

**MEMORANDUM**  
**UTILITIES DIVISION**

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

**FROM:** Guy McDonald, Senior Telecommunications Analyst

**DATE:** September 4, 2007

**DATE SUBMITTED TO LEGAL:** 9-5-2007

**DATE SUBMITTED TO COMMISSIONERS:** 9-10-07

**SUBJECT:** In the Matter of the Application of Southwestern Bell Telephone Company, Filing for Kansas Video Service Authorization.  
Docket No. 007-SWBT-355-VSA

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**BACKGROUND:**

On August 23, 2007, Southwestern Bell Telephone Company, d/b/a AT&T Kansas, filed an Amended application for statewide Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 85-15-1.

The applicant has previously been granted video service authorization (Order dated October 25, 2006 in this Docket) in one service area (footprint) encompassing the Greater Kansas City, Kansas, area. This amended filing seeks expanded authority in a large portion of contiguous Leavenworth County.

Commission action in this matter is required not later than **Monday, September 24, 2007.**

**ANALYSIS:**

The applicant has previously identified its principal place of business as 220 E. 6th Street, Topeka, Kansas, and the company's principal officers as;

Mr. Daniel Jacobsen, President – Kansas,

Mr. Jose M. Gutierrez, President & CEO,

Mr. Alfred G. Richter, Jr., Senior Vice President-General Counsel and Secretary and

Mr. Jonathan P. Klug, Senior Vice President-Treasurer.

In addition, the applicant has identified their key personnel contacts for regulatory and complaint matters.

The applicant is registered with the Kansas Secretary of State's office as a Foreign Limited Partnership and is currently (a/o 8-27-2007) 'Active and in Good Standing' with that office.

The applicant is not registered with the FCC as a Cable System Operator. They have previously<sup>1</sup> stated that “AT&T has not filed with the Federal Communications Commission a ‘Cable Community Registration form 322’ or been assigned any ‘Community Unit Identification Number (CUID)’ as these items are described in federal regulations, 47 C.F.R. 76.1801. This regulation applies only to a ‘cable operator’ operating a ‘cable system’ as defined at 47 C.F.R. 76.5, and does not apply to AT&T's IPTV, Homezone, or satellite video programming offerings.” Staff agrees.

**ANALYSIS:** (Continued)

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By initialing, the applicant has previously agreed<sup>1</sup> 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 is proposing to expand its existing authorized service area to the north and west to encompass a large portion of Leavenworth County. Communities included in this expansion include; Leavenworth, Lansing, Basehor, Tonganoxie and surrounding unincorporated areas. A map with Metes and Bounds descriptions of the expanded area are included with the amended application and are included as an attachment to this memo. A more precise electronic version of this description, including some overlap with previously authorized areas, is included with the application in a format compatible with the commission's mapping system.

The applicant has previously provided<sup>1</sup> drawings and a general description of the technologies to be used in providing their video service. The technologies include fiber to the home, a combination of satellite and DSL service and an integrated satellite service. Utilizing any combination of these services the applicant states that they will pass 100% of the households within their proposed footprint within the required five year deployment window.

By initialing, the applicant has previously<sup>1</sup> 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. (Initial Application last item.)

Staff has reviewed the applicant'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.

**RECOMMENDATION:**

Staff recommends commission approval of AT&T's application with its expanded service area footprints to be identified and known as KACY-01-SWBT-02<sup>2</sup>.

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<sup>1</sup> Applicant's initial filing in this Docket, dated 10-9-2006.

<sup>2</sup> 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.

cc: Don Low  
Janet Buchanan

Bret Lawson

Susan Duffy  
Patricia Shurtz