

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

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

In the Matter of the Application WTC)
Communications, Inc. Filing for Kansas) Docket No. 08-WCMC-963-VSA
Video Service Authorization.)

ORDER AMENDING VIDEO SERVICE AUTHORIZATION

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 record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On September 14, 2016, WTC Communications, Inc. (WTC) filed an Amended Application for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2015 Supp. 12-2023 and K.A.R. 82-15-1.

2. On October 3, 2016, the Commission Staff (Staff) submitted its Report and Recommendation dated September 28, 2016, recommending approval of WTC's Amended Application not later than October 13, 2016.

3. According to Staff, the Commission has previously approved WTC's VSA for four footprint areas in Kansas. WTC's Amended Application seeks to add an area of Manhattan, Kansas [Pottawatomie (SC)]. Citing K.S.A. 2015 Supp. 12-2023 and K.A.R. 82-15-1 for the Commission's authority to review and grant WTC's requested amendment, Staff sets forth in detail the specific statutory requirements applicable to WTC's request, which are incorporated herein by reference. Upon proper showing that a company meets these requirements, the Commission shall approve the requested VSA. Staff's Report and Recommendation reflects that

it has reviewed WTC's Amended Application determining that the company's Amended Application meets the statutory requirements.¹

4. Staff states that WTC's principal place of business is 1009 Lincoln Avenue, Wamego, Kansas, and that the company is properly registered with the Kansas Secretary of State's office as a Kansas for profit corporation, where its current status is shown to be "active and in good standing". WTC is registered with the Federal Communications Commission (FCC) as a Cable System Operator for the company's requested service area, and provides the following Community Unit Identification (CUID) information:

<u>Community Served</u>	<u>CUID#</u>
Pottawatomie (SC)	KS0652

By initialing, WTC has previously agreed to comply with all applicable federal and state statutes and regulations and 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.² Staff indicates that WTC's Amended Application proposes adding the Pottawatomie (SC) area of Manhattan, Kansas, which the company has described by metes and bounds in an attachment to its Amended Application. An electronic version of the description is included with the Amended Application in a format compatible with the Commission's mapping system. WTC has previously provided drawings and a general description of the technologies to be used in providing its video service. Staff explains that the technologies system utilizes a satellite receiver arrangement with an 'off-the-air' terrestrial arrangement (for local programming) at a central or Head-End location. Signals are combined (multiplexed) at the Head-End and transported to the customer's location via a coaxial trunking network. For ease of future reference, Staff identifies WTC's proposed

¹ Report and Recommendation, pages 1 and 2.
² Initial Application item #5.

service area footprint as follows: Pottawatomie (SC), PTSC-05-WCMC-02. Concluding, Staff recommends the Commission grant WTC's Amended Application and approve the requested service area footprint to be identified and known as Pottawatomie (SC), PTSC-05-WCMC-02.³

5. The Commission finds that it has jurisdiction to consider applications for Video Service Authorization pursuant to K.S.A. 2015 Supp. 12-2023. Pursuant to the authority granted to the Commission by K.S.A. 2015 Supp. 12-2023, the Commission finds that WTC's Amended Application meets the requirements of the statute and K.A.R. 82-15-1. The Commission adopts Staff's recommendation of September 28, 2016, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that WTC's Amended Application should be granted and the company's proposed service area footprint approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. WTC Communications, Inc.'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 Pottawatomie (SC), PTSC-05-WCMC-02, 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. 2015 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.

³ Report and Recommendation, pages 2 and 3.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: OCT 11 2016


Amy L. Green
Secretary to the Commission

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Order Mailed Date

OCT 12 2016

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: September 28, 2016

SUBJECT: Docket No. 08-WCMC-963-VSA
In the Matter of the Application WTC Communications
Inc. Filing for Kansas Video Service Authorization.

BACKGROUND:

On September 14, 2016, WTC Communications, Inc. (WTC) 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 authorization in four footprint areas in Kansas. This Application seeks to add an area of Manhattan, Kansas (Pottawatomie (SC)).

In accordance with K.S.A. 12-2023(a), Commission action in this matter is required not later than **Friday, October 14, 2016**.

ANALYSIS:

The Applicant has previously identified its principal place of business as 1009 Lincoln Ave., PO Box 25, Wamego, Kansas.

The Applicant is registered with the Kansas Secretary of State's office and is currently 'Active and in Good Standing' with that office.

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

<u>Community Served</u>	<u>CUID #</u>
Pottawatomie (SC)	KS0652

By initialing, the Applicant has previously 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. (Initial Application item #5.)

The Applicant is proposing to add the Pottawatomie (SC) area of Manhattan, Kansas, which has been described through metes and bounds in an attachment to the Application. An electronic version of this description is included with the Application in a format compatible with the Commission's mapping system.

The Applicant has previously provided drawings and a general description of the technologies to be used in providing their video service. The technologies system utilizes a satellite receiver arrangement with an 'off-the-air' terrestrial arrangement (for local programming) at a central or Head-End location. Signals are combined (multiplexed) at the Head-End and transported to the customer's location via a coaxial trunking network.

By initialing, the Applicant 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. (Initial Application last item.)

Staff has reviewed the Applicant's Amended Application and has found it to be complete and in conformity with K.S.A. 12-2023 and K.A.R. 82-15-1.

RECOMMENDATION:

Staff recommends Commission approval of WTC's Application with its additional service area footprint to be identified¹ and known as Pottawatomie (SC), PTSC-05-WCMC-02.

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.

CERTIFICATE OF SERVICE

08-WCMC-963-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 **OCT 11 2016** .

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/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

OCT 12 2016