

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

Before Commissioners:

Thomas E. Wright, Chair
Michael C. Moffet
Joseph F. Harkins

JUL 14 2009

 Docket
Room

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

PETITION TO INTERVENE

The World Company d/b/a Sunflower Broadband (“Sunflower Broadband”) respectfully petitions the State Corporation Commission of the State of Kansas (“Commission”) for leave to intervene in the Application for Video Service Authorization (“Application”) filed by Community Wireless Communications, Co. (“CWC”).¹ In support of its petition, Sunflower Broadband represents and states as follows:

1. Sunflower Broadband is a provider of broadband communication services, including traditional cable television services as well as telephone and high-speed data services, for residential and business customers throughout the state of Kansas, particularly Lawrence, Kansas.
2. As a franchised cable operator and holder of a Video Service Authorization (“VSA”) from the Commission, Sunflower Broadband has rights-of-way in Lawrence, Kansas.
3. Thus, Sunflower Broadband’s legal interests could be directly affected by the outcome of this proceeding.

¹ *In the Matter of the Application of Community Wireless Communications Filing for Kansas Video Service Authorization*, Docket No. 09-CWCZ-976-VSA (filed June 16, 2009).

4. Pursuant to K.S.A. § 77-521 and K.A.R. § 82-1-225, Sunflower Broadband is entitled to intervene.

5. Sunflower Broadband has had significant interaction with CWC and its affiliates over the past several years. Sunflower Broadband is concerned with CWC's abuse of the Commission's authority to grant a VSA to a company that does not provide video service or video programming and has submitted no evidence to this Commission that it ever will.

6. Sunflower Broadband is concerned with CWC's past business approach, which has been to skirt obligations under Kansas and federal laws. An approval of the VSA, in Sunflower's view, represents escalation of CWC's tendencies to skirt its required obligations and Commission authority.

7. Sunflower Broadband is concerned with CWC's speculative, fly-by-night ventures seeking fast track access into the rights-of-way in Lawrence, KS, and wishes to uphold the importance of the threshold application requirements in the Kansas Video Competition Act ("KVCA").

8. As more fully explained in the Amended Petition to Deny the Application, Sunflower Broadband is concerned that CWC does not comply with a range of federal laws and regulations applicable to video service providers and has submitted no evidence that it will, has admitted in an FCC filing that it will not comply with the "must carry" laws, and has submitted no evidence that it can deliver on its promise to build a network throughout the City of Lawrence within five years.

9. The interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by allowing Sunflower Broadband to intervene.

10. No party to this proceeding will be prejudiced by granting the requested intervention.

11. The name and address of Sunflower Broadband as a party of record in this proceeding is:

Patrick Knorr
The World Company d/b/a Sunflower Broadband
One Riverfront Plaza, Suite 301
Lawrence, KS 66044

12. All communications and correspondence to Sunflower Broadband, including service of all notices and orders of the Commission herein are requested to be sent to the following named individual:

Christopher C. Cinnamon
Cinnamon Mueller
307 Michigan Ave., Suite 1020
Chicago, IL 60601
(312) 372-3930 – telephone
(312) 372-3939 – facsimile
cccinnamon@cm-chi.com

WHEREFORE, Sunflower Broadband respectfully requests that the Commission enter an Order granting Sunflower Broadband's Petition to Intervene as a party in this docket and to become a party of record with all rights to have notice and fully participate in this matter, including, but not limited to, the right to file briefs and motions, to participate in argument, and to conduct discovery, and for all other necessary and proper purposes.

CONCLUSION

For the foregoing reasons and as set forth in detail in the accompanying Amended Petition to Deny Application, Sunflower Broadband respectfully petitions to intervene and requests all the rights of a party in this proceeding.

Respectfully submitted,



Christopher C. Cinnamon
Kansas Bar No. 22718
Cinnamon Mueller
307 N. Michigan Ave.
Suite 1020
Chicago, IL 60601
(312) 372-3930 - telephone
(312) 372-3939 - facsimile

Dated this 13th day of July, 2009

Attorneys for The World Company d/b/a
Sunflower Broadband

VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS:


Christopher C. Cinnamon, of lawful age being first duly sworn upon oath states:

That he is the attorney for The World Company d/b/a Sunflower Broadband in this matter; that he has read and is familiar with the foregoing Petition to Intervene and that the statements made therein are true and correct to the best of his information, knowledge and belief.



Christopher C. Cinnamon

Subscribed and sworn to before me this 13th day of July 2009.



Notary Public



My commission expires: May 1, 2010

CERTIFICATE OF SERVICE

I, Alma Hoxha, paralegal in the offices of Cinnamon Mueller, certify that an original and seven copies of The World Company d/b/a Sunflower Broadband Petition to Intervene was sent on July 13, 2009, via Federal Express to:

Susan K. Duffy, Executive Director
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027

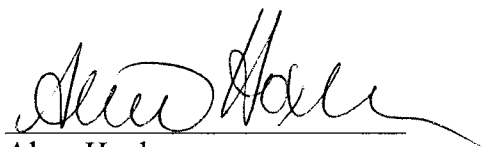
and that one copy was served on the following individuals via first class mail:

Bob Lehr
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Joshua Montgomery
President
Community Wireless Communications Co.
4105 W. 6th St. P.O. Box 3
Lawrence, KS 66047

Guy McDonald
Senior Telecommunications Analyst
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

David Corliss
City Manager
City Manager's Office
P.O. Box 708
Lawrence, KS 66044-2268



Alma Hoxha
Paralegal
July 13, 2009