

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Received  
on

AUG 11 2011

In the Matter of the Application of Eagle  
Communications, Inc. Filing for Kansas  
Video Service Authorization.

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by  
State Corporation Commission  
of Kansas

Docket No. 11-EAGC-154-VSA

**NOTICE OF FILING OF STAFF REPORT AND RECOMMENDATION**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas  
(Staff and Commission, respectively) and for its Notice of Filing of Staff Report and  
Recommendation, states as follows:

1. Staff submits the attached report and recommendation for Commission  
consideration. Staff recommends the Commission grant Eagle Communications, Inc.'s  
application for expansion of its state-issued video service authorization to the cities of Oberlin  
and Abilene.

WHEREFORE Staff requests the Commission consider its report and recommendation  
and for such other and further relief as the Commission deems just and proper.

Respectfully submitted,



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Mark Sievers, Chairman  
Ward Loyd, Commissioner  
Thomas E. Wright, Commissioner

Sam Brownback, Governor

**STAFF REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairman Mark Sievers  
Commissioner Ward Loyd  
Commissioner Thomas E. Wright

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

**Date:** August 8, 2011

**DATE SUBMITTED TO LEGAL:** 08/08/11

**DATE SUBMITTED TO COMMISSIONERS:** 08/11/11

**SUBJECT:** In the Matter of the Application of Eagle Communications, Inc. Filing for Kansas Video Service Authorization.  
Docket No. 11-EAGC-154-VSA

**BACKGROUND:**

On July 25, 2011, Eagle Communications, Inc. (Eagle) filed two Amended Applications for its state-issued 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 authorizations in Victoria and Bennington (Orders dated October 7, 2010, and March 24, 2011, in this Docket). These amended filings seek to expand previously granted authority to include the Cities of Abilene and Oberlin, Kansas.

Upon a preliminary review it was determined that the Applications had minor deficiencies and the Applicant was so notified. On August 4, 2010, the Applicant filed additional information, thereby completing its Application.

In accordance with K.S.A. 12-2023(a), Commission action in this matter is required not later than **Friday, September 2, 2011.**

**ANALYSIS:**

The Applicant has reaffirmed its principal place of business as 2703 Hall St., Suite 15, Hays, Kansas, 67601, and has reaffirmed the company's principal officers; Mr. Gary Shorman, President/CEO and Mr. Kurt David, CFO. In addition, the Applicant has reaffirmed the following designated management contacts: application contact, Mr. Dennis Weese; regulatory contact, Mr. Gary Shorman; and for customer complaint matters, Mr. Rex Skiles.

The Applicant is registered with the Kansas Secretary of State's office as a Kansas For Profit Corporation and is currently (a/o 7-26-2011) 'Active and in Good Standing' with the Secretary's office.

**ANALYSIS:** (Continued)

The Applicant is registered with the FCC as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID #</u>
The City of Oberlin	KS0047
The City of Abilene	KS0010

Staff has verified the above Community Unit Identification Numbers (CUID) via the FCC's Media Bureau's web site: <http://www.fcc.gov/mb/engineering/liststate.html> (a/o 7-29-2011).

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. (Application item #5).

The Applicant is seeking additional authority in the Cities of Abilene and Oberlin, as described in its Attachment 4, Metes and Bounds descriptions. An electronic version of these descriptions, with more precise boundary information, is included with the Application in a format compatible with the Commission's mapping system and will be considered as the legal description. For ease of future reference, staff is identifying<sup>2</sup> the proposed footprints as follows: the City of Oberlin as OBER-04-EAGC-01 and the City of Abilene as ABLE-03-EAGC-01.

The Applicant states that it currently passes 100% of the households in both Oberlin and Abilene (Application Attachment 4). Additionally, the Applicant states that it serves the requested service area with a Hybrid Fiber Coaxial Cable plant for the delivery of its service (Application Attachment 5).

**RECOMMENDATION:**

Staff recommends Commission approval of Eagle's Application with its additional service area footprints to be identified and known as the City of Oberlin, OBER-04-EAGC-01, and the City of Abilene, ABLE-03-EAGC-01.

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1. Initial filing in this Docket, dated 8-24-2010.
  2. 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.

## CERTIFICATE OF SERVICE

11-EAGC-154-VSA

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Staff Report and Recommendation was placed in the United States mail, postage prepaid, or hand-delivered this 11th day of August, 2011, to the following:

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Pamela Griffeth  
Administrative Specialist