

**OPEN VIDEO
SYSTEM
NOTICE
OF INTENT**

**ATTENTION:
MEDIA BUREAU**

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
SunWest Communications, Inc.) File No. _____
)
Notice of Intent to Establish)
An Open Video System)

NOTICE OF INTENT TO ESTABLISH AN OPEN VIDEO SYSTEM

SunWest Communications, Inc. (SunWest), pursuant to Section 76.1503(b)(1) of the Commission's Rules, hereby submits its Notice of Intent to establish an Open Video System (OVS). As required by section 76.1503(b)(1), SunWest respectfully submits the following information:

1. **OVS Operator.** The name, address and telephone number of the OVS Operator is SunWest Communications, Inc. 2790 N. Academy Blvd. Colorado Springs, CO 80917. The contact person is Bart Atkinson, President. Bart Atkinson can be reached by mail at the above street address, by telephone at (719) 559-8418, and by facsimile at (719) 592-0836.

2. **Projected Service Area.** SunWest's projected additional OVS service area encompasses the City of Colorado Springs, Colorado and El Paso County, Colorado. Sunwest currently does not provide OVS service. SunWest is likely to request additional certification from the Federal Communications Commission during the next several years to expand its OVS service area.

3. **Projected Channel Capacity.** SunWest is providing OVS service over Fiber Optic cable via the Wave 7 platform. SunWest anticipates that it will have available as many as 80 channel input ports.

4. **Carriage Applications and Inquiries.** Potential video programming providers interested in carriage on SunWest's open video system may obtain additional information about the system by completing the attached OVS Information Request Form (Attachment 1) and mailing it to Bart Atkinson, SunWest Communications 2790 N. Academy Blvd. Colorado Springs, CO 80917. If a potential video program provider has questions concerning the completion of this form, Bart Atkinson can be reached by telephone at (719) 559-8418.

Pursuant to Section 76.1503(b)(2) of the Commission's Rules, SunWest will provide a potential video programming provider with additional information regarding the OVS system within five (5) business days after SunWest's receipt by mail of a completed OVS Information Request Form. The potential video programming provider will be furnished at that time with additional information regarding carriage on SunWest's OVS system. This information will include application forms that must be completed, technical information, equipment requirements, rate estimates, application fees and reservation deposits, and qualification requirements.

5. **Initial Enrollment Period.** The initial enrollment period for video programming providers seeking carriage on SunWest's OVS system will commence on the date the FCC issues a Public Notice of the filing of this Notice of Intent and end ninety days thereafter.

6. **Allocation of Capacity.** SunWest does not expect to experience any capacity constraints on its OVS system. If the aggregate capacity needs of (a) local commercial and non-commercial television stations carried pursuant to Section 76.1506 of the Commission's Rules, (b) public, educational and governmental (PEG) access channels furnished pursuant to Section 76.1505 of the Commission's Rules, (c) SunWest and its affiliates, and (d) unaffiliated video programming providers exceed the actual capacity of SunWest's OVS system, then SunWest and its affiliates will not select the video programming services for carriage on more than one-third of the activated channel capacity of the OVS system. If aggregate capacity needs exceed actual OVS system capacity, unaffiliated video programming providers will be offered portions of the residual capacity (after local television stations, PEG access channels and SunWest's one-third share are accommodated) on the following basis: each unaffiliated video programming provider will be offered an equal proportionate amount of its requested capacity.

7. **Notification Requirements.** SunWest has complied with all relevant notification requirements under Section 76.1506 of the Commission's open video system regulations concerning must-carry and retransmission consent. Also included is a Certificate of Service showing that the present Notice of Intent has been served on all local cable franchising authorities entitled to establish requirements concerning the designation of channels for public, educational and governmental use.

Respectfully submitted,
SunWest Communications, Inc.

By _____
Bart Atkinson

President
SunWest Communications, Inc.
2790 N. Academy Blvd.
Colorado Springs, CO 80917
Phone: (719) 559-8418
Fax: (719) 592-0836

Dated: March 1, 2004

SunWest Communications, Inc.
OPEN VIDEO SYSTEM INFORMATION REQUEST FORM

SECTION I: Identification of Potential Video Programming Provider

Name of Entity: _____

Address of Entity: _____

Name of Contact Person: _____

Telephone No.: _____

Facsimile No.: _____

SECTION II: Carriage Information

Total amount of capacity requested: _____ channels

SECTION III: Certification and Non-Disclosure Statement

The undersigned video programming provider (VPP) represents that it has the right under the Copyright Laws to select and contract for carriage of specific video programming on the Pembroke open video system, and that it has no formal or informal affiliation (as defined by Section 76.1500(g) of the FCC Rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within SunWest's open video system service area, and that the capacity requested will be used only for the commercial operation of a video program distribution service. The VPP and its affiliates, employees and agents agree not to disclose to any other party the information provided by SunWest in response to this request, except for information that was previously in the public domain and except as provided in Section 76.1513(j) of the FCC Rules, and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in SunWest's open video system and the subsequent activation of such enrollment, if any.

Signature

Printed Name and Title

Date _____

Please mail to:
Bart Atkinson
SunWest Communications, Inc.
2790 N. Academy Blvd.
Colorado Springs, CO 80917

Local Government Letter

Dear City Administrator:

Please allow this letter to serve as notice that SunWest Communications, Inc. has filed with the FCC for an Open Video System Certification. It is our intent to directly compete with the local incumbent video provider.

Pursuant to FCC regulations (§76.1506) we also intend to make available to the City the use of capacity of public, educational, and governmental programming, should the City desire.

Please provide written notice 30 days in advance of the City's intended use of the public, educational and governmental channel capacity. Please make all notifications to:

Bart Atkinson
President
SunWest Communications, Inc.
2790 N. Academy Blvd.
Colorado Springs, CO 80917

Sincerely,

Bart Atkinson
President
SunWest Communications, Inc.

CERTIFICATE OF SERVICE

I, Bart Atkinson, an employee with SunWest Communications, Inc., hereby certify that I mailed on this 27th day of February, 2004, the foregoing NOTICE OF INTENT TO ESTABLISH AN OPEN VIDEO SYSTEM by first class U.S. mail, postage prepaid, to the following city and town clerks of the local cable franchising authorities within SunWest Communications, Inc.'s certified open video system area:

City Clerk Office
City of Colorado Springs
30 S. Nevada Suite 101
Colorado Springs, CO 80903

J Patrick Kelly, County Clerk
El Paso County
200 S. Cascade Ave.
Colorado Springs, CO 80903

Bart Atkinson