

MEMORANDUM
UTILITIES DIVISION

TO: Brian J. Moline, Chair
Robert E. Krehbiel, Commissioner
Michael Moffet, Commissioner

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: January 3, 2007

DATE SUBMITTED TO LEGAL: 1/4/07

DATE SUBMITTED TO COMMISSIONERS: 1/5/07

SUBJECT: In the Matter of the Application of Cox Communications Kansas, LLC, Filing Authorization for a Kansas Video Service.
Docket No. 07-CXKC-621-VSA

BACKGROUND:

On December 20, 2006, Cox Communications Kansas, LLC, (Cox) filed an initial application for statewide Video Service Authorization, as authorized by Senate Bill No. 449 and K.A.R. 85-12-1.

In a letter dated December 29, 2006, the applicant provided additional information more clearly defining the proposed footprint boundaries.

Commission action in this matter is required not later than **Thursday, January 18, 2007.**

ANALYSIS:

The applicant has identified its principal place of business as 701 E. Douglas, Wichita Kansas, 67201, and the company's principal officers as;

Mrs. Kimberly Edmunds, Region Vice President and Region Manager Kansas,

Mr. Pat Esser, President,

Mr. Andrew Merdek, Secretary,

Ms. Susan Coker, Treasurer, and

Mr. Jay Allbaugh, Vice President Public and Government Affairs Kansas.

In addition, the applicant has identified their key personnel contacts for regulatory and complaint matters.

The applicant is registered with the Kansas Secretary of State's office as a Limited Liability Company and is currently (a/o 12-21-2006) 'Active and in Good Standing' with that office.

ANALYSIS: (Continued)
Docket No. 07-CXKC-621-VSA

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

<u>Community Served</u>	<u>CUID #</u>
Dodge City	KS0002
Newton	KS0132
North Newton	KS0155
Andover	KS0156
Derby	KS0127
Ford Co.	KS0174

Staff has verified the above Community Unit Identification Numbers (CUID) via the FCC's Media Bureau's web site (a/o 12-21-06).

By initialing, the applicant 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. (Application item #5).

The applicant is proposing five (5) service area footprints in the south and southwest parts of the state. The communities served are Dodge City, Newton, North Newton, Andover, Derby and Ford County. Maps with Township, Range and Section descriptions of the proposed areas are included with the application and are included as an attachment to this memo. 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 identifying¹ the proposed footprints as follows:

Dodge City	DDCY-01-CXKC-01
Newton	NWTN-01-CXKC-01
North Newton	NNWT-01-CXKC-01
Andover	ANDV-01-CXKC-01
Derby	DRBY-01-CXKC-01
Ford County	FDCO-01-CXKC-01

The applicant has provided drawings and a general description of the technologies to be used in providing their video service. The technologies include fiber and coax to the home utilizing ring topologies in both the Transport and Distribution portions of their network. The applicant states that they will provide video programming throughout its footprints within five years of approval of its application.

¹ 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.

ANALYSIS: (Continued)
Docket No. 07-CXKC-621-VSA

By initialing, the applicant has 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. (Last item of application)

Staff has reviewed the applicant's initial application and has found it to be complete and in conformity with Section 3 of S.B. 449.

RECOMMENDATION:

Staff recommends commission approval of Cox's application with its service area footprints to be identified and known as:

Dodge City	DDCY-01-CXKC-01
Newton	NWTN-01-CXKC-01
North Newton	NNWT-01-CXKC-01
Andover	ANDV-01-CXKC-01
Derby	DRBY-01-CXKC-01
Ford County	FDCO-01-CXKC-01

cc: Don Low
Janet Buchanan

Eva Powers

Susan Duffy
Patricia Shurtz