DOCKET NO. 18

APPLICATION BY NORTHWEST CABLEVISION INCORPORATED FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED TO ERECT A VHF TROPOSCATTER PARABOLIC REFLECTOR IN THE TOWN OF WINSTED, CONNECTICUT	:	POWER FACILITY EVALUATION COUNCIL
	:	AUGUST 5, 1980

F I N D I N G S O F F A C T

I. Procedures

1. Northwest Cablevision, Incorporated applied to the Power Facility Evaluation Council