

# ROBINSON & COLE LLP

HARTFORD • STAMFORD • GREENWICH • NEW YORK • BOSTON

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June 18, 1999

*Via Facsimile and U.S. Mail*

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

**RECEIVED**

JUN 21 1999

CONNECTICUT  
SITING COUNCIL

**Re: Existing Comcast Facilities**

Dear Mr. Rinebold:

I am writing with the hope of clearing up what was apparently a misunderstanding on how matters would proceed following our submission of information of June 4, 1999, on behalf of Comcast Cable Communications, Inc. According to my notes from our April 20, 1999 meeting, I was under the impression that we would file with the Council information regarding Comcast's existing sites, summarizing those minor facility modifications completed without notice to or acknowledgement by the Council. My June 4, 1999 letter was intended to serve that purpose.

Frankly, I did not expect and was surprised this morning to see the four Comcast sites on the Council's June 23<sup>rd</sup> agenda. I agree with you that, based on the information currently available, Comcast is not in a position to request acknowledgement of exempt modifications for those facilities described in my June 4<sup>th</sup> letter. Since receiving Mr. Erling's request for the site plans for each of the existing facilities, Comcast has been working diligently to compile that information. Unfortunately, based on discussions with Comcast today, that information will not be available for submission prior to the Council's next meeting. In addition the pulling of the plans together, Comcast would like to confirm that the plans accurately reflect site conditions before submitting them to the Council.

Once this information is available I will make a formal request for acknowledgement of exempt modifications at Comcast's Danbury, East Hampton, West Haven and North Stonington facility sites to the Council. This filing will not be made until all of the appropriate information is

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Joel M. Rinebold

June 18, 1999

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available for your review. Please let me know if this approach is acceptable to you. Again, I apologize for the confusion and misunderstanding.

Sincerely,



Kenneth C. Baldwin

KCB/kmd

cc: Thomas S. Coughlin  
John Bean

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June 4, 1999

CONNECTICUT  
SITING COUNCIL

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

Re: **Existing Comcast Facilities**

Dear Mr. Rinebold:

I am writing to follow-up on our meeting of April 20, 1999, regarding existing CATV facilities owned and operated by Comcast Cable Communications, Inc. As we described, Robinson & Cole LLP was retained by Comcast approximately one year ago to represent them in several proceedings before the Department of Public Utility Control. In late 1998, our office was contacted to represent Comcast in connection with its pending application to the Council for a Certificate of Environmental Compatibility and Public Need for a new head-end facility to be located in Hamden.

During our pre-application investigation, we discovered that a number of existing Comcast facilities, a majority of which existed when Comcast acquired the Storer Communications and Group W Communications systems in the late 1980's, contained structures that fall under the jurisdiction of the Siting Council. With one exception, each of these "facilities" as defined by C.G.S. § 16-50i(a)(5), now owned and operated by Comcast, were originally constructed prior to the date of Council jurisdiction over such facilities (i.e. October 1, 1977). However, our investigation revealed that in some instances Comcast's predecessors and Comcast themselves have made certain modifications to four of these existing "facilities" without receiving the appropriate approval from the Council (Certificate or Petition) or without filing the appropriate notice of exempt modification.

In an effort to establish a "baseline" from which future applications by Comcast will be measured, we offer the attached information on those facilities that have been modified after October 1, 1977, which apparently did not receive any form of Council approval. As you can see by the attached descriptions, the activities related to each of these facilities would likely have been categorized as an exempt modification. In addition, each facility received some form of local

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Joel M. Rinebold

June 4, 1999

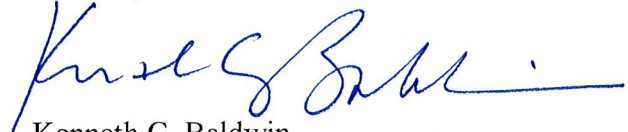
Page 2

administrative approval. The only exception is Comcast's existing North Stonington facility, constructed in 1981 by Storer Communications. The original head-end apparently did not receive Council approval.

Be assured that, with the exception of the North Stonington head-end, none of the modifications described constituted the construction of an integral component of the Comcast's system and that the Council will be apprised of any future changes to any of Comcast's Connecticut facilities, in whatever form is appropriate for that particular property.

Thank you in advance for your understanding and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,



Kenneth C. Baldwin

KCB/kmd

Enclosures

cc: Thomas S. Coughlin  
John Bean  
Rae Abate  
David W. Bogan, Esq.

