

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

Before Commissioners:                      Dwight D. Keen, Chair  
   Shari Feist Albrecht  
   Susan K. Duffy

Eagle Broadband Investments, LLC )  
Kansas Video Service Authorization )   Docket No. 20-EBIC-046-VSA  
Initial Application.                               )

**ORDER APPROVING 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 July 26, 2019, Eagle Broadband Investments, LLC (Eagle Broadband) filed an Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2018 Supp. 12-2023 and K.A.R. 82-15-1. Eagle Broadband indicates it is acquiring the service footprint of Eagle Communications, Inc. (Eagle Communications) that was granted in Docket No. 11-EAGC-154-VSA. Eagle Communications has filed a request to transfer its service territory to Eagle Broadband and has requested its Video Service Authorization be terminated.

2.       K.S.A. 2018 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 prepared its Report and Recommendation dated August 15, 2019, recommending approval of Eagle Broadband's Application. Staff indicates that in accordance

with K.S.A. 2018 Supp. 12-2023(a), Commission action in this matter is required no later than August 25, 2019. The Staff Report and Recommendation is attached to the Order and is thereby included by reference.

4. Staff's Report and Recommendation confirms that Eagle Broadband is properly registered with the Kansas Secretary of State's office as a Foreign Limited Liability Corporation and the company's status with the Secretary's office is *active and in good standing*. Eagle Broadband's principal place of business is 101 Steward Street, #700, Seattle, Washington, 98101 and correspondence should be directed c/o Northland Telecommunications.

5. According to Staff, Eagle Broadband will need to register with the Federal Communications Commission (FCC) as a Cable System Operator, which is now shown in the name of Eagle Communications for the following Community Unit Identification (CUID) information to be covered within the Eagle Broadband footprint:

<u>Community Served:</u>	<u>CUID#:</u>
Abilene	KS0291
Bennington	KS0776
Bird City	KS0436
Chapman	KS0392
Clay Center	KS0012
Ellis	KS0113
Ellsworth	KS0143
Enterprise	KS0774
Florence	KS0520
Goodland	KS0033
Hays	KS0034
Hillsboro	KS0166
Hoxie	KS0310
Kanopolis	KS0301
Lincoln	KS0129
Marion	KS0188
Milford	KS0117
Minneapolis	KS0116

Oberlin	KS0047
Riley	KS0207
Russell	KS0025
Solomon	KS0100
St. Francis	KS0109
Victoria	KS0775

By initialing its Application, Eagle Broadband 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.<sup>1</sup>

6. The legal description of the service area footprint is on file with the Commission in Docket No. 11-EAGC-154-VSA and an electronic version of the description, with more precise boundary information, has also been included in the 11-154 Docket.

7. Staff recommends Commission approval of Eagle Communications Application. As part of the approval process, Eagle Broadband shall be required to register with the FCC and to file a statement upon completion of the registration, together with the CUID or other relevant information showing federal regulatory approval.

8. The Commission concurs with Staff's analysis and recommendation and finds Eagle Broadband's Application should be granted to be approved for Video Service Authorization in the area now served by Eagle Communications in Docket No. 11-EAGC-154-VSA. Eagle Broadband shall register with the FCC and file a statement to that effect in this Docket, showing CUID and any other designations for its service footprint.

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<sup>1</sup> Initial Application, Item #5.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of Eagle Broadband Investment, LLC requesting Video Service Authorization is hereby granted for the footprint designation of Eagle Communications, Inc. in Docket No. 11-EAGC-154-VSA. Eagle Broadband Investment, LLC shall register with the FCC and file a statement to that effect, together with the CUID or other designations set forth as part of the registration process.

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)(1).<sup>2</sup>

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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 08/22/2019



Lynn M. Retz  
Executive Director

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<sup>2</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Chair Dwight D. Keen  
Commissioner Shari Feist Albrecht  
Commissioner Susan Duffy

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

**DATE:** August 15, 2019

**SUBJECT:** Docket No. 20-EBIC-046-VSA  
Eagle Broadband Investments, LLC Kansas Video Service Authorization Initial Application.

### **EXECUTIVE SUMMARY:**

On July 26, 2019, Eagle Broadband Investments, LLC Kansas filed an Application for state-issued Video Service Authorization, 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 **Sunday, August 25, 2019.**

### **BACKGROUND:**

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:**

Eagle Broadband Investments, LLC states in its Application that it is acquiring the service footprint territory of Eagle Communications, Inc. and intends to serve the entirety of the service area currently served by Eagle Communications, Inc. as authorized by the Commission in Docket No. 11-EAGC-154-VSA. Eagle Communications, Inc. filed a request to Transfer its service footprint territory to Eagle Broadband Investments, LLC and additionally requested its Video Service Authorization be terminated upon completion of the transfer.

The Applicant has identified its principal place of business as 101 Stewart Street, #700, Seattle, Washington, 98101 and that mailings should be sent c/o Northland Telecommunications. The Applicant provided 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 Foreign LTD Liability Company and its current status with the Secretary's office is Active and in Good Standing.

Staff states that the Applicant is required to register with the Federal Communications Commission (FCC) as a Cable System Operator, as the following locations currently reflect Eagle Communications, Inc.:

<u>Community</u>	<u>CUID#</u>
Abilene	KS0291
Bennington	KS0776
Bird City	KS0436
Chapman	KS0392
Clay Center	KS0012
Ellis	KSO113
Ellsworth	KS0143
Enterprise	KS0774
Florence	KS0520

Goodland	KS0033
Hays	KS0034
Hillsboro	KS0166
Hoxie	KS0310
Kanopolis	KS0301
Lincoln	KS0129
Marion	KS0188
Milford	KS0117
Minneapolis	KS0116
Oberlin	KS0047
Oberlin	KS0047
Riley	KS0207
Russell	KS0025
Solomon	KS0100
St. Francis	KS0109
Victoria	KS0775

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).

Legal description for the above referenced service footprints is on file with the Commission in Docket No. 11-EAGC-154-VSA and has been provided electronically in a format compatible with the Commission's mapping system.

**RECOMMENDATION:**

Staff recommends Commission approval of this Application. The Applicant is required to register with the Federal Communications Commission for the referenced communities. A statement to that effect should be filed in this Docket upon completion of such registration.

## **CERTIFICATE OF SERVICE**

20-EBIC-046-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 \_\_\_\_\_.

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/S/ DeeAnn Shupe  
DeeAnn Shupe

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