

Rose Henry Law, LLC
Rose Mulvany Henry
rose@rosehenrylaw.com

Via Electronic Filing

May 8, 2020

Ms. Lynn Retz
Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Re: **Docket No. 13-VNLT-556-VSA**

Dear Ms. Retz,

Enclosed for filing, please find an Entry of Appearance for undersigned counsel and a Petition for Reconsideration on behalf of Valu-Net LLC in the docket referenced above.

Please do not hesitate to contact me if there any questions regarding this matter.

Sincerely,

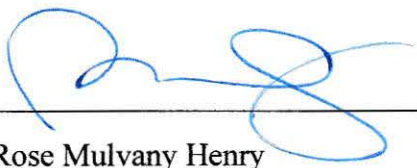


Rose Mulvany Henry
ROSE HENRY LAW, LLC
12461 Augusta Drive
Kansas City, KS 66109
(913) 558-6778
rose@rosehenrylaw.com

**VERIFICATION
(KSA 63-501)**

STATE OF KANSAS)
) ss.
COUNTY OF WYANDOTTE)

I, Rose Mulvany Henry, verify under the penalty of perjury, that I have caused the foregoing Entry of Appearance be prepared on behalf of Valu-Net LLC, that I have read and reviewed the foregoing Entry of Appearance, and state that its contents are true and correct to the best of my information, knowledge and belief.



Rose Mulvany Henry


Executed on this 8th day of May, 2020.

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2020, a true and correct copy of the foregoing has been served on the parties set forth below, via electronic mail transmission:

Otto Newton, Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604
o.newton@kcc.ks.gov

Richard Lee Tidwell, Managing Partner
Valu-Net LLC
2914 Highway 50, Suite A
Emporia, KS 66801
rick@myvalunet.com



Rose Mulvany Henry

(d) The certificate of video service authorization issued by the state corporation commission may be terminated by the video service provider by submitting notice to the state corporation commission.

3. K.A.R. 82-15-1(b)(3) provides:

(3) Each entity that holds a video service authorization certificate and wants to terminate its authority to provide cable or video service shall file a termination application.

4. Commission Staff ("Staff") submitted a Report and Recommendation regarding the Application on April 28, 2020, and Staff recommended approval of the VSA Termination.

REQUEST FOR RECONSIDERATION

5. In its Application filed on March 18, 2020, Valu-Net incorrectly populated the application document as a "termination" of its entire VSA. Rather, Valu-Net intended to amend its VSA to only terminate a portion of its authorization, in Baldwin City, KS. Valu-Net sincerely regrets its error and for causing additional work for the Commission to assist Valu-Net in the correction of its error.

6. Attached to this Petition for Reconsideration is a correctly populated application document, indicating a request for termination of Valu-Net's VSA for Baldwin City, KS only (Community Unit Identification ("CUID") information: The City of Baldwin City, KS, CUID#: KS0833) (the "Revised Application," attached hereto as **Attachment A**).

7. In its *Order Approving Video Service Authorization* in this docket, issued August 30, 2016, the Commission approved Valu-Net's VSA to include coverage of the Baldwin City, KS service area, and, based on the service area map provided by Valu-Net at the time, the Staff referenced such service area as "BLDW – 02-VNLT-02." Valu-Net's Revised Application references this designation to indicate the service area for which Valu-Net seeks termination of its VSA. To the extent the Commission needs additional information for the Revised Application, Valu-Net will provide it.

8. As a result of filing its Revised Application concurrent with this Petition, Valu-Net respectfully requests the Commission reconsider the Termination Order and issue a supplemental order to reflect Valu-Net's request in the Revised Application, and grant Valu-Net's request to terminate its VSA for the Baldwin City, KS service area only, referenced as BLDW – 02-VNLT-02. Consistent with the request in its Application, Valu-Net also requests a termination date of April 15, 2020.

