

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

SEP 15 2010

Susan L. Chaffetz

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

NOTICE OF FILING OF STAFF MEMORANDUM

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 Memorandum states as follows:

1. Staff hereby files the attached Staff Memorandum dated September 7, 2010, recommending that the Commission approve the Application of Eagle Communications, Inc., Filing for Kansas Video Service Authorization, filed herein on August 24, 2010, with its footprint to be identified and known as VICT-01-EAGC-01.

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

Respectfully submitted,

John A. Smith

Robert L. Lehr, S. Ct. #9997
Litigation Counsel
Kansas Corporation Commission
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(785) 271-3240 (Telephone)
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For Commission Staff

**MEMORANDUM
UTILITIES DIVISION**

TO: Thomas E. Wright, Chairman
Joe F. Harkins, Commissioner
Ward Loyd, Commissioner

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: September 7, 2010

DATE SUBMITTED TO LEGAL: 9/9/10

DATE SUBMITTED TO COMMISSIONERS: 9/15/10

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 August 24, 2010, Eagle Communications, Inc., (Eagle) filed an Initial application for statewide Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 85-15-1.

In accordance with K.S.A. 12-2023(a) and K.A.R. 82-15-1(f)(2), Commission action in this matter is required not later than **Thursday, September 23, 2010.**

ANALYSIS:

The applicant has identified its principal place of business as 2703 Hall St., Suite 15, P.O. Box 817, Hays, Kansas, 67601 and the Company's principal officers. In addition, the applicant has identified Mr. Gary Shorman, President/CEO as their designated regulatory point of contact.

The applicant is organized under the laws of Kansas, is registered with the Kansas Secretary of State's office as a Kansas For Profit entity and is currently (a/o 8-26-2010) 'Active and in Good Standing' with that office.

On August 18, 2010, the applicant applied for a FCC Community Unit Identification (CUID) number by submitting a Form 322. That application is pending at the FCC.

An electronic version of this description, 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.

By initialing, the applicant has agreed to comply with all applicable federal and state statutes and regulations, 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. (Initial Application item #5).

ANALYSIS: (Continued)
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By initialing, the applicant has affirmed that it will not deny its services to potential customers based on the average population income.

The applicant's proposed service area footprint, in Metes and Bounds detail, encompasses the city of Victoria and is described in Attachment A of this memo. Staff has assigned an identifier* of VICT-01-EAGC-01 to the proposed service area.

The applicant has provided a high level sketch and a general description of the architecture and components used in providing their video service. The technologies include fiber and coax to the home in both the Transport and Distribution portions of their network.

The applicant states that it will pass 100% of all households within its service area footprint by December 31, 2010.

RECOMMENDATION:

Staff recommends Commission approval of Eagle's application with its footprint to be identified and known as VICT-01-EAGC-01.

* KCC Identifiers are assigned by Staff for ease of future reference using the following four field numbering convention; ABCD-xx-EFGH-yy, where ABCD is a four character abbreviation of the major community(s) encompassed within the serving area, xx is a two digit sequentially assigned number of the provider's service area, EFCH is the commission assigned four alpha character company code and yy indicates the version of the company's footprint where 01 is the initial version, 02 the first revision, etc.

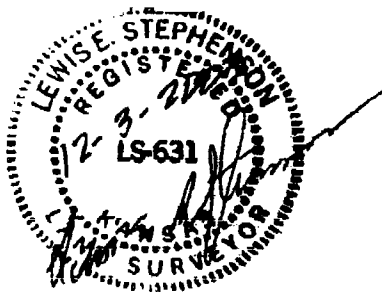
Victoria Service Area Footprint
Metes and Bounds description

