

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Fidelity            )  
Cablevision, Inc., for Video Service                 )     Case No. KA-2008-\_\_\_\_  
Authorization    )

**APPLICATION FOR VIDEO SERVICE AUTHORIZATION**

Fidelity Cablevision, Inc. (“Fidelity” or “Company”), by and through its undersigned counsel, pursuant to Section 67.2679(7), RSMo 2000 (Cum. Supp. 2007), and in accordance with Missouri Public Service Commission (“Commission”) Rule 4 CSR 240-2.060, hereby makes application for a video service authorization that will allow Fidelity to offer and supply video service and to construct, install, operate, and maintain a video service network in various political subdivisions and unincorporated areas within the state of Missouri. In support of its application, Fidelity states as follows:

1. Fidelity is a Missouri corporation with its principal office and place of business at 64 North Clark, Sullivan, Missouri 63080. Fidelity provides, or intends to provide, video service to customers in various political subdivisions and unincorporated areas located within the state of Missouri. Fidelity is not subject to the regulatory jurisdiction of this Commission, except as may be provided under the “2007 Video Services Providers Act,” §§ 67.2679 - 67.2714, RSMo 2000 (Cum. Supp. 2007). A copy of Fidelity’s Certificate of Good Standing, issued by the Secretary of State of Missouri, is attached to this application as Appendix A and is incorporated herein by reference.

2. There are no final unsatisfied judgments or decisions pending against Fidelity from any federal or state agency or court that involve customer service or rates, and Fidelity has no annual report or assessment fees that are overdue.

3. Pleadings, notices, orders, and other correspondence and communications concerning this application should be addressed to the undersigned counsel and also to:

Dave Beier  
Fidelity Cablevision, Inc.  
64 North Clark  
Sullivan, MO 63080  
Tele: (573) 468-1218  
E-Mail: [dave.beier@fidelitycommunications.com](mailto:dave.beier@fidelitycommunications.com)

4. Fidelity currently provides or intends to provide "video service" through a "video service network" to customers located in various "political subdivision[s]" within the state of Missouri, as those terms are defined in Section 67.2677, RSMo 2000 (Cum. Supp. 2007). Some of those customers are or will be located within the corporate limits of a city, town, or village while other customers are or will be located in various unincorporated areas within the counties of Franklin, Phelps, Caldwell, Livingston, Daviess, Linn, Ray, and Carroll.

5. In certain political subdivisions, Fidelity currently provides video service pursuant to a franchise, permit, license, resolution, ordinance, contract, certificate, agreement, or similar arrangement that previously was granted by the governing authority of each such political subdivision. As allowed by Section 67.2679(9), RSMo 2000 (Cum. Supp. 2007), Fidelity opts to continue to provide

video service in each of the following political subdivisions under the terms and conditions of the existing franchise, permit, license, resolution, ordinance, contract, certificate, agreement, or similar arrangement until each such arrangement expires or otherwise is terminated:

<b>Political Subdivision</b>	<b>Fee Amount</b>
City of Sullivan	5 percent
Crawford County	2 percent
City of Rolla	5 percent
City of Lebanon	5 percent
Laclede County	3 percent
City of Salem	5 percent
City of Bogard	0
Community of Tina	0
City of Breckenridge	2 percent
Community of Wheeling	4 percent
City of Cowgill	3 percent
City of Norborne	3 percent
City of Polo	0

6. Fidelity also provides or intends to provide video service to customers who are not located in one of the political subdivisions listed in the preceding paragraph. These locations include: (i) cities, towns, and villages that do not require a franchise, permit, license, resolution, ordinance, contract, certificate, agreement, or similar arrangement in order for the Company to offer video service to customers who reside or are located within the corporate boundaries of those cities, towns, villages, and communities; (ii) cities, towns, villages, and communities where Fidelity is not currently operating; and (iii)

unincorporated areas within the counties of Franklin, Phelps, Caldwell, Livingston, Daviess, Linn, Ray, and Carroll,. To enable the Company to construct, install, operate, and maintain a video network and to supply video service, Fidelity asks the Commission to issue, in accordance with Sections 67.2679(4) and (7), RSMo 2000 (Cum. Supp. 2007), a video service authorization that will allow the Company to operate as a video service provider in each of the following political subdivisions:

<b>Political Subdivision</b>	<b>Fee Amount</b>
Franklin County	5 percent
Phelps County	5 percent
Caldwell County	0
Livingston County	0
Daviess County	0
Linn County	0
Ray County	0
Carroll County	0
Community of Avalon	0
Community of Dawn	0
Community of Ludlow	0
Community of Lock Springs	0
Community of Mooresville	0
Community of Knoxville	0
Community of Stet	0

7. As required by Section 67.2679.7, RSMo 2000 (Cum. Supp. 2007), an affidavit, signed by a Company officer, which affirms the following, accompanies this application as Appendix B and is incorporated herein by reference:

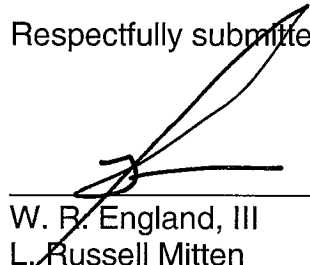
- (a) that Fidelity agrees to comply with all applicable federal and state laws and regulations;
- (b) a list of political subdivisions that are to be served by the Company;
- (c) the location and principal place of business of Fidelity and the names of its principal executive officers;
- (d) that the Company has filed, or will timely file, with the Federal Communications Commission all forms required by that agency prior to offering video service;
- (e) that Fidelity agrees to comply with all applicable regulations concerning use of the public rights-of-way, as provided in Sections 67.1830 to 67.1846, RSMo; and
- (f) that the Company is legally, financially, and technically qualified to provide video service.

8. In addition, to fulfill the requirements of Section 67.2679(5), RSMo 2000 (Cum. Supp. 2007), Fidelity is providing a copy of this application to each of the political subdivisions wherein the Company provides or intends to provide video service, which will serve to advise and provide notice to each such political subdivision of the Company's intent.

WHEREFORE, Fidelity requests the Commission to grant this application and to issue, within thirty (30) days of the filing date of this application, a video service authorization that allows the Company to construct a video service network along, across, or on public rights-of-way for the delivery of video service

and to provide video service in each of the political subdivisions and communities listed in paragraph 6 of this application.

Respectfully submitted,



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W. B. England, III	MBN 23975
L. Russell Mitten	MBN 27881
Brian McCartney	MBN 47788

BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 voice  
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Email: [rmitten@brydonlaw.com](mailto:rmitten@brydonlaw.com)

ATTORNEYS FOR FIDELITY CABLEVISION,  
INC.

VERIFICATION

STATE OF MISSOURI )  
 ) ss  
COUNTY OF FRANKLIN )

Dave Beier, being duly sworn on oath, deposes and says that he is Vice President of Fidelity Cablevision, Inc., that he has read the foregoing Application and knows the contents thereof, and that the information contained in that Application is true and correct to the best of his knowledge and belief.

Fidelity Cablevision, Inc.

BY: Dave Beier  
Dave Beier, Vice President

Subscribed and sworn to before me, the undersigned Notary Public in and for the county and state aforesaid, on the 28 day of August, 2007.

Hannah Zelch  
Notary Public

My Commission expires:

Aug. 8, 2009



# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

**FIDELITY CABLEVISION, INC.  
00357209**

was created under the laws of this State on the 11th day of September, 1991, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 27th day of August, 2007

*Robin Carnahan*  
Secretary of State



Certification Number: 10019374-1 Reference:

Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>



APPENDIX B

STATE OF MISSOURI )  
 ) ss  
COUNTY OF FRANKLIN )

AFFIDAVIT OF DAVE BEIER

The undersigned Dave Beier, being first duly sworn, on his oath states that:

(1) he is Vice President of Fidelity Cablevision, Inc. ("Fidelity" or "Company"), a Missouri corporation, and by virtue of his position is authorized to make this affidavit on behalf of the Company;

(2) Fidelity agrees to comply with all applicable federal and state laws and regulations;

(3) attached to this affidavit, and incorporated herein by reference, is a list of political subdivisions that are to be served by the Company;


(4) the location and principal place of business of Fidelity is 64 North Clark, Sullivan, Missouri 63080, and the names of its principal executive officers are:

John T. Davis	President
John Colbert	Senior Vice President
Mike Davis	Senior Vice President
Dave Beier	Vice President
John D. Bell	Vice President
Sheldon Stock	Secretary;

(5) the Company has filed, or will timely file, with the Federal Communications Commission all forms required by that agency prior to offering video service;

(6) Fidelity agrees to comply with all applicable regulations concerning use of the public rights-of-way, as provided in Sections 67.1830 to 67.1846, RSMo; and

(7) the Company is legally, financially, and technically qualified to provide video service.



\_\_\_\_\_  
Dave Beier

Subscribed and sworn to before me, the undersigned Notary Public in and for the county and state aforesaid, on the 28 day of August, 2007.

Hannah Zelch  
Notary Public

My Commission expires:

Aug 8, 2009



**LIST OF POLITICAL SUBDIVISIONS TO BE SERVED BY  
FIDELITY CABLEVISION, INC.**

Franklin County

Phelps County

Caldwell County

Livingston County

Daviess County

Linn County

Ray County

Carroll County

Community of Avalon

Community of Dawn

Community of Ludlow

Community of Lock Springs

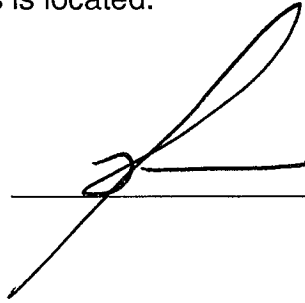
Community of Mooresville

Community of Knoxville

Community of Stet

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail, or hand delivery on this 28<sup>th</sup> day of August, 2007, to each of the political subdivisions listed in Paragraph 6 of this Application; provided, however, that because Avalon, Dawn, Ludlow, Lock Springs, Mooresville, Knoxville, and Stet are not incorporated towns or villages, notice has been provided to the county clerk of the county in which each of those communities is located.



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