retz
Secretary to the Commission

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¹K.S.A. 77-537(b); K.S.A. 66-118b; K.S.A. 77-529(a)(1).

REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

DATE: January 28, 2019

SUBJECT: In the Matter of the Application of Cox Communications Kansas, LLC Filing for
Kansas Video Service Authorization.
Docket No. 07-CXKC-621-VSA

EXECUTIVE SUMMARY:

On January 10, 2019, Cox Communications Kansas, LLC (Cox) 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 seventy-nine service areas (footprints). This amended filing seeks additional authority, specifically, for the city of Lyons, Kansas.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Saturday, February 9, 2019.**

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 901 S. George Washington Blvd., Wichita, Kansas.

The Applicant is properly registered with the Kansas Secretary of State's office as a Foreign Limited Liability Company. Its current status with the Secretary's office is Active and in Good Standing.

The Applicant states it is properly registered with the FCC for its proposed service area and provided the following Community Unit Identification (CUID) information:

Community Served
Lyons

CUID#
KS0068

Staff has verified the above CUID via the FCC's Media Bureau's website.

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 footprint.

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 footprint, as follows: Lyons, LYNS-80-CXKC-01.

RECOMMENDATION:

Staff recommends Commission approval of Cox's Application with its additional service area footprint to be identified and known as Lyons, LYNS-80-CXKC-01.

1. Applicant's initial filing in this Docket, dated 12-20-2006.

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

07-CXKC-621-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 02/05/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe