

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman  
Thomas E. Wright  
Shari Feist Albrecht

In the Matter of the Application of Madison )  
Telephone, LLC Filing for Kansas Video ) Docket No. 13-MDTT-671-VSA  
Service Authorization. )

**ORDER ON VIDEO SERVICE AUTHORIZATION APPLICATION**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On April 26, 2013, Madison Telephone, LLC ("Madison") filed an Initial Application for a state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1.
2. In its Initial Application, Madison requests authority to provide video service throughout a footprint that includes four service areas: The City of Madison; Greenwood County; Coffey County; and Lyon County.
3. K.S.A. 12-2023 states that the Commission shall issue a video service authorization permitting a video service provider to provide video service in the state, or amend a video service authorization previously issued, within 30 days after receipt of a completed affidavit submitted by the video service applicant and signed by an officer or general partner of the applicant affirming:

- (1) The location of the applicant's principal place of business and the names of the applicant's principal executive officers;
- (2) that the applicant has filed or will timely file with the federal communications commission all forms required by that agency in advance of offering video service in this state;
- (3) that the applicant agrees to comply with all applicable federal and state statutes and regulations;
- (4) that the applicant agrees 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;
- (5) the description of the service area footprint to be served within the state of Kansas, including any municipalities or parts thereof, and which may include certain designations of unincorporated areas, which description shall be updated by the applicant prior to the expansion of video service to a previously undesignated service area and, upon such expansion, notice to the state corporation commission of the service area to be served by the applicant; including:
  - (A) The period of time it shall take applicant to become capable of providing video programming to all households in the applicant's service area footprint, which may not exceed five years from the date the authorization, or amended authorization, is issued; and
  - (B) a general description of the type or types of technologies the applicant will use to provide video programming to all households in its service area footprint, which may include wireline, wireless, satellite or any other alternative technology.

4. Commission Staff ("Staff") submitted a Report and Recommendation regarding the application on May 14, 2013, attached hereto and made a part hereof by reference. Staff found that Madison is properly registered with the Kansas Secretary of State's Office. Staff found that the Initial Application provided a list of Madison's key personnel contacts for regulatory matters, and affirmed that Madison's principal place of business is located at 117 N Third, P.O. Box 337, Madison, Kansas, 66860. (*See* K.S.A. 12-2023(a)(1)). Staff verified that Madison is properly registered with the Federal Communications Commission regarding the Community Unit Identification Numbers ("CUIDs") for The City of Madison, Greenwood County, Coffey County, and Lyon County. (*See* K.S.A. 12-2023(a)(2)). Staff found that Madison agreed to follow all applicable federal, state, and municipal rules and regulations. (*See*

K.S.A. 12-2023(a)(3)-(4)). Finally, Staff found that Madison states it will be able to provide service to 100% of the households encompassed by the proposed service areas within five years. (See K.S.A. 12-2023(a)(5)(A)). For ease of future reference, Staff is identifying the proposed service areas as follows: The City of Madison, MDSN-01-MDTT-01; Greenwood County, GRNW-02-MDTT-01; Coffey County, CFEY-03-MDTT-01; and Lyon County, LYON-04-MDTT-01.

5. Staff recommended approval of the Video Service Authorization.

6. The Commission finds Staff's findings to be reasonable and hereby adopts Staff's recommendation of approving the Initial Application for Video Service Authorization.

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

A. The Initial Application filed by Madison on April 26, 2013 for a Video Service Authorization is approved.

B. Madison is granted authority to provide video service as requested in the application. The grant of authority is subject to lawful operation of the video service by the applicant or its successor in interest.

C. 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. 77-529(a)(1).

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

**BY THE COMMISSION IT IS SO ORDERED.**

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: MAY 29 2013

ORDER MAILED MAY 30 2013  
Patrice Petersen-Klein  
Executive Director

MRN

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Mark Sievers, Chairman  
Thomas E. Wright, Commissioner

Sam Brownback, Governor

**STAFF REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairman Mark Sievers  
Commissioner Thomas E. Wright  
Commissioner Shari Feist Albrecht

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

STATE CORPORATION  
COMMISSION

MAY 17 2013

PATRICE PETERSEN-KLEIN  
EXECUTIVE DIRECTOR

**DATE:** May 14, 2013

**DATE SUBMITTED TO EXECUTIVE DIRECTOR:** 5/17/13

**DATE SUBMITTED TO LEGAL:** 5-21-13

**DATE SUBMITTED TO COMMISSIONERS:** 5-23-13

**SUBJECT:** Docket No. 13-MDTT-671-VSA  
In the Matter of the Application of Madison Telephone, LLC Filing for Kansas  
Video Service Authorization.

**EXECUTIVE SUMMARY:**

On April 26, 2013, Madison Telephone, LLC filed an Initial 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, May 26, 2013.**

**ANALYSIS:**

The Applicant has identified its principal place of business as 117 N Third, P.O. Box 337, Madison, Kansas, 66860, and 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 Limited Liability Company. Its current status with the Secretary's office is Active and in Good Standing.

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

|                     |        |
|---------------------|--------|
| Community Served    | CUID # |
| The City of Madison | KS0790 |
| Greenwood County    | KS0791 |
| Coffey County       | KS0792 |
| Lyon County         | KS0793 |

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 seeking to serve the city of Madison, Kansas, as well as portions of Greenwood, Coffee and Lyon Counties. A one page legal description has been attached to this Application.

That description is on file with the Commission in this Docket and has been provided electronically in a format compatible with the Commission's mapping system. The Company states that it will be able to provide service to 100% of the households encompassed in that area within five years of the date the Commission grants the Application.

For ease of future reference, Staff is identifying<sup>1</sup> the proposed service area footprint, as follows: MDSN-01-MD TT-01, GRNW-02-MD TT-01, CF EY-03-MD TT-01, and LYON-04-MD TT-01.

**RECOMMENDATION:**

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Madison, MDSN-01-MD TT-01, Greenwood County, GRNW-02-MD TT-01, Coffey County, CF EY-03-MD TT-01, and Lyon County, LYON-04-MD TT-01.

cc: Patrice Petersen-Klein, Executive Director

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<sup>1</sup> 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.

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

| NAME AND ADDRESS   | NO.<br>CERT.<br>COPIES | NO.<br>PLAIN<br>COPIES |
|--|------------------------|------------------------|
| CHRISTOPHER C. CINNAMON<br>CINNAMON MUELLER<br>307 NORTH MICHIGAN AVENUE, SUITE 1020<br>CHICAGO, IL 60601                                    |                        |                        |
| MICHAEL NEELEY, LITIGATION COUNSEL<br>KANSAS CORPORATION COMMISSION<br>1500 SW ARROWHEAD RD<br>TOPEKA, KS 66604-4027<br>***Hand Delivered*** |                        |                        |
| SHERRY L. DEWITT, PRESIDENT<br>MADISON TELEPHONE LLC<br>117 N THIRD<br>PO BOX 337<br>MADISON, KS 66860-0337                                  |                        |                        |

ORDER MAILED MAY 30 2013

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.