

**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 W.K.                      )  
Communications, Inc., Filing for Kansas                      )                      Docket No. 08-WKCC-538-VSA  
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 June 15, 2018, W.K. Communications, Inc. d/b/a Suddenlink (Suddenlink) 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 July 2, 2018, Staff submitted its Report and Recommendation dated June 28, 2018 recommending approval of Suddenlink's Application requesting to remove the City of Fort Scott, Kansas from the company's service area footprint and adding the unincorporated portions of Bourbon County, Kansas. Staff indicates that in accordance with K.S.A. 2017 Supp. 12-2023(a), Commission action in this matter is required no later than Sunday, July 15, 2018.

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

5. According to Staff, Suddenlink is properly registered with the Federal Communications Commission (FCC) for its proposed service area and provided the following Community Unit Identification (CUID) information:

<u>Community Served:</u>	<u>CUID#:</u>
Bourbon County, Kansas	KS0514

Staff notes that it has verified the above CUID via the FCC's Media Bureau's website. By initialing, Suddenlink 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.<sup>1</sup>

6. Suddenlink has provided a legal description of the service area footprint. 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. For ease of future reference, Staff identifies the proposed service area footprint as follows: Bourbon County, BBCY-06-WKCC-04.

7. Staff recommends Commission approval of Suddenlink's Application with its additional service area footprint to be identified and known as Bourbon County, BBCY-06-WKCC-04.

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

8. The Commission concurs with Staff's analysis and recommendation and finds that Suddenlink's Application should be granted approving the company's request to expand its service area footprint to include the Bourbon County, Kansas.

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

A. The Application of W.K. Communications, Inc., d/b/a Suddenlink Communications, requesting state-issued Video Service Authorization is hereby granted and the requested expansion of Suddenlink's service area footprint to include the unincorporated areas of Bourbon County, Kansas, is hereby approved, which shall be known and identified as Bourbon County, BBCY-06-WKCC-04. The Video Service Authorization granted herein shall become effective as of the date of this Order.

B. Suddenlink's request to remove the City of Fort Scott, Kansas from the company's service area footprint is hereby approved.

C. 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>2</sup>

D. 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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 07/10/2018



Lynn M. Retz  
Secretary to the Commission

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<sup>2</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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

**DATE:** June 28, 2018

**SUBJECT:** Docket No. 08-WKCC-538-VSA  
In the Matter of the Application W.K. Communications, Inc., Filing for Kansas  
Video Service Authorization.

### **EXECUTIVE SUMMARY:**

On June 15, 2018, W.K. Communications, Inc. d/b/a Suddenlink Communications (Suddenlink) 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 to remove the city of Fort Scott, Kansas and add unincorporated portions of Bourbon County. Suddenlink is currently authorized to provide service in Fort Scott pursuant to a local franchise which remains in effect until December 1, 2019, pursuant to K.S.A. 12-2023(j).

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Sunday, July 15, 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 One Court Square West, Long Island City, NY.

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  
Bourbon County

CUID#  
KS0514

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: Bourbon County, BBCY-06-WKCC-04.

**RECOMMENDATION:**

Staff recommends Commission approval of Suddenlink's Application to remove the City of Fort Scott from its service area footprint and add the additional service area footprint to be identified and known as Bourbon County, BBCY-06-WKCC-04.

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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

08-WKCC-538-VSA

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of  
07/11/2018  
first class mail/hand delivered on \_\_\_\_\_.

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/S/ DeeAnn Shupe  
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