

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

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

In the Matter of the Application of )  
GBT Communications, Inc. Filing for ) Docket No. 15-GBCT-010-VSA  
Kansas Video Service Authorization. )

**ORDER APPROVING 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 August 10, 2018, GBT Communications, Inc. (GBT) 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. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3. On August 20, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated August 17, 2018, recommending the Commission grant GBT's Application requesting to expand its previously granted authority to include city of Larned, Kansas. An electronic version of the description is included with the Application in a format compatible with the Commission's mapping system. Staff finds GBT's Application to be complete and in conformity with K.S.A. 2017 Supp. 12-2023 and K.A.R. 82-15-1. Staff observes that by initialing its original application for authority, GBT has previously agreed to comply with all 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.<sup>1</sup> GBT has previously been granted VSA in one footprint area in Kansas.

4. Staff's Report and Recommendation confirms that GBT is registered with the Kansas Secretary of State's office as a foreign for profit corporation and that its current status with that office is *active and in good standing*.

5. Staff notes that GBT is properly registered with the Federal Communications Commission for its proposed service area and was provided the following Community Unit Identification (CUID) information:

<u>Community Served</u>	<u>CUID#</u>
Larned	KS0858

6. According to Staff, GBT has previously provided drawings and a general description of the technologies to be used in providing the company's video service. The GBT technology utilizes three distinct network places to deliver video content to the end user. Video content is received through a satellite dish with local affiliate channels receiving the content by antenna, which is then encoded for delivery to the network via fiber optic cable and other digital equipment. Fiber or copper cable connects the main distribution plant to the customer premises. Utilizing of this service, GBT states that it will pass 100% of the households in its proposed footprint within the required five-year deployment window. Also based on the initialing process in the original application, GBT has previously agreed 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.<sup>2</sup>

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<sup>1</sup> Item #5, Initial Application.

<sup>2</sup> Initial Application last item.

7. Staff states that it has reviewed GBT's Amended Application and has found it to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82-15-1. Staff recommends Commission approval of SWBT's Application with its additional service area footprint to be identified and known as Larned, LRND-02-GBCT-02.

8. The Commission concurs with Staff's analysis and recommendation of August 17, 2018, and finds that GBT's Application should be granted approving the company's request to expand its service area footprint to include city of Larned.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of GBT Communications, Inc. for state-issued Video Service Authorization is hereby granted and the requested expansion of GBT's service area footprint to include the city of Larned, is hereby approved, which shall be known and identified as Larned, LRND-02-GBCT-02. The Video Service Authorization granted herein shall become effective as of the date of this Order.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>3</sup>

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.

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<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/28/2018

A handwritten signature in cursive script, reading "Lynn M. Retz", positioned above a horizontal line.

Lynn M Retz  
Secretary to the Commission

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# STATE OF KANSAS



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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, Senior Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** August 17, 2018

**SUBJECT:** Docket No. 15-GBCT-010-VSA  
In the Matter of the Application of GBT Communications, Inc. for Kansas Video Service Authorization.

### **EXECUTIVE SUMMARY:**

On August 10, 2018, GBT Communications, Inc. (GBT) 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 one service area (footprint). This amended filing seeks to add an additional service area, specifically, the city of Larned, Kansas.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Sunday, September 9, 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 103 Lincoln, Rush Center, 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 states it is properly registered with the FCC for its proposed service area and provided the following Community Unit Identification (CUID) information:

Community Served  
Larned

CUID#  
KS0858

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

By initialing, the Applicant has previously<sup>1</sup> 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 identifying<sup>2</sup> the proposed service area footprint, as follows: Larned, LRND-02-GBCT-02.

**RECOMMENDATION:**

Staff recommends Commission approval of GBT's Application add the additional service area footprint to be identified and known as Larned, LRND-02-GBCT-02.

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1. Applicant's initial filing in this Docket, dated 7-7-14.  
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

15-GBCT-010-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 08/29/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe