

**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)
BCI Allegiance, LLC Filing for) Docket No. 13-BCAT-666-VSA
Video Service Authorization.)

ORDER GRANTING 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 May 1, 2013, BCI Allegiance, LLC (BCI) filed an Initial Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2012 Supp. 12-2023 and K.A.R. 82-15-1.

2. The Commission Staff (Staff) reviewed BCI's Application, and on May 24, 2013, filed its Report and Recommendation dated May 20, 2013, recommending approval of BCI's Application requesting authorization to serve the municipalities of Atchison, Buhler, Ellinwood, Fowler, Inman, Meade, Medicine Lodge, Peabody, and Stafford, Kansas.

3. Staff's Report and Recommendation confirms that BCI is properly registered with the Kansas Secretary of State's office as a foreign limited liability company and that the company's status with the Secretary's office is *active and in good standing*. Staff indicates that BCI's principal place of business is One Manhattanville Road, Purchase, New York, and that the company has provided in its Application the company's key personnel contacts for application and regulatory matters.

4. According to Staff, BCI is registered with the Federal Communications Commission (FCC) as a Cable System Operator, under the following Community Unit Identification (CUID) numbers:

<u>Community Served:</u>	<u>CUID#:</u>
The City of Atchison, Kansas	KS0008
The City of Buhler, Kansas	KS0317
The City of Ellinwood, Kansas	KS0142
The City of Fowler, Kansas	KS0357
The City of Inman, Kansas	KS0322
The City of Meade, Kansas	KS0122
The City of Medicine Lodge, Kansas	KS0044
The City of Peabody, Kansas	KS0257
The City of Stafford, Kansas	KS0255

Staff indicates that it has verified the foregoing CUIDs via the FCC Media Bureau's website: <http://www.fcc.gov/mb/engineering/liststate.html>. By initialing, BCI 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 at item #5.

5. Staff states that BCI's Application includes a four-page metes and bounds description of the requested service area. 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. Staff notes that the company affirms that it will be able to provide service to 100% of the households encompassed in the requested service area within five (5) years of the date the Commission grants its Application. For ease of reference, Staff identifies the proposed service area footprint as follows: Atchison, ATSN-01-BCAT-01; Buhler, BUHL-02-BCAT-01; Ellinwood, ELLI-03-BCAT-01; Fowler, FWLR-04-BCAT-01; Inman, INMN-05-BCAT-01;

Meade, MEAD-06-BCAT-01; Medicine Lodge, MEDL-07-BCAT-01; Peabody, PEAB-08-BCAT-01; and Stafford, STFD-09-BCAT-01. Staff recommends Commission Approval of BCI's Application with a service area footprint to be identified and known as Atchison, ATSN-01-BCAT-01; Buhler, BUHL-02-BCAT-01; Ellinwood, ELLI-03-BCAT-01; Fowler, FWLR-04-BCAT-01; Inman, INMN-05-BCAT-01; Meade, MEAD-06-BCAT-01; Medicine Lodge, MEDL-07-BCAT-01; Peabody, PEAB-08-BCAT-01; and Stafford, STFD-09-BCAT-01. Report and Recommendation at pages 1 and 2.

6. The Commission concurs with Staff's analysis and recommendation and finds that BCI's Application should be granted, approving the company's requested service area footprint to include the cities of Atchison, Buhler, Ellinwood, Fowler, Inman, Meade, Medicine Lodge, Peabody, and Stafford, Kansas, to be identified and known as set forth in paragraph 5 above.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of BCI Allegiance, LLC, requesting state-issued Video Service Authorization is hereby granted and the requested service area footprint which includes nine Kansas cities is hereby approved and shall be identified and known as Atchison, ATSN-01-BCAT-01; Buhler, BUHL-02-BCAT-01, Ellinwood, ELLI-03-BCAT-01; Fowler, FWLR-04-BCAT-01; Inman, INMN-05-BCAT-01; Meade, MEAD-06-BCAT-01; Medicine Lodge, MEDL-07-BCAT-01; Peabody, PEAB-08-BCAT-01; and Stafford, STFD-09-BCAT-01. The Video Service Authorization granted herein shall become effective 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. 2012 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.

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

oan

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

STATE CORPORATION
COMMISSION

MAY 23 2013

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

PATRICE PETERSEN-KLEIN
EXECUTIVE DIRECTOR

DATE: May 20, 2013

DATE SUBMITTED TO EXECUTIVE DIRECTOR: 5/23/13

DATE SUBMITTED TO LEGAL: 5-23-13

DATE SUBMITTED TO COMMISSIONERS: 5/24/13

SUBJECT: Docket No. 13-BCAT-666-VSA
In the Matter of the Application of BCI Allegiance, LLC Filing for Kansas Video Service Authorization.

EXECUTIVE SUMMARY:

On May 1, 2013, BCI Allegiance, 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 **Friday, May 31, 2013.**

ANALYSIS:

The Applicant has identified its principal place of business as One Manhattanville Road, Purchase, New York, 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 Foreign 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>
Atchison	KS0008
Buhler	KS0317
Ellinwood	KS0142
Fowler	KS0357
Inman	KS0322
Meade	KS0122
Medicine Lodge	KS0044
Peabody	KS0257
Stafford	KS0255

Staff has verified the above Community Unit Identification Number (CUID) via the FCC's Media Bureau's web site: <http://www.fcc.gov/mb/engineering/liststate.html>.

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 Application includes a four (4) page "Meets and Bounds" description of the service area. 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: Atchison, ATSN-01-BCAT-01; Buhler, BUHL-02-BCAT-01; Ellinwood, ELLI-03-BCAT-01; Fowler, FWLR-04-BCAT-01; Inman, INMN-05-BCAT-01; Meade, MEAD-06-BCAT-01; Medicine Lodge, MEDL-07-BCAT-01; Peabody, PEAB-08-BCAT-01; and Stafford, STFD-09-BCAT-01.

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.

RECOMMENDATION:

Staff recommends Commission approval of this Application with a service area footprint to be identified and known as Atchison, ATSN-01-BCAT-01; Buhler, BUHL-02-BCAT-01; Ellinwood, ELLI-03-BCAT-01; Fowler, FWLR-04-BCAT-01; Inman, INMN-05-BCAT-01; Meade, MEAD-06-BCAT-01; Medicine Lodge, MEDL-07-BCAT-01; Peabody, PEAB-08-BCAT-01; and Stafford, STFD-09-BCAT-01.

cc: Patrice Petersen-Klein, Executive Director

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MARIE CENSOPLANO, SENIOR VICE PRESIDENT AND GENERAL COUNSEL BCI ALLEGIANCE, LLC One Manhattanville Road Purchase, NY 10577		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		

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.