

area footprint. Staff indicates that in accordance with K.S.A. 12-2023(a), Commission action in this matter is required no later than May 1, 2021.

4. Staff's Report and Recommendation confirms that WTC is properly registered with the Kansas Secretary of State's office as a Kansas for profit corporation and that the company's status with the Secretary's office is *active and in good standing*.

5. According to Staff, WTC Kansas is not registered with the Federal Communication Commission (FCC) as a Cable System Operator. Staff notes that WTC has not filed with the FCC a Cable Community Registration form 322' or been assigned any Community Unit Identification Number (CUID) as these items are described in 47 C.F.R. 76.1801. This regulation applies only to a "cable operator" operating a "cable system" as defined in 47 C.F.R. 76.5 and does not apply to WTC's satellite service offering enabled by a private IP network. Content is to be provided as requested by the customer. The service does not give rise to operating a cable system.

6. WTC has provided a legal description of the service area footprint. An electronic version of the description, with more precise boundary information, has been provided to Staff in a format compatible with the Commission's mapping system and will be considered as the legal description. WTC has committed to extending its video technology to permit it to pass 100% of the households within its proposed footprint within a five-year deployment window. By initialing its original Application, WTC has previously 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 where service will be provided.

7. Staff recommends Commission approval of WTC's Application with its additional service area footprint to include Manhattan, St. George, Wamego, Paxico, Louisville, Belvue, St. Mary's, Maple Hill, Alma and Rossville, Kansas.

8. The Commission concurs with Staff's analysis and recommendation and finds that WTC's Application should be granted approving the company's request to expand its service area footprint to include Manhattan, St. George, Wamego, Paxico, Louisville, Belvue, St. Mary's, Maple Hill, Alma and Rossville, Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of WTC Communications, Inc., requesting state-issued Video Service Authorization is hereby granted and the requested expansion of WTC's service area footprint to include Manhattan, St. George, Wamego, Paxico, Louisville, Belvue, St. Mary's, Maple Hill, Alma and Rossville, Kansas, is hereby approved. The Video Service Authorization granted herein shall become effective as of the date of this Order.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

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.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 04/27/2021



Lynn M. Retz
Executive Director

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¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairperson Andrew J. French
Commissioner Dwight D. Keen
Commissioner Susan K. Duffy

FROM: Kelly Mabon, Senior Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: April 21, 2021

SUBJECT: Docket No. 08-WCMC-963-VSA
In the Matter of the Application WTC Communications Inc. Filing for Kansas
Video Service Authorization.

EXECUTIVE SUMMARY:

On April 1, 2021, WTC Communications, Inc. (WTC) filed an Amended Application for state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. Staff recommends approval of this Application.

BACKGROUND:

The Applicant was previously granted state-issued Video Service Authorization in six service areas (footprints). The Applicant filed an Amended Application of April 1, 2021, to add fifteen additional service areas, however, the Application was incomplete. Staff directed WTC to complete the Amended Application. On April 19, 2021, WTC filed the completed Application and provided legal descriptions of the new service area footprints and explained that it did not have to register with the FCC as a cable provider. Staff asked for a diagram of the service showing how WTC will be providing service. That diagram was filed on April 20, 2021.

WTC proposes to add the following new service area footprints: portions of Pottawatomie, Riley, Wabaunsee, Jackson, and Shawnee counties; and the cities of Manhattan, St. George, Wamego, Paxico, Louisville, Belvue, St. Mary's, Maple Hill, Alma, and Rossville.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Sunday, May 1, 2021.**

K.S.A. 12-2023 gives the Commission the authority to review applications for those entities who desire to provide cable service or video service in the state of Kansas.

The Commission must review an application for a video service authorization (VSA) to determine whether:

- 1) The applicant identified the location of its principal place of business and the names of its principal executive officers;
- 2) The applicant has filed or will file all forms required by the Federal Communications Commission (FCC) before offering video service in Kansas;
- 3) The applicant has agreed to comply with all applicable federal and state statutes and regulations;
- 4) The applicant has agreed to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the municipalities in which the service is delivered; and
- 5) The applicant has described the service area footprint to be served within Kansas and provided the period of time, not to exceed five years, in which the applicant will be capable of providing video service to all households in the service area footprint, and a general description of the type or types of technologies the applicant will use to provide the video programming.

These showings by the applicant are to be made in the form of an affidavit signed by an officer or general partner of the applicant. Upon proper showing, the Commission shall approve the VSA.

ANALYSIS:

The Applicant has identified its principal place of business as 1009 Lincoln Avenue, Wamego, Kansas.

The Applicant is properly registered with the Kansas Secretary of State's office as a Kansas For Profit Corporation. Its current status with the Secretary's office is Active and in Good Standing.

In its supplemental filing on April 19, 2021, the Applicant explained that it did not have to register with the FCC as a cable provider. WTC Communications, Inc. has not filed with the Federal Communications Commission a 'Cable Community Registration form 322' or been assigned any 'Community Unit Identification Number (CUID)' for new areas to be served 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 the services being offered by WTC Communications, Inc. A legal description of each new service area footprint was also provided.

In its supplemental filing on April 20, 2021, WTC provided a drawing showing that service would be provided by receiving video content through satellite and sending to customers through a private

IP network. Only content requested by the customer is provided. Therefore, Staff agrees that WTC is not operating a cable system nor is it a cable operator and does not have to register with the FCC as such.

By initialing, the Applicant has previously¹ agreed 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. (Application item #5).

The Applicant provided precise boundary information in a format compatible with the Commission's mapping system and will be considered as the legal description.

RECOMMENDATION:

Staff recommends Commission approval of WTC's Application to add the cities of Manhattan, St. George, Wamego, Paxico, Louisville, Belvue, St. Marys, Maple Hill, Alma, Rossville, and portions of the following counties, Pottawatomie, Riley, Wabaunsee, Jackson, and Shawnee bringing the total number of service area footprints to a total of twenty-one.

CERTIFICATE OF SERVICE

08-WCMC-963-VSA

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/27/2021.

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