Commencing at the southwest corner of Block 9, Original Town of Victoria; thence south 100 feet; thence east 100 feet to the point of beginning; thence east along a line 100 feet south of and parallel to the south lines of Block 9, 8, and 7. Original Town of Victoria a distance of 1400 feet to a point 100 feet east of and 100 feet south of the southeast corner of said Block 7; thence north along a line parallel to and 100 feet east of Blocks 7, 6, and 1, Original Town of Victoria to a point 100 feet north of and 100 feet east of the northeast corner of said Block I; thence west 850 feet along the north line of Third Street extended; thence north 598 feet more or less to the north right of way of the Union Pacific Railroad; thence northeasterly along said right of way 765 feet more or less to the east line of Braun's Fourth Addition; thence north 505 feet more or less to the northeast corner of said Braun's Fourth Addition; thence east 13.35 feet to the southeast corner of Robben Addition; thence northerly 37256 feet, thence west 40182 feet; thence north 822.03 feet; thence east 100 feet more or less; thence north 121 feet more or less to the north line of Section 7, 1145, RI 6W of the Sixth Principal Meridian; thence west 175 feet; thence north 685 feet; thence west 742 feet; thence south 555 feet; thence west 251.81 feet; thence north 1509 feet more or less to the north line of Thirteenth Street; thence west along the north line of Thirteenth Street 265 feet more or less; thence north 100 feet; thence west 110 feet to the east line of Grant Street extended; thence south 100 feet to the north line of Thirteenth Street; thence west along the north line of Thirteen the Street 599.8 feet; thence south a distance of 320.8 feet to the southeast corner of H. James Brungardt' s Addition; thence west 179.4 feet; thence north 140 feet; thence west 186.5 feet to the east line of Cathedral Avenue; thence north 190 feet more or less to the north line of Thirteenth Street; thence west along Thirteenth Street extended to the west side of Cathedral Avenue; thence north along Cathedral Avenue 200 feet; thence west 165 feet; thence south 200 feet; thence west 665 feet; thence south 1240 feet more or less; thence west 100 feet; thence south 37.5 feet; thence west 104 feet; thence south 30.84 feet; thence west 233 feet more Or less; thence south 350 feet to the south side of Tenth Street; thence east 452 feet more or less to a point on the west line of Allen Street opposite the northwest corner of Block 7, Original Town of Herzog; thence south along the west line of Allen Street 695 feet; thence east 725 feet; thence south on a line 100 feet west of and parallel to the west line of Cathedral Avenue a distance of 940 feet; thence east 100 feet to the west line of Cathedral Avenue; thence south 317 feet; thence west 132 feet; thence south 248.25 feet; thence east 132 feet to the west line of Cathedral Avenue; thence north 123.25 feet on the west line of Cathedral Avenue to the south line of Sixth Street extended; thence east to the east line of Cathedral Avenue; thence south 528.82 feet along Cathedral Avenue to the north line of Fourth Street; thence west to the west line of Cathedral Avenue; thence south 240 feet; thence east 900 feet more or less to the north right of way line of the Union Pacific Railroad; thence southwesterly along said north right of way line 410 feet; thence southeasterly 400 feet to the south right of way line of said railroad; thence southwesterly on said right of way line 430 feet more or less to a point which is 380.7 feet east of the west line of Section 7; thence south 180.14 feet parallel to the west line of Section 7 to the north right of way line of Old Highway 40; thence easterly along said highway

Metes and Bounds description
(Continued)

right of way line 872.25 feet on the north right of way line of Old Highway 40 to a point 100 feet west of the west line of West Main Street; thence southeast a distance of 120 feet on a line radial to the curve of Old Highway 40; thence westerly on a curve to the right with a radius of 2352.01 feet a distance of 255 feet more or less to a point on the south right of way line of Old Highway 40; thence east to a point 112 feet west of the west line of Ball Park Road; thence south 140 feet; thence east 112 feet to the west line of Ball Park Road; thence south 435 feet; thence east 80 feet; thence south 762 feet; thence east 450 feet; thence north 484 feet; thence west 330 feet; thence north 278 feet to the point of beginning.

(This description was compiled using the boundary description, 1997 and Victoria city ordinances of annexed property since that description.)



Lewis E. Stephenson, RLS

EBH & Associates, P.A.

Subsequently the original description was amended to include:

That port of the Southwest Quarter of Section 6, Township 14 South, Range 16 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the southwest corner of said Southwest Quarter: thence on an assumed bearing of South 87 degrees 44 minutes 07 seconds East, along the south fine of said Southwest Quarter, a distance of 1,382.01 feet to the point of beginning of the land to be described; thence North 01 degrees 16 minutes 47 seconds East, along the east line of the Stramel Addition to the City of Victoria, Kansas a distance of 1,679.17 feet; thence South 87 degrees 44 minutes 07 seconds East a distance of 1,054.62 feet; thence South 01 degrees 10 minutes 14 seconds West a distance of 612.11 feet; thence North 87 degrees 44 minutes 07 seconds West a distance of 10500 feet; thence South 02 degrees 15 minutes

Metes and Bounds description
(Continued)

53 seconds West a distance of 48.00 feet; thence North 87 degrees 44 minutes 07 seconds West a distance of 475.97 feet; thence South 13 degrees 58 minutes 19 seconds West a distance of 260.00 feet; thence North 76 degrees 01 minutes 41 seconds West a distance of 160.00 feet; thence South 19 degrees 56 minutes 49 seconds West a distance of 439.59 feet; thence South 01 degrees 16 minutes 47 seconds West a distance of 378.03 feet to a point on the south line of said Southwest Quarter, thence North 87 degrees 44 minutes 07 seconds West, along the south line of said Southwest Quarter, a distance of 120.02 feet to the point of beginning. This tract contains 21.095 acres.

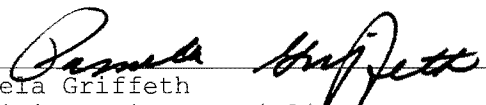
CERTIFICATE OF SERVICE

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 Memorandum was placed in the United States mail, postage prepaid, or hand-delivered this 15th day of September, 2010, to the following:

TRAVIS KOHLRUS, DIR. OF COMM. RELATIONS &
PRODUCT DEVELOPEMENT
EAGLE COMMUNICATIONS, INC.
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GARY D. SHORMAN, PRESIDENT
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gary.shorman@eaglecom.net


Pamela Griffeth
Administrative Specialist