

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

Before Commissioners: Mark Sievers, Chairman
Ward Loyd
Thomas E. Wright

In the Matter of the Application of MCC)
Missouri LLC Filing for Kansas Video) Docket No. 11-MMOC-480-VSA
Service Authorization.)

**ORDER AMENDING VIDEO SERVICE AUTHORIZATION
TO INCLUDE THE CITY OF LYNDON, KANSAS**

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

1. On February 16, 2012, MCC Missouri LLC, d/b/a Mediacom (MMC), filed an Amended Application for its state-issued Video Service Authorization, as authorized by K.S.A. 2010 Supp. 12-2023 and K.A.R. 82-15-1, requesting to include within its approved area the City of Lyndon, Kansas.

2. MMC was previously granted video service authorizations in this docket for the following cities: Eureka, Galena, Scranton, Baldwin, and Oswego (Order issued January 20, 2011); Osage City (Order issued September 22, 2011); and Burlington and New Strawn (Order issued October 13, 2011). MMC has reaffirmed its principal place of business as 100 Crystal Run Road, Middletown, New York 10941, and has previously identified its officers and contact personnel in its initial filing of December 10, 2010.

3. On March 6, 2012, Staff submitted its Report and Recommendation dated March 1, 2012, recommending Commission approval of MMC's Amended Application not later than March 17, 2012.

4. According to Staff, MMC is properly registered with the Kansas Secretary of State's office as a foreign limited liability company, whose current status is "active and in good standing". Staff further states that MMC is properly registered with the FCC as a Cable System Operator for its proposed service area under the following Community Unit Identification Number (CUID):

| | |
|--------------------------|----------------|
| <u>Community Served:</u> | <u>CUID #:</u> |
| Lyndon, Kansas | KS0177 |

Staff acknowledges that it verified the above CUID via the FCC's Media Bureau's website: <http://www.fcc.gov/mb/engineering/liststate.html>. By initialing, MMC, in its initial filing in this docket on December 30, 2010, 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 company delivers video service. Staff indicates that MMC's proposed service area, the City of Lyndon, Kansas, is further described as:

The City of Lyndon, Osage County, Kansas
Township 16S, Range 16E, Section 31
Township 16S, Range 15E, Section 36
Township 17S, Range 16E, Section 6

Staff further indicates that an electronic version of the foregoing description, with more precise boundary information, is included with MMC's Application in a format compatible with the Commission's mapping system and will be considered as the legal description. Staff also states that in addition, MMC provided a high-level drawing of its hybrid fiber/coax network configured in a ring and spoke configuration.

5. For ease of future reference, Staff identifies MMC's proposed footprint as: Lyndon, LYND-09-MMOC-01. In Attachment 1 to its Amended Application, MMC states that it is currently capable of providing video programming to 100% of its service area footprint.

6. The Commission finds it has jurisdiction to consider applications for Video Service Authorization pursuant to K.S.A. 2010 Supp. 12-2023. Pursuant to the authority granted to the Commission by K.S.A. 2010 Supp. 12-2023, the Commission finds that MMC's Amended Application meets the requirements of the statute and K.A.R. 82-15-1. The Commission adopts Staff's recommendation of March 1, 2012, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that MMC's Amended Application should be granted and MMC's proposed service area footprint approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. MCC Missouri LLC, d/b/a Mediacom's Amended Application for state-issued Video Service Authorization is hereby granted and its proposed additional service area footprint to be identified and known as Lyndon, LYND-09-MMOC-01, is hereby approved 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. 2010 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.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn.; Loyd, Comm.; Wright, Comm.

Dated: MAR 13 2012


ORDER MAILED MAR 13 2012
Patrice Petersen-Klein
Executive Director

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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: Kelly Mabon, Telecommunications Analyst

Date: March 1, 2012

DATE SUBMITTED TO EXECUTIVE DIRECTOR: 3/1/12

DATE SUBMITTED TO LEGAL: 3-5-12

DATE SUBMITTED TO COMMISSIONERS: 3/6/12

SUBJECT: In the Matter of the Application of MCC Missouri LLC Filing for Kansas Video Service Authorization.
Docket No. 11-MMOC-480-VSA

BACKGROUND:

On February 16, 2012, MMC Missouri LLC, d/b/a Mediacom, (MMC) filed an Amended Application for its state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1.

The Applicant has previously been granted video service authorizations in Eureka, Galena, Scranton, Baldwin and Oswego (Order dated January 20, 2011). An amended Application expanding authority to include the City of Osage was granted through a Commission Order dated September 22, 2011. Another amended Application expanding authority to include the cities of New Straw and Burlington was granted through a Commission Order dated October 13, 2011. This amended filing seeks to expand previously granted authority to include the city of Lyndon, Kansas.

In accordance with K.S.A. 12-2023(a), Commission action in this matter is required not later than **Saturday, March 17, 2012.**

ANALYSIS:

The Applicant has reaffirmed its principal place of business as 100 Crystal Run Road, Middletown, N.Y., 10941, and has previously provided its officers and contact personnel¹.

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

¹ Initial filing in this Docket, dated December 30, 2010.

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

Community Served
Lyndon, Kansas

CUID #
KS0177

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>.

By initialing, the Applicant has previously agreed² 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 Lyndon and has provided the following description:

Lyndon: Township 16S, Range 16E, Section 31
 Township 16S, Range 15E, Section 36
 Township 17S, Range 16E, Section 6

The Applicant has provided the above description in an electronic format, compatible with the Commission's mapping system.

For ease of future reference, staff is identifying³ the proposed footprint as follows: LYND-09-MMOC-01.

The Applicant states that it is the incumbent provider and currently passes 100% of the households.

The Applicant has provided a high level drawing of its hybrid fiber/coax network configured in a ring and spoke configuration.

RECOMMENDATION:

Staff recommends Commission approval of MMC's Application with its additional service area footprint to be identified and known as Lyndon, LYND-09-MMOC-01.

cc: Patrice Petersen-Klein, Executive Director
 Jeff McClanahan, Acting Director of Utilities
 Christine Aarnes, Chief of Telecommunications.

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

3. 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.

IN RE: DOCKET NO. 11-MMOC-480-VSA

DATE MAR 13 2012

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

| NAME AND ADDRESS | NO. CERT. COPIES | NO. PLAIN COPIES |
|---|------------------------|------------------------|
| THOMAS LARSEN MCC Missouri LLC D/B/A Mediacom 100 Crystal Run Middleton, NY | | |
| OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered*** | | |

ORDER MAILED MAR 13 2012

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.