

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

STATE CORPORATION COMMISSION

JUN 23 2009

 Docket
Room

In the Matter of the Application of Community)
Wireless Communications Fiing for Kansas) Docket No. 09-CWCZ-976-VSA
Video Service Authorization.)

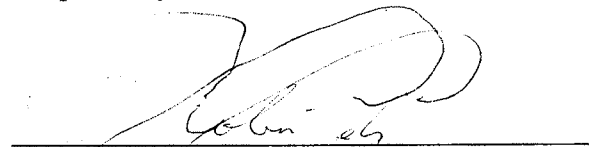
NOTICE OF FILING OF STAFF MEMORANDUM

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), and for its Notice of Filing of Staff Memorandum states as follows:

1. Staff hereby files the attached Staff Memorandum indicating that the Commission should approve the application of Community Wireless Communications for Kansas video service authorization, with service area footprint to be identified and known as LWRN-01-CWCZ-01.

WHEREFORE, Staff requests the Commission consider its memorandum and for such other and further relief as the Commission deems just and proper.

Respectfully submitted,



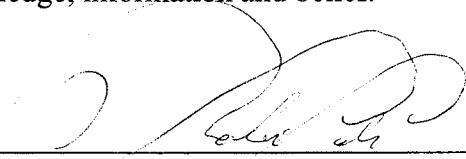
Robert L. Lehr, S. Ct. #9997
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3240 (Telephone)
(785) 271-3167 (Facsimile)

For Commission Staff

VERIFICATION

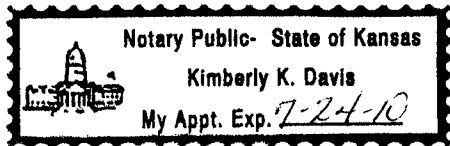
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

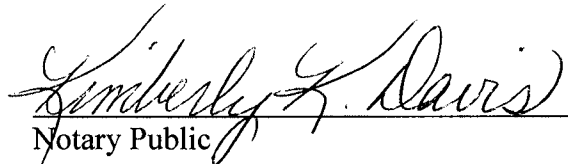
Robert L. Lehr, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Notice of Filing of Staff Memorandum* and believes that the statements therein are true to the best of his knowledge, information and belief.



Robert L. Lehr, S. Ct. #9997
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 23rd day of June, 2009.





Notary Public

My Appointment Expires: July 24, 2010

**MEMORANDUM
UTILITIES DIVISION**

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

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: June 22, 2009

DATE SUBMITTED TO LEGAL:

DATE SUBMITTED TO COMMISSIONERS:

SUBJECT: In the Matter of the Application of Community Wireless Communications Filing for Kansas Video Service Authorization.
Docket No. 09-CWCZ-976-VSA

BACKGROUND:

On June 16, 2009, the Community Wireless Communications Company 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.

On June 19, 2009, the applicant filed minor corrections to their initial application.

In accordance with K.S.A. 12-2023(a) and K.A.R. 82-15-1(f)(2), commission action in this matter is required not later than **Monday, July 20, 2009.**

ANALYSIS:

The applicant has identified its principal place of business as 4105 W. 6th Street, Suite A-1, Lawrence, Kansas, 66049 and has identified its principal officers and designated management contacts for video matters

Community Wireless is registered with the Kansas Secretary of State's office as a For Profit Corporation and is currently (a/o 6-19-2009) 'Active and in Good Standing' with that office.

The applicant is seeking state wide video service authorization in the city of Lawrence Kansas and has provided the following FCC Community Unit Identification Numbers (CUID) (a/k/a Form 322 registration): Lawrence, KS0766. Staff has verified the registration with the FCC's Media Bureau's web site, <http://www.fcc.gov/mb/engineering/liststate.html> (a/o 6-19-2009).

The applicant has provided (Attachment A) a Metes and Bounds legal description of its proposed service area, the city of Lawrence, and has provided the same in an electronic form compatible with the commission's mapping system. Staff has assigned a footprint identifier of LWRN-01-CWCZ-01* to the proposed service area (footprint). The applicant states that it will pass 100% of the encompassed residences by June 14, 2014.

ANALYSIS: (Continued)
Docket No. 09-CWCZ-976-VSA

* 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.

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 has provided a block diagram and vendor literature describing their intended service architecture. The service will be provided using Internet Protocol with transport provided via a Metropolitan Area Network utilizing a combination of wireless and fiber technologies.

By initialing, the applicant agrees that it will not deny 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, LWRN-01-CWCZ-01.

cc: Don Low
Christine Aarnes

Tom Stratton
Bob Lehr

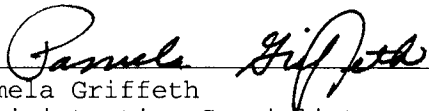
Susan Duffy
Patricia Shurtz

CERTIFICATE OF SERVICE

09-CWCZ-976-VSA

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Staff Memorandum was placed in the United States mail, postage prepaid, or hand-delivered this 23rd day of June, 2009, to the following:

JOSHUA MONTGOMERY, PRESIDENT & CEO
COMMUNITY WIRELESS COMMUNICATIONS
4015 WEST 6TH STREET, SUITE A-1
LAWRENCE, KS 66049



Pamela Griffeth
Administrative Specialist