

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Application of Time)
Warner Cable Midwest LLC, d/b/a Time) Docket No. 13-TWMC-206-VSA
Warner Cable Filing for Kansas Video)
Service Authorization.)

ORDER GRANTING VIDEO SERVICE AUTHORIZATION

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

1. On October 24, 2017, Time Warner Cable Midwest LLC d/b/a Charter Communications (Time Warner Cable) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2016 Supp. 12-2023 and K.A.R. 82-15-1.

2. K.S.A. 2016 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. At pages 1 and 2 of its Report and Recommendation attached to this Order, the Commission Staff (Staff) sets forth in detail the showings applicants must make with regard to applications for video service authorization, and the same are adopted herein by reference. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3. Staff reviewed Time Warner Cable's Application and on December 5, 2017, filed its Report and Recommendation dated November 28, 2017, recommending approval of the company's Application requesting authorization to serve the City of Gardner, Johnson County,

Kansas. Staff indicates that in accordance with K.S.A. 2016 Supp. 12-2023(a), Commission action in this matter is required not later than December 22, 2017.

4. Staff's Report and Recommendation confirms that Time Warner Cable is properly registered with the Kansas Secretary of State's office as a foreign limited liability company and that the company's status with the Secretary's office is *active and in good standing*. Staff indicates that Time Warner Cable's principal place of business is 12405 Powerscourt Drive, St. Louis, Missouri, and that the company has provided its key personnel contacts for application and regulatory matters. Staff indicates that the Commission has previously granted video service authorization to Time Warner Cable for 23 service area footprints.

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

Community Served:
City of Gardner

CUID#:
KS0082

Staff states that it has verified the above CUID via the FCC's Media Bureau website. By initialing, Time Warner Cable has 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.¹

6. Staff states that in conjunction with Time Warner Cable's Application requesting to serve the City of Gardner, Kansas, the company has 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

¹ Initial Application at Item 5.

mapping system and will be considered as the legal description. For ease of future reference, Staff identifies the proposed service area footprint as follows: the City of Gardner, Kansas, GDNR-24-TWMC-01.²

7. Staff recommends Commission Approval of Time Warner Cable's Application with a service area footprint to be identified and known as the City of Gardner, Kansas, GDNR-24-TWMC-01.

8. The Commission concurs with Staff's analysis and recommendation and finds that Time Warner Cable's Application should be granted approving the company's requested service area footprint to include the City of Gardner, Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Time Warner Cable Midwest LLC, d/b/a Charter Communications, requesting state-issued Video Service Authorization is hereby granted and the requested service area footprint including the City of Gardner, Kansas is hereby approved, which shall be known and identified as City of Gardner, Kansas, GDNR-24-TWMC-01. The Video Service Authorization granted herein shall become effective as of the date of this Order.

B. The parties have fifteen (15) days, plus three (3) 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. 2016 Supp. 77-529.

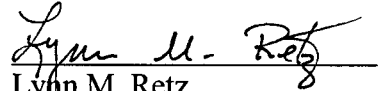
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

² Report and Recommendation, page 3.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 12 2017


Lynn M. Retz
Secretary to the Commission

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Order Mailed Date

DEC 13 2017

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Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Pat Apple
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emler

FROM: Kelly Mabon, Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: November 28, 2017

SUBJECT: In the Matter of the Application of Time Warner Cable Midwest LLC, d/b/a Time Warner Cable Filing for Kansas Video Service Authorization.
Docket No. 13-TWMC-206-VSA

EXECUTIVE SUMMARY:

On October 24 2017, Time Warner Cable Midwest, LLC (Time Warner Cable) 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. The filing fee was not remitted with the Application on that date. Subsequently, the filing fee was remitted on November 22, 2017. Staff recommends approval of this Application.

BACKGROUND:

The Applicant has previously been granted state-issued video service authorizations in twenty-three service areas (footprints). This amended filing seeks additional authority, specifically, the city of Gardner, Kansas.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Friday, December 22, 2017.**

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 12405 Powerscourt Drive, St. Louis, Missouri.

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

The Applicant states it is properly registered with the FCC for its proposed service area and provided the following Community Unit Identification (CUID) information:

Community Served
City of Gardner

CUID#
KS0082

Staff has verified the above CUID via the FCC's Media Bureau's website.

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 has 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 identifying² the proposed service area footprint, as follows: the City of Gardner, Kansas, GDNR-24-TWMC-01.

RECOMMENDATION:

Staff recommends Commission approval of Time Warner Cable's Application with its additional service area footprint to be identified and known as the City of Gardner, Kansas, GDNR-24-TWMC-01.

1. Applicant's initial filing in this Docket, dated 9-19-12.

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

13-TWMC-206-VSA

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on DEC 12 2017.

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o.newton@kcc.ks.gov
Hand Delivered

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
DEC 13 2017