

3. On August 30, 2023, the Commission Staff (Staff) submitted its Report and Recommendation, recommending the Commission grant S&T's Application requesting to expand its previously granted authority to include portions of Scott County, in the State of Kansas, including Scott City. An electronic version of the description was provided in a format compatible with the Commission's mapping system. Staff finds S&T's Application to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82-15-1. Staff observes that by

initialing its Application, S&T has previously agreed to comply with all 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.¹ S&T has previously been granted VSA in ten (10) footprint areas in Kansas.

4. Staffs Report and Recommendation confirms that S&T is registered with the Kansas Secretary of State's office as a Kansas limited liability company and that its current status with that office is active and in good standing.

5. According to Staff, S&T is properly registered with the Federal Communications Commission (FCC) for its proposed service area and provided the following Community Unit Identification (CUID) information:

<u>Community Served</u>	<u>CUID#</u>
Scott County	KS0937

6. Utilizing a combination of services, S&T will be capable of providing video service to households within its proposed footprint within the required five-year deployment window.² By initialing, S&T 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 in which such group resides.³

7. Staff recommends Commission approval of S&T's Application to amend its Video Service Authorization to include the service areas of the portions of Scott County in the State of Kansas.

8. The Commission concurs with Staffs analysis and recommendation of

¹ Applicant's updated initial filing in this Docket, filed September 19, 2018.

² *Id.* Item 6.

³ Amended Application, last item.

August 30, 2023, which Report and Recommendation is attached to the Order and incorporated by reference, and finds that S&T's Application should be granted, approving the request to expand its service area footprint to include portions of Scott County in the State of Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of S&T Communications, LLC, for state-issued Video Service Authorization is hereby granted and the requested expansion of S&T's service area footprint to include portions of Scott County in the State of 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)(l).⁴

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.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 09/07/2023

bwb



Lynn M. Retz
Executive Director

⁴ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

FROM: Drennan Dolsky, Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Bryan Seamans, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: August 30, 2023

RE: Docket No 19-S&CT-099-VSA
In the Matter of the Application of S&T Communications, LLC for Video Service

EXECUTIVE SUMMARY:

On August 15, 2023, S&T Communications, LLC (S&T) filed an Amended Application for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. Staff recommends approval of this Application.

Per K.S.A 12-2023(a), Commission action in this matter is required not later than September 14, 2023.

BACKGROUND:

The Applicant, S&T, holds a VSA granted by the Commission on October 11, 2018.¹ This Amended Application requests to add to the Company's footprint to include the City of Scott City in Scott County.

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

The Commission must review an application for VSA to determine whether the applicant:

- 1) identified the location of its principal place of business and the names of its principal

¹ Order Approving Video Service Authorization, Docket No. 19-S&CT-099-VSA, Oct. 11, 2018.

- executive officers;
- 2) filed or will file all forms required by the Federal Communications Commission (FCC) before offering video service in Kansas;
 - 3) agreed to comply with all applicable federal and state statutes and regulations;
 - 4) 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) 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:

S&T identified its principal place of business as 320 Kansas Avenue., PO Box 99, Brewster, Kansas, 67732, and did not provide any changes to the Company's key personnel contacts for Regulatory and Application matters.

The Applicant is properly registered with the Kansas Secretary of State's office as a Kansas Limited Liability Company. Its current status with the Secretary's office is Active and in Good Standing.²

The Applicant is properly registered with the FCC for its proposed service area and provided the following information:

Community Served

City of Scott City

CUID#

KS0937

Staff verified the above Community Unit Identification Numbers (CUID) via the FCC's Media Bureau's web site: https://fccprod.servicenowservices.com/coals?id=coals_search_communities.

By initialing, the Applicant previously³ 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 will provide services throughout the City of Scott City, a rural community in western Kansas, beginning November 1, 2023, and will pass all homes to offer services by October

² Kansas Secretary of State, <https://www.kansas.gov/bess/flow/main.jsessionid=16893A7391C710C7D9158C0B20FCCD1B.aptc03-inst0?execution=e1s5>, last viewed August 30, 2023.

³ Applicant's initial filing in this Docket, dated Oct. 2, 2018.

31, 2028.⁴

The Applicant is proposing the following additional service area:

Scott County

Township 18South, Range 33W Section 13

The Applicant provided a legal description of the service area footprint. 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.

For ease of future reference, Staff is identifying⁵ the proposed service area footprint, as follows: SCCY-01-S&CT-01.

RECOMMENDATION:

Staff recommends Commission approval of S&T's Application for a Video Service Authorization within the City of Scott City, Kansas.

⁴ Cover letter to Amended Application.

⁵ 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

19-S&CT-099-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 09/07/2023.

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