CONCLUSION

9. Again, Valu-Net sincerely regrets the error it made in the Application that resulted in the Termination Order. Valu-Net should have been clear in its request for a partial termination of its VSA regarding only Baldwin City, KS.

10. Valu-Net appreciates the work of Staff, Commission Legal and the Commission regarding the Application, including the work to assist Valu-Net with the correction of its erroneous Application.

11. Valu-Net respectfully requests the Commission to grant Valu-Net's Petition and issue a supplemental order as requested herein.

WHEREFORE, Valu-Net respectfully requests the Commission reconsider the Termination Order and issue a supplemental order to reflect Valu-Net's request in the Revised Application, and grant Valu-Net's request to terminate its VSA for the Baldwin City, KS service area only, as of April 15, 2020.

Respectfully submitted,

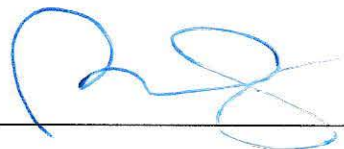


Rose Mulvany Henry, KS # 16209
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Rose Mulvany Henry

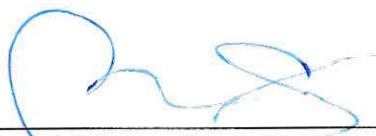
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2914 Highway 50, Suite A
Emporia, KS 66801
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Rose Mulvany Henry

ATTACHMENT A

Revised Application

KANSAS CORPORATION COMMISSION
TELECOMMUNICATIONS SECTION

Form VSA IB
July 2006
Form must be Typed
Form must be Signed

**KANSAS VIDEO SERVICE AUTHORIZATION
AMENDED, TERMINATION OR TRANSFER APPLICATION**

Date: May 8, 2020 Type of Application (Check one): ☒ Amended ☐ Termination ☐ Transfer

Applicant's Name: Valu-Net LLC d/b/a: ValuNet Fiber

Address 1: 2940 West Highway 50, Suite A Phone: 620-208-5000

Address 2: _____

City: Emporia State: Kansas Zip: 66801

Federal Employer Identification Number (FEIN): 48-0898785

Authorizing Docket: 13-VNLT-556-VSA Date: August 30, 2016

For Amended Application:

If applicable as an attachment, identify the municipalities and provide a legal description of the service area footprint(s) to be served using Section, Township and Range references. Include the attached description on a computer disc in ESRI compatible format (.E00, or .shp) with a defined projection file. Each footprint should clearly state the date by which the provider will pass 100% of the encompassed households. Multiple service areas may be included.

For Termination Application:

Effective date of Termination: _____

For Transfer Application:

(A transfer application will require a companion Initial or Amended application from the receiving entity, as appropriate.)

Name: _____ d/b/a: _____

Contact Name: _____ Phone: _____

Address 1: _____

Address 2: _____

City: _____ State: _____ Zip: _____

Federal Employer Identification Number (FEIN): _____

Successor's Authorizing VSA docket: _____, Date: _____

Successor's serving area footprint changes? ☐ Yes ☐ No

If yes, the successor's VSA authorization must be amended detailing the changed footprint.

Effective date of Transfer: _____

For All Applications:

By submitting this application, the applicant agrees that it may not deny access to service to any group of potential residential subscribers because of the income of the residents in the local area in which such group resides. Initial indicating concurrence: _____

Verification

I, Richard L. Tidwell, of lawful age, and being first duly sworn, now state: As an officer of the Applicant, I am authorized to do and hereby make the above commitments. I further affirm that all statements made above are true and correct to the best of my knowledge and belief.

Richard L. Tidwell
Signature

President, Valu-Net LLC

Title

ATTACHMENT 1

Amended VSA Application of Valu-Net LLC

Valu-Net requests to amend its Video Service Authorization (“VSA”) to terminate the Baldwin City, KS (BLDW-02-VLNT-02) service area from its VSA, effective April 15, 2020.