**DANBURY**  
**134 Brushy Hill Road**

**Facility:**

Two additions to a 20-foot by 60-foot head-end building.

**Date:**

1988 and 1998.

**Local Approvals:**

Comcast received an approval for a revised site plan for the first addition on August 19, 1988, it received an approval for a revised site plan showing the second addition on March 24, 1998, and it received a zoning permit for the second addition on March 26, 1998.

**Siting Council Jurisdiction:**

The facility modifications described above, (1) did not result in a significant change or alteration to the physical and environmental conditions of the site; (2) did not increase site boundaries; (3) would not increase noise levels by more than six decibels; (4) do not increase radio frequency emissions to or above the existing standard; and (5) has received local zoning approvals. As such, the modifications and improvements described above do not result in a substantial environmental effect and are modifications exempt from Council approval. (See R.C.S.A. § 16-50j-72(c)).

The modifications to the Danbury facility are nearly identical to building addition acknowledged by the Council as an exempt modification on June 23, 1992 for a similar building addition off Fairfax Avenue in West Haven, CT.

**EAST HAMPTON**  
**168 Champion Hill Road**

**Facility:**

20-foot by 20-foot addition to existing transmitting station building.  
Addition of single satellite dish antenna.

**Date:**

1992.  
1998.

**Local Approvals:**

Comcast received a special permit and a building permit on January 9, 1992.

**Siting Council Jurisdiction:**

The facility modifications described above, (1) did not result in a significant change or alteration to the physical and environmental conditions of the site; (2) did not increase site boundaries; (3) would not increase noise levels by more than six decibels; (4) do not increase radio frequency emissions to or above the existing standard; and (5) has received local zoning approvals. As such, the modifications and improvements described above do not result in a substantial environmental effect and are modifications exempt from Council approval. (See R.C.S.A. § 16-50j-72(c)).

The modifications to the East Hampton facility are nearly identical to building addition acknowledged by the Council as an exempt modification on June 23, 1992 for a similar building addition off Fairfax Avenue in West Haven, CT.

**NORTH STONINGTON  
118 Wintechog Hill Road**

**Facility:**

Addition to 27-foot by 20-foot head-end building.

**Date:**

1991.

**Local Approvals:**

Storer Communications received a certificate of occupancy on July 3, 1991, pursuant to Building Permit No. 90-110 dated December 13, 1990.

**Siting Council Jurisdiction:**

The "existing" head-end building was built in 1981 when Storer Communications or its predecessor in title owned the property. There is no record that the construction of the original head-end building received Siting Council approval. In addition, records of local approvals from 1981 were destroyed and are unavailable.

The facility modifications described above, (1) did not result in a significant change or alteration to the physical and environmental conditions of the site; (2) did not increase site boundaries; (3) would not increase noise levels by more than six decibels; (4) do not increase radio frequency emissions to or above the existing standard; and (5) has received local zoning approvals. As such, the modifications and improvements described above do not result in a substantial environmental effect and are modifications exempt from Council approval. (See R.C.S.A. § 16-50j-72(c)).

According to Siting Council records, the Council acknowledged a notice of exempt modification at the North Stonington head-end for the installation of an additional earth station antenna. (See attached letter dated May 21, 1992).

**WEST HAVEN**  
**300 Burwell Hill Road**

**Facility:**

First and third additions to a 1,200 square foot head-end building.

**Date:**

1981 and 1997.

**Local Approvals:**

There are no local records concerning the 1981 addition, but a building permit was issued on December 2, 1997 to the South Central Regional Water Authority for a 17-foot by 27-foot concrete block addition to an existing building containing cable television equipment.

**Siting Council Jurisdiction:**

With respect to the first and third additions referenced above, the facility modifications described above, (1) did not result in a significant change or alteration to the physical and environmental conditions of the site; (2) did not increase site boundaries; (3) would not increase noise levels by more than six decibels; (4) do not increase radio frequency emissions to or above the existing standard; and (5) has received local zoning approvals. As such, the modifications and improvements described above do not result in a substantial environmental effect and are modifications exempt from Council approval. (See R.C.S.A. § 16-50j-72(c)).

The second addition was the subject of a June 23, 1992 decision by the Council acknowledging the notice of an exempt modification at an existing CATV head-end facility located in the City of West Haven, Connecticut. (See attached letter).