

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

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

ORDER APPROVING AMENDED VIDEO SERVICE AUTHORIZATION

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 (VSA), as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. Madison's Initial Application was approved in this docket on May 29, 2013, and included four service areas.

2. On October 30, 2014, Madison filed an Application to amend its VSA by adding two service areas to its VSA. Specifically, Madison requested to provide cable or video service in the City of Burlington (CUID# KS0821), and in Portions of Coffey County (CUID# KS0792).

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 November 13, 2014, 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 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 Burlington and Portions of Coffey 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 Burlington, BRLN-05-MDTT-01, and Portions of Coffey County, CFEY-06-MDTT-02.

5. Staff recommended approval of the Amended Video Service Authorization.

6. The Commission finds Staff's findings and recommendations to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application to Amend Madison's VSA filed with the Commission on October 30, 2014, 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.

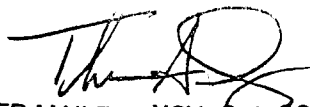
C. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

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.

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: NOV 20 2014


ORDER MAILED NOV 21 2014
Thomas A. Day
Acting Executive Director

MRN

Utilities Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3220
Fax: 785-271-3357
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

**STAFF REPORT AND RECOMMENDATION
UTILITIES DIVISION**

To: Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

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

DATE: November 13, 2014

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 October 30, 2014, 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 **Saturday, November 29, 2014.**

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:

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:

<u>Community Served</u>	<u>CUID #</u>
City of Burlington	KS0821
Portions of Coffey County	KS0792

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 additional authority in the City of Burlington, Kansas, as well as additional portions of Coffee County. 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 identifying¹ the proposed service area footprint, as follows: BRLN-05-MD TT-01 and CFEY-06-MD TT-02.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Burlington, BRLN-05-MD TT-01, and Coffey County, CFEY-06-MD TT-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.

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

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

ORDER MAILED **NOV 21 2014**

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.