



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square
New Britain, Connecticut 06051
Phone: (860) 827-2935
Fax: (860) 827-2950

May 12, 1999

Burton B. Cohen
Murtha Cullina Richter & Pinney
City Place I
185 Asylum Street
Hartford, CT 06103-3402

Re: EM-CHARTER-003-990427- Charter Communications notice of intent to modify an existing community antenna television head-end facility located east of Pumpkin Hill Road in Ashford, Connecticut. (Docket No. 43)

Dear Attorney Cohen:

At a public meeting held on May 11, 1999, the Connecticut Siting Council (Council) acknowledged your notice to modify this existing telecommunications facility in Ashford, Connecticut, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies.

The proposed modifications are to be implemented as specified here and in your notice dated April 26, 1999, and additional information dated May 10, 1999. The modifications are in compliance with the exception criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies as changes to an existing facility site that would not increase tower height, extend the boundaries of the tower site, increase noise levels at the tower site boundary by six decibels, and increase the total radio frequency electromagnetic radiation power density measured at the tower site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to General Statutes § 22a-162. This facility has been carefully modeled to ensure that radio frequency emissions are conservatively below State and federal standards applicable to the frequency now used on this tower. Any additional change to this facility will require explicit notice to this agency pursuant to Regulations of Connecticut State Agencies Section 16-50j-73. Such notice shall include all relevant information regarding the proposed change with cumulative worst-case modeling of radio frequency exposure at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65. Any deviation from this format may result in the Council implementing enforcement proceedings pursuant to General Statutes § 16-50u including, without limitation, imposition of expenses resulting from such failure and of civil penalties in an amount not less than one thousand dollars per day for each day of construction or operation in material violation.

Thank you for your attention and cooperation.

Very truly yours,


Mortimer A. Gelston
Chairman

MAG/RKE/tsg

c: Honorable John M. Zulizk, First Selectman, Town of Ashford

11 Commerce Road, Newtown, CT 06470

CHARTER
COMMUNICATIONS
FAX

RECEIVED
MAY 10 1999
CONNECTICUT
SITING COUNCIL

Date: 5-10-99
Number of pages including cover sheet: 14

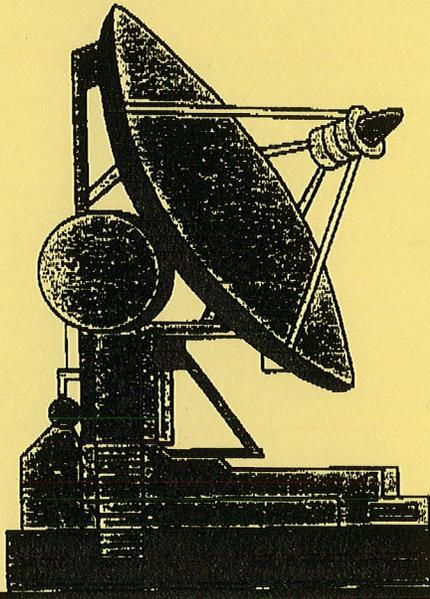
To: Bob Erling

Phone: _____
Fax phone: 860-827-2950
CC: _____

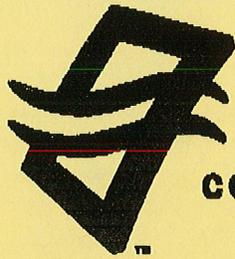
From: Mike Willis

Phone: (203) 304-4001 x4085
Fax phone: (203) 426-0499

REMARKS: Urgent For your review Reply ASAP Please comment



Attached is the information
for the Ashford CT tower
site.
Thank you



Charter
COMMUNICATIONS

A WIRED WORLD COMPANY

To: Bob Erling / State of Connecticut
From: Mike Willis / Charter Communications
Date: May 10, 1999

RECEIVED

MAY 10 1999

CONNECTICUT
SITING COUNCIL

Subject: Ashford CT Tower Site

Below are answers to the concerns you had at the time of our meeting May 7, 1999.

I am faxing you a copy of the wet land application, which includes the layout of the wet lands in relation to the dishes.

There are approximately 60 trees 8 inches in diameter and above and approximately 50 trees with less than 8 inches in diameter, that will be cut.

The size of the existing simulsat dish is 5 meters and the distance from Tim Bunte's house to the dishes is 840 feet.

The wetlands application was approved Tuesday May 4, 1999.

A letter from the wetland commission on the approval will be sent on Friday May 14, 1999 to Charter Communications as per Stephen Lowery (Zoning and Wetlands Officer 860-487-2026).

If any additional information is needed please call me at 203-304-4085.

Thank you,

Mike Willis
Senior Project Engineer

MW:lt

ASHFORD INLAND WETLANDS AND CONSERVATION COMMISSION

100 'Setback'

25 Pompey Hollow Road Ashford, CT 06278

APPLICATION FOR PERMIT

1. Ownership of the Property:

Name(s): IRENE D. BUNIE

Telephone: Day: 429-2664 Evening: Fax:

Address: PUMPKIN HILL RD, ASHFORD, CT

* Applicant's name if different from owner: CHARTER COMMUNICATIONS

Telephone: Day: 4568346 Evening: Fax:

Address: 1320 MAIN ST WILLIMANTIC CT 06226

2. Description of the Property:

A. Parcel Designation (Available at Assessor's Office): Tax Map Number 46 Block B Lot 1

Street Address of Property, if available: PUMPKIN HILL ROAD

C. Size of Property: 9.9 ACRES

D. Size/dimensions of Flagged Wetlands/Watercourse: 0.5 ACRE

E. Name of Watercourse, if any: N/A

3. Description of Proposed Activity:

Describe in detail what you plan to do and how you plan to proceed, including your purpose for this activity and any possible effects on wetlands/watercourses or their adjacent areas on, adjacent to, or downstream of your property. Attach additional pages as needed:

The REMOVAL (CLEARCUT) OF TREES AND BRUSH IN THE "SIGHTLINE" OF PROPOSED NEW SATELLITE DISHES FOR THE RECEPTION OF THE DOWNLINK SIGNAL FROM SATELLITES, AND THE INSTALLATION OF TWO SCHEDULE 40 CONDUITS FOR AN UNDERGROUND CABLE TO BE INSTALLED BETWEEN LISTING BUILDING AND PUMPKIN HILL ROAD

Notification to the Willimantic Water Works of Application for a Project Within the Willimantic Reservoir Watershed - Required by Public Act 89-301

P.A. 89-301 "An Act Implementing the Recommendations of the Water Lands Task Force and Concerning Water Diversions and Notification to Water Companies of the Storage of Hazardous Materials," requires applicants to provide a water company written notice of an application, petition, request or plan if the proposed project is located within the watershed of the wetland, zoning or planning and zoning commissions and zoning boards of appeal. The applicant must mail such notice within seven (7) days of the date of the application, by certified mail, return receipt requested. This form is furnished by the Willimantic Water Works to such boards and commissions in its watershed to be used by applicants to meet this requirement. Other forms or letters, as approved by each commission, may be used, but must contain the same information. To determine if a project is within the Willimantic Reservoir Drinking Water Supply Watershed, please consult the map(s) on file with the Commission or Town Clerk. Failure of an applicant to comply with this law may be grounds for a legal appeal of a decision rendered on the application due to a procedural error. Do not jeopardize your application, send your notification!

Application Submitted to: [X] Inland Wetlands Commission (Check one or more) [] Zoning Commission [] Planning & Zoning Commission [] Zoning Board of Appeals

Project is in the Town(s) of: [X] Ashford [] Pomfret (Check one or more) [] Chaplin [] Union [] Eastford [] Willington [] Hampton [] Windham [] Mansfield [] Woodstock

Type of Application: [] Zone Change [] Special Exception/Permit [] Subdivision [X] Other: (Describe) WETLAND PERMIT [] Variance

Name & Address of Applicant CHARTER COMMUNICATIONS 1320 MAIN ST WILLIMANTIC, CT 06226

Project Street Location/Nearest Utility Pole GATE AND GRAVEL DRIVE 1 MILE SOUTH W KENNEDY RESERVOIR ROAD ON PUMPKIN HILL. GRAVEL DRIVE TO TOWER ON HILL TOP.

Contact Person ROBERT BROWN Phone No. 456-8346 RICK ZULICK 429-1918

Brief description of application: (for example: 30 lot subdivision of single family homes on 60,000 sq. ft. lots with on-site septic systems and wells in North Windham)

0.5 ACRE CLEARCUT FOR SATELLITE SIGNAGING, INSTALLATION OF 9 SATELLITE DISHES AND THE INSTALLATION OF UNDERGROUND CABLE ALONG GRAVEL DRIVE FROM TOWER TO PUMP HOUSE ROAD.

Public Hearing Date:

Enclose a copy of the application submitted to the Town and a full set of project plans. Mail this completed form or substitute by certified mail, return receipt requested to:

Willimantic Water Works - Superintendent 174 Storrs Road Mansfield Center, CT 06250

4. The following will also be verified by the Commission:

- | | | |
|----|--|-------------------|
| A. | Have you had the wetlands/watercourses on your property marked with numbered flags by a certified soil scientist, and provided a copy of the report? | <u>Check</u>
Y |
| B. | Have you attached a map/sketch showing: (Refer to Regulations Sec. 5.9e) | |
| 1. | North Arrow | Y |
| 2. | Location of proposed activity on the property | Y |
| 3. | Location of wetlands/watercourses with flag numbers | Y |
| 4. | Locations of proposed and/or existing sediment & erosion control measures | Y |
| 5. | Location of proposed and/or existing well and septic system | Y |
| 6. | Abutting property owners and complete boundaries | Y |
| 7. | Local road to property | Y |
| 8. | Access point to property | Y |
| C. | Have you completed the attached State of Connecticut reporting form and provided a copy of the USGS topographical map {available in the Town Clerk's Office} required with it? | Y |
| D. | As required by State law, have you completed the attached Willimantic Water Works form and sent it, along with a copy of this application, via certified mail to:

Willimantic Water Works - Superintendent
174 Storrs Road
Mansfield Center, CT 06250

Return receipt attached? | Y |
| E. | If your proposed activity will take place within 500 feet of another town boundary, you are also required to certified mail a copy of your application to the Inland Wetlands Agency of that town. Have you done so and attached your return receipt? | — |
| F. | Have you provided an original and ten {10} copies of your application and map/sketch? | — |
| G. | Have you paid your application fee? | — |

5. Agreement

The Applicant recognizes that the Ashford Inland Wetlands and Conservation Commission is a group of citizen volunteers, dedicated to maintaining the quality of Ashford's environment by assisting property owners to comply with the Inland Wetlands Act (Conn. Gen. Stat. §§ 22a-36 through 22a-45). Acting as the state regulatory agency for the Town of Ashford, the Commission may require additional information regarding the proposed activity. The Applicant understands that this application will be considered complete only when all information and documents required are submitted. The applicant further understands that failure to submit and complete the stated requirements, or to provide accurate and truthful information will result in denial of the application and revocation of any permit thus wrongfully obtained.

The Applicant affirms the truth of all statements contained herein and in all supporting documents, according to the best of his or her knowledge and belief.

Signature(s) of Applicant(s)

Signature(s) of Owner(s) (if different from Applicant)

The Applicant and the owner grants to the Commissioners and the Wetlands Officer permission to enter upon the subject property, during reasonable hours, for the period of time from when the application is submitted until the permitted activity is satisfactorily completed. The purpose of this entrance on to the property is to ascertain the effect of the project on the wetlands and to inspect the property during the activity to make sure that it is being carried out in compliance with the specifications of the permit.

Signature(s) of Applicant(s)

Signature(s) of Owner(s) (if different from Applicant)

.....

Form & complete documentation received by ACC: (Date) _____ (By) _____

Fee received: (Date) _____ (By) _____ (Processed) _____

Application number assigned: _____

Application received at meeting (Date) _____

Action _____ (Date) _____

Permit or Denial Issued (Date) _____

Action Advertised (Date) _____

7. AREA OF WETLANDS AND/OR WATERCOURSES ALTERED:

Include areas that are altered or are proposed to be altered, temporary or permanent, for all agency permits, denials, amendments, and enforcement actions. Remember, these figures represent only the acreage altered, not the total acreage of wetlands or watercourses on the site. Figures should be provided by the applicant in the application. Provide all information in acreage including those areas less than one acre. To convert from square feet to acres, divide square feet by the number 43,560. Enter a zero if there is no alteration. Open water body altered refers to lakes, ponds or similar bodies of water that are filled or dredged. Stream alterations are to be reported in linear feet and include the total length of the river, brook, stream or other watercourse directly altered as a result of the action taken by the agency. Include any culverting (roadway, etc.), channel improvements, rip rap installation, relocation or dredging.

- A. Wetland Area Altered: 0.5 ACRES
- B. Open Water Body Area Altered: 0 ACRES
- C. Stream Alteration: 0 LINEAR FEET

8. BUFFER / UPLAND REVIEW AREA ALTERED: 0.9 ACRES

Buffer or upland review areas are those areas adjacent to wetlands or watercourses where activities are regulated by the local agency. Report the acreage of upland review areas that are altered or are proposed to be altered, temporary or permanent, for all agency permits, denials, amendments, and enforcement actions; or for agent approval pursuant to 22a-42a(c)(2). For example, a 2 acre project site may have an activity occurring in 1 acre of buffer / upland review area and 0.25 acres of wetlands. Therefore, 0.25 acres will be reported on line 7A and 1 acre on line 8.

9. AREA OF WETLANDS AND/OR WATERCOURSES RESTORED, ENHANCED OR CREATED: 0 ACRES

Mitigation measures may be considered as a condition of issuing a permit for an activity. Report areas that are, or are proposed to be, restored, enhanced or created for all agency permits, denials, amendments, and enforcement actions. Restored or enhanced applies to previously existing wetlands or watercourses. For example, a wetland area filled two years ago is proposed to be restored by removing the existing fill. Created applies to an upland area which is converted into wetlands or watercourses.

FOR MUNICIPAL AGENCY USE ONLY

THE INLAND WETLANDS AGENCY MUST ENSURE THAT THE INFORMATION PROVIDED BELOW IS ACCURATE AND THAT IT REFLECTS THE FINAL ACTION OF THE AGENCY. COMPLETED FORMS FOR ACTIONS TAKEN DURING A CALENDAR MONTH SHALL BE MAILED BY THE AGENCY TO THE DEP NO LATER THAN THE 15TH DAY OF THE FOLLOWING MONTH. MAIL REPORTING FORMS TO:

*Inland Water Resources Division, DEP,
79 Elm Street, Hartford, CT. 06106*

QUESTIONS MAY BE DIRECTED TO THE WETLANDS MANAGEMENT SECTION AT (860) 424-3019.

NAME / TITLE OF PERSON COMPLETING THIS FORM:

(PRINT) _____

(SIGNATURE) _____

DATE ACTION WAS TAKEN: MONTH _____ YEAR _____

WAS A PUBLIC HEARING HELD? Yes _____ No _____

ACTION TAKEN: ENTER LETTER _____

- A. PERMIT GRANTED BY AGENCY
- B. PERMIT DENIED BY AGENCY
- C. PERMIT EXTENDED/AMENDED BY AGENCY
- D. AGENT APPROVAL PURSUANT TO 22B-42B(C)(2)
- E. APPEAL OF AGENT APPROVAL PURSUANT TO 22B-42B(C)(2)
- F. MAP AMENDMENT (AMENDMENT TO THE OFFICIAL TOWN WETLANDS MAP, NOT A PROJECT SITE MAP)
- G. ENFORCEMENT NOTICE/ORDER
- H. JURISDICTIONAL RULING (I.E.: ACTIVITIES "PERMITTED AS OF RIGHT" OR ACTIVITIES CONSIDERED NON-REGULATED)

FOR STATE USE ONLY

DATE RECEIVED: _____

GIS CODE #: _____

FILE # (SAME AS QUAD #): _____

FORM COMPLETED: YES _____ NO _____

IF "NO", DATE MAILED TO TOWN: _____

DATE RETURNED TO DEP: _____

CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION Statewide Inland Wetlands & Watercourses Activity Reporting Form

In accordance with the requirements of Section 22a-39-14 of the Regulations of Connecticut State Agencies, this form is to be completed for each action taken by an inland wetlands agency established pursuant to Section 22a-42 of the Connecticut General Statutes. Use a separate form to report each action taken by the agency. It is recommended that this form be made part of the application package. Inland wetlands agencies are responsible for verifying that the information provided below is accurate and that it reflects the final action of the agency.

1. TOWN IN WHICH THE ACTION IS OCCURRING: ASHFORD CT

Does this project cross municipal boundaries? Yes No
If so, please list the other towns in which the action is occurring: _____

2. LOCATION: USGS Quad Map name: SPRING HILL / HAMPTON CT AND Number: _____

Attach a clean 8 1/2 " x 11" original scale photocopy of the USGS Quad Map with, in red ink, the boundary of the project site outlined (where possible) or the project site pinpointed with an arrow. Do not circle the "general vicinity" of the site. In the lower right-hand corner of each USGS Quad Map there is an identifying name, write the name from the corresponding map in the space provided above. Quad numbers are found on the Connecticut Town and Quadrangle Index Map (the directory to all USGS Quad Maps). Please provide the number in the space provided above. Do not attach a copy of the National Wetlands Inventory Map. Do Not attach a copy of the Connecticut Town and Quadrangle Index Map.

3. NAME OF APPLICANT, VIOLATOR OR PETITIONER: CHARTER COMMUNICATIONS

Supply the name of the person applying for a permit, petitioner for a map amendment or jurisdictional ruling, or recipient of the enforcement action.

4. NAME FOR PROJECT SITE: TOWER

Supply the name given to the project, or the name by which the project site is generally known.

Briefly describe the project: USE AND CLEAR CUT AND INSTALLATION OF UNDERGROUND (U)

5. ACTIVITY TYPE CODE: 3, 8, _____, _____

Provide the code or codes which best characterize the activity being reported. A maximum of 4 codes may be entered. For example, locating a driveway in a buffer/upland review area would be code "9" and code "12" (code "7" is not used). The construction of a house in the buffer/upland review area would most likely be codes "2" for excavation, "9" for driveway construction, and "12" for buffer/upland review area. Construction of a parking lot in a buffer/upland review area may be codes "1", "7", "10", and "12".

- 1 ... Filling
- 2 ... Excavation
- 3 ... Land Clearing / Grubbing (no other activity)
- 4 ... Stream Channelization
- 5 ... Stream Stabilization
- 6 ... Stream Clearance (removal of debris only)

- 7 ... Culverting (not for roadways)
- 8 ... Underground Utilities (no other activities)
- 9 ... Roadway / Driveway Construction
- 10 ... Drainage Improvements
- 11 ... Pond Dredging / Dam Construction
- 12 ... Activity in Buffer / Upland Review Area

6. ACTIVITY PURPOSE CODE: F

Enter only one code letter which best characterizes the activity. ALL STATE AGENCY PROJECTS MUST ONLY CODE "N".*

- A ... Residential Improvement by Homeowner
- B ... New Residential Development for Single Family Units
- C ... New Residential Development for Multi-Family / Condos
- D ... Commercial / Industrial Uses
- E ... Municipal Project
- F ... Utility Company Project
- G ... Agriculture, Forestry or Conservation
- H ... Wetland Restoration, Enhancement, Creation

- I ... Storm Water / Flood Control
- J ... Erosion / Sedimentation Control
- K ... Recreation / Boating / Navigation
- L ... Routine Maintenance
- M ... Map Amendment
- *N ... State Agency Project
- P ... Other

1" = 2,000 ft.

1 NORTH



SPRING HILL QUADRANGLE
 CONNECTICUT
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 UNITED STATES
 DEPARTMENT OF THE INTERIOR
 GEOLOGICAL SURVEY
 CHARTER COMM.

Charter Communications

1320 Main St. Willimantic 06226
(860)-456-8346

April 5, 1999

Charter Communications of 1320 Main Street, Willimantic CT, proposes a three phase project involving a clear-cut, installation of 9 new Satellite Dishes, and the installation of two 4" Schedule 40 conduits. A clear-cut of approximately 0.5 acres of wooded wetland will be necessary to create a clear sightline for the proposed satellite dishes. These dishes will receive a downlink signal from satellites at angles between 11.52 and 20.15 degrees.

Clear-cut

This proposed clear-cut will be worked from west to east. Upon completion of the harvest of the wetland area a silt fence will be installed surrounding the entire wetland within the clear-cut area. Any disturbance of soil will be leveled and covered with loose hay to restrict potential erosion.

Satellite Dish Installation

Nine proposed new satellite dishes will be installed (see site plan and attachment B & C) within and just outside of the charter communications chain link fence location at the Pumpkin Hill antenna site. These dishes will be installed on 10' * 10' concrete slabs. Excavation for the slabs will be just enough soils removal for the slab itself. The depth of excavation will be approximately 3 feet. Excavation soil will be hauled away from the regulated area.

Sediment and erosion control measures will include the use of silt fence surrounding the wetland from the clear-cut phase of this project

Installation of Underground Cable

The proposed underground cable conduits will be placed in a 24" deep trench located in the gravel access driveway between Pumpkin Hill Road and the existing building located inside the chain link fence located at the base of the existing tower. The cable will be within two 4" schedule 40 pipes and surrounded with sand for their protection.

Sediment and erosion control measures will include a silt fence that extends from the chain link fence at the tower location along the north edge of the gravel driveway to a point 250 feet west of the existing culvert (see attachment D). A silt fence will also be installed on the south side of the gravel driveway along the wetland in the clear cut area to a point approximately 20' west of the culvert. At this point 40' of silt fence will be installed southerly into the upland wooded area adjacent to the wetland.

Additional Sediment and Erosion Control

A sediment pool will be created up gradient of the existing 21" RCP culvert (see attachment A).

This pool will be created by a hay bale dam and will provide additional protection against sediment loading in the water that flows from the wetland above.

For clarification of any of the above information I will be available for a site walk of the project at your convenience.

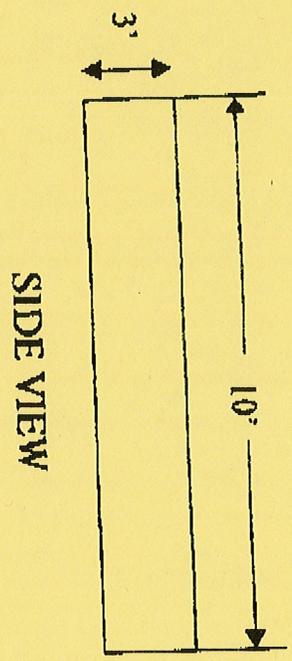
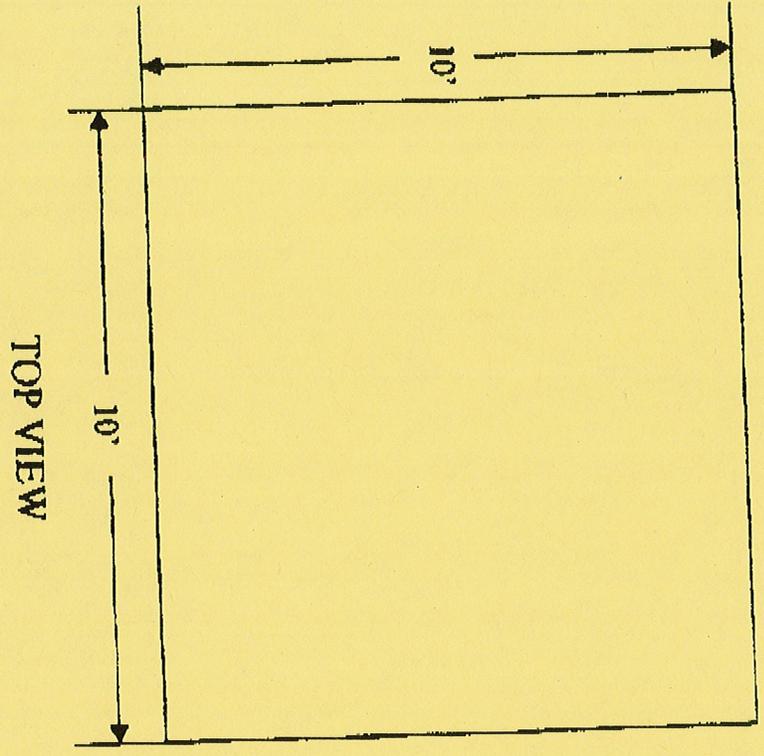
Thank you.

Richard Zulick Soil Scientist

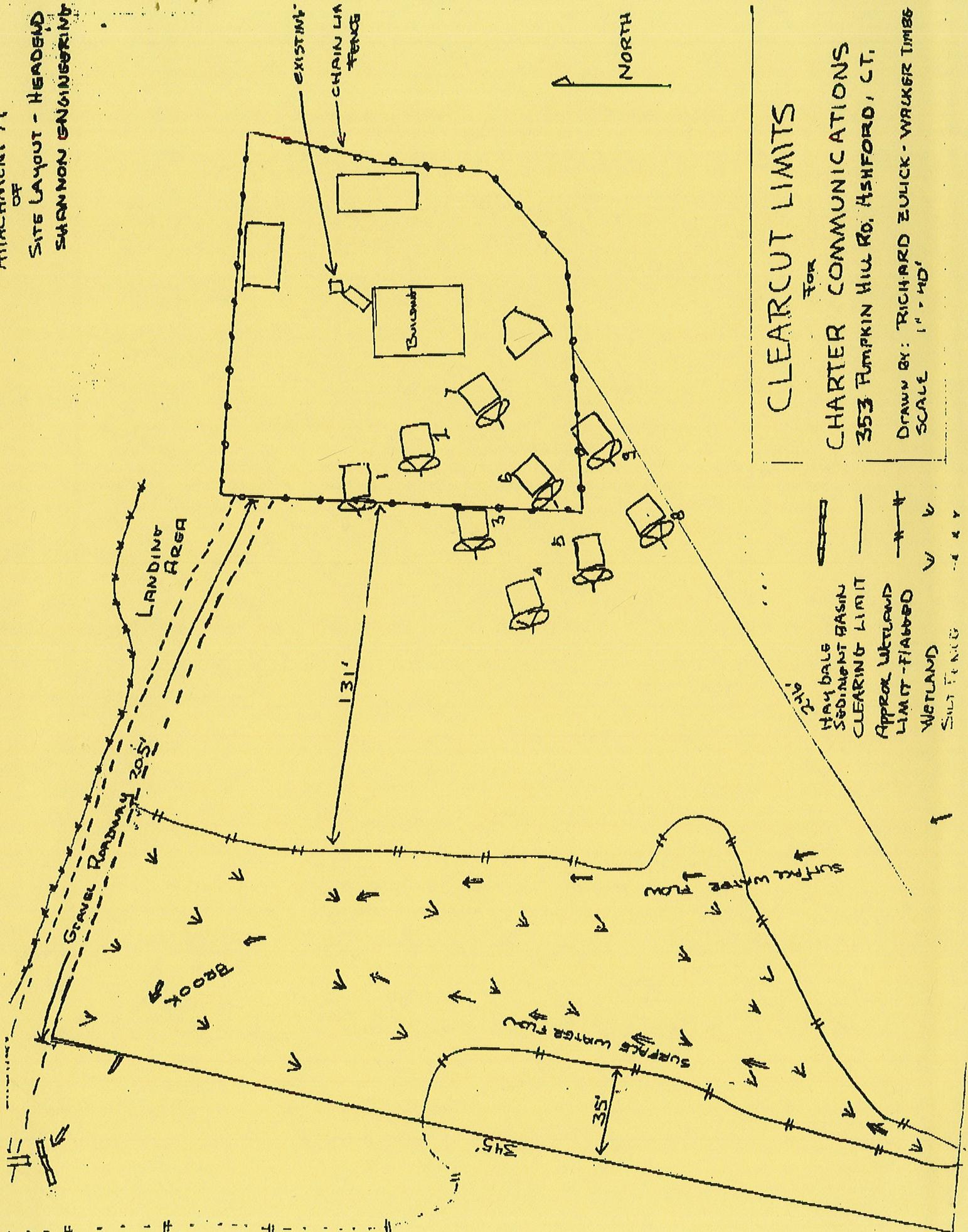
(860)429-7922

(860)429-1918

SATELLITE PAD FOUNDATION



ATTACHMENT A
OF
SITE LAYOUT - HEADEND
SHANNON ENGINEERING



CLEARCUT LIMITS

FOR
 CHARTER COMMUNICATIONS
 353 PUMPKIN HILL RD. HSHFORD, CT.
 DRAWN BY: RICHARD ZULICK - WALKER TIMBS
 SCALE: 1" = 40'

