

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

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

In the Matter of the Application of)
Southwestern Bell Telephone Company, Filing) Docket No. 07-SWBT-355-VSA
for Kansas Video Service Authorization.)

ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes:

1. On June 19, 2008, Southwestern Bell Telephone Company, d/b/a AT&T Kansas (AT&T) filed an Amended Application for statewide Video Service Authorization (VSA), as authorized by K.A.R. 82-15-1 and K.S.A. 2007 Supp. 12-2023.

2. Commission Staff (Staff) reviewed the Amended Application and on June 30, 2008, submitted a Memorandum to the Commission recommending approval. Staff stated AT&T had provided all the information required by the Form for an Amended Application adopted by the Commission for applications for VSA. Further, AT&T provided information on the principal place of business address for AT&T; the principal officers of the company; and contacts for regulatory and complaint matters.

3. Staff's Memorandum confirmed that AT&T is registered with the Kansas Secretary of State's office and is currently in active and good standing with that office.

4. AT&T has previously been granted VSA in Orders dated October 25, 2006 and dated September 12, 2007 in this Docket. Its current service areas are predominately in the Leavenworth and Johnson county areas.

5. AT&T is seeking to serve four additional service areas to include the Greater Wichita Area, the Greater Topeka Area, Lawrence, and Manhattan. An electronic version, with a more precise description, is included with AT&T's application in a format compatible with the Commission's mapping system.

6. Staff observed that AT&T has affirmed, by initialing, that it will comply with applicable federal and state statutes and regulations and also with all lawful municipal regulations governing the use and occupation of public rights-of-way and the police powers of each municipality, as required by K.S.A. 2007 Supp. 12-2023(a)(3) and (4).

7. The applicant is not registered with the FCC as a Cable System Operator. It has previously 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 notes that it agrees.

8. AT&T provided a map and legal description of the proposed area with the application. As required on the application form, AT&T also provided an electronic version of this information in a format compatible with the Commission's mapping system. For ease of future reference Staff identifies AT&T's amended application footprint as:

Wichita	WTCH-02-SWBT-01
Topeka	TPKA-03-SWBT-01
Lawrence	LWRN-04-SWBT-01
Manhattan	MNHT-05-SWBT-01

Staff explains in footnote two of the Memorandum that the first four letters in the identification is the four character abbreviations of the major city in the service area; the numbers following those letters are a two digit sequentially assigned number of AT&T's service area; the next four letters identify the company, consistent with the Commission's docketing system; and the last two numbers indicate that this is AT&T's first footprint.

9. AT&T has previously provided drawings and a general description of the technologies it uses to provide video service. The technologies include fiber to the home, a combination of satellite and DSL service and an integrated satellite service. AT&T states it will pass 100% of the households within its proposed footprints within five years of approval of its application, as required by the statute.

10. Staff concludes AT&T's application is complete and meets the statutory requirements. Staff recommends the Commission approve AT&T's application. Further, the Commission concludes it has jurisdiction to consider applications for VSA, pursuant to K.S.A. 2007 Supp. 12-2023.

11. Pursuant to the authority granted to the Commission by K.S.A. 2007 Supp. 12-2023 the Commission finds that AT&T's application meets the requirements of the statute and K.A.R. 82-15-1. The Commission approves AT&T's application and designates the footprints as WTCH-02-SWBT-01, TPKA-03-SWBT-01, LWRN-04-SWBT-01, and MNHT-05-SWBT-01.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Amended Application of Southwestern Bell Telephone Company, d/b/a AT&T Kansas for statewide Video Service Authorization is hereby approved with the service area footprints to be identified as WTCH-02-SWBT-01, TPKA-03-SWBT-01, LWRN-04-SWBT-01, and MNHT-05-SWBT-01.

B. The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2007 Supp. 77-529.

C. 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.

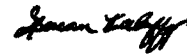
BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: JUL 10 2008

ORDERED MAILED

JUL 11 2008



EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

RLL:aja