- HAYBALE
- SEDIMENT BASIN
- CLEARING LIMIT
- APPROX WETLAND LIMIT - FLAGGED
- WETLAND
- SALT FENCE

MURTHA, CULLINA, RICHTER AND PINNEY LLP

CITYPLACE I
185 ASYLUM STREET
HARTFORD, CONNECTICUT 06103-3469

TELEPHONE (860) 240-6000
FACSIMILE (860) 240-6150

NEW HAVEN OFFICE
WHITNEY GROVE SQUARE
TWO WHITNEY AVENUE
P. O. BOX 704
NEW HAVEN, CT 06503-0704
TELEPHONE (203) 772-7700

BURTON B. COHEN
(860) 240-6177 HARTFORD
(203) 772-7714 NEW HAVEN
BCOHEN@MCRP.COM

April 26, 1999

RECEIVED

APR 26 1999

**CONNECTICUT
SITING COUNCIL**

VIA HAND DELIVERY

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

Re: Charter Communications of Northeastern
Connecticut - Notice of Exempt Modification
of Ashford, Connecticut CATV Headend Facility

Dear Mr. Rinebold:

Pursuant to Regulations of Connecticut State Agencies ("R.C.S.A.") § 16-50j-73, Charter Communications of Northeastern Connecticut ("Charter" or the "Company"), hereby notifies the Connecticut Siting Council (the "Council") of Charter's intent to modify its headend facility located east of Pumpkin Hill Road, Ashford, Connecticut.

By way of background, Charter has been granted a renewed certificate of public convenience and necessity ("CPCN" or "Franchise") by the Department of Public Utility Control ("DPUC") to operate a community antenna television ("CATV") system to serve customers in the franchise area consisting of the towns of Ashford, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Hampton, Lebanon, Mansfield, Pomfret, Scotland, Thompson, Willington, Windham and Woodstock, Connecticut. Decision, Docket No. 96-01-12 (July 29, 1998). Pursuant to its renewed Franchise, Charter is required to implement certain system improvements by no later than July 31,

Mr. Joel M. Rinebold

April 26, 1999

Page 2

2003. Those system improvements include an upgrade of the CATV system from its current capability of 400 MHz to a minimum of 750 MHz; eliminating use of the existing AML microwave by installing fiber-optic technology; and reduction of amplifiers in cascade. These system improvements will result in improved signal quality, availability of additional programming services to customers, and the introduction of advanced services, such as high-speed Internet access. As part of the planning to implement these system improvements as soon as possible, the Company has redesigned its headend facility to meet the future cable-related needs of its franchise area. This will require a modification to the facilities constructed in accordance with the Certificate of Environmental Compatibility and Public Need (the "Certificate") issued on June 18, 1984 in Docket No. 43 with respect to the Ashford headend facility.

In Docket No. 43, the Council noted that the site consists of 6.6 acres of wooded land, surrounded by forests and farmlands. Findings of Fact Nos. 22 and 23. The Company's predecessor constructed an equipment building (Finding No. 18) and installed a tower approximately 300 feet in height for purposes of reception of off-air broadcast signals and microwave satellite delivery (Findings No. 13, 14, 16 and 17) and a 5-meter diameter Simulsat Multiple Satellite Antenna for reception of satellite-delivered programming (Finding No. 19). Fifteen years later with the development of technology, however, the facility needs to be modified to serve as the center of a modern cable system, as required by the renewed franchise agreement with the DPUC.

Accordingly, Charter has redesigned its headend facility to replace the one Simulsat Multiple Satellite Antenna with an updated satellite receive-only facility that will require the placement of nine 4.5-meter Earth Station Antennas, Scientific Atlanta Model #3845 (the "Dishes") to receive programming services from nine different satellites. Each of these Dishes will be situated on concrete site pads to be located on the site just to the west of the tower. None of the Dishes will increase the boundaries or expand the height of the facility as approved by the Council in Docket No. 43. Copies of the Site Plan and Earth Station to Satellite Profiles are attached as Exhibit Nos. 1 and 2, respectively. There will be no increase in noise

Mr. Joel M. Rinebold
April 26, 1999
Page 3

levels at the tower site boundary caused by the Dishes. The Dishes will not increase the total radio frequency electromagnetic radiation power density by a manner in excess of the current standards. A statement regarding potential RF exposure is attached as Exhibit No. 3. To provide clearance from the existing tree-lines, for satellite reception to the Dishes as pictured in Exhibit No. 2, the Company will be required to remove and trim trees, as required; Charter is in the process of obtaining approval from the Ashford Conservation and Inland Wetlands Commission, which is expected to be received in early May, 1999. To provide security to the Dishes, the Company will be relocating the westerly portion of the existing chain-link fence to encompass all the Dishes to be installed.

Finally, the present equipment building does not provide adequate space to locate the electronic equipment required to serve a modern cable system. Accordingly, the Company is planning to relocate most of the associated electronic equipment presently housed within the existing equipment building to be placed within a building in a commercially zoned area located at 55 Nott Highway, Ashford, which is approximately 4.5 miles from the Pumpkin Hill facility. The Dishes and Tower will be connected to the electronics via fiber-optic cable before the programming is distributed throughout the cable system. All work to be undertaken at the 55 Nott Highway, Ashford premises will be performed pursuant to municipal permits as required.

For the foregoing reasons, the modification of this facility, including the planned installation of Dishes in substitution of the existing Simulsat Earth Station Antenna and related improvements to the existing tower site constitutes an exempt modification under R.C.S.A. § 16-50j-72(b). Therefore, the Company hereby advises the Council of its intent to perform an exempt modification of the existing headend facility in order to facilitate the modernization of the cable system serving the franchise area. Charter is not unappreciative of the fact that the modifications that are described herein may be considered to be extensive. Nonetheless, Charter's proposal qualifies as an exempt modification under the Council's own regulations. In any event, Charter's proposed modification of its headend facility would not cause a significant change or alteration in the physical and environmental characteristics of the site, and

Mr. Joel M. Rinebold
April 26, 1999
Page 4

Charter accordingly requests, in the alternative, that the Council find that the proposed changes do not constitute a substantial environmental effect on the facility.

By copy of this letter, the chief elected official of the Town of Ashford is receiving written notice of the intent to construct an exempt modification to the Ashford headend facility, as required by R.C.S.A. § 16-50j-73.

A check in the amount of \$500.00 is also enclosed pursuant to General Statutes § 16-50v and R.C.S.A. § 16-50v-1a, which requires a filing fee of \$500.00 for regulatory exemptions filed pursuant to R.C.S.A. § 16-50j-72.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned. Thank you for your consideration.

Respectfully yours,

CHARTER COMMUNICATIONS
OF NORTHEASTERN CONNECTICUT

By 
Burton B. Cohen
Its Attorney

Enclosures

cc: Mr. John M. Zulick, First Selectman, Town of Ashford
Mr. Raymond Kowalinski, Charter Communications'
Regional Vice President - Technical Operations

STATEMENT REGARDING POTENTIAL RF EXPOSURE AT THE CHARTER
COMMUNICATIONS SITE ON 353 PUMPKIN HILL, ASHFORD, CONNECTICUT

My name is Dan Flynn. I am the headend manager for Charter Communications. My responsibilities are the installation and maintenance of all Tower sites, Satellite antennas, and Headends/hubs. I am familiar with the measuring techniques and requirements as specified in the "IEEE Standard for Safety Levels with respect to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz" IEEE C95.1-1991 (revision of ANSI C95.1-1982)

On 4/7/99 at 10:00 AM, I measured RF power density at Pumpkin Hill in areas designated for the installation of satellite antennas. The procedure was performed with assistance from John Kean by way of a phone conversation from the site. (Mr Kean was in Florida at the time) Mr Kean is a Senior member of the Institute of Electrical & Electronic Engineers (IEEE). He holds Professional Broadcast Engineering Certification number 347 from the Society of Broadcast Engineers (SBE) and is a long term member of the IEEE C95.1 standards committee.

The instrument used was a Holaday Model 3001 broadband meter Serial No. 33362, last calibrated March 30, 1999. This meter is a broadband device which measures total RF electric field across the frequency band of interest at the Pumpkin Hill Road site.

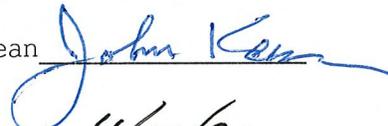
The Model 3001 has a maximum sensitivity of .003 m/w per cm. sq. This value is less than 1/3000th of the public exposure to RF power density allowed by the ANSI C-95.1 1991 standard at frequencies utilized by United States domestic satellites. (3,000-15,000 Mhz) No detectable power density levels were found.

Measured RF power density on April 7, 1999 at the Charter Communications installation in Ashford was well within the limits considered safe by the ANSI C95.1 1991 guidelines.

Dan Flynn



John W. Kean



Dated

4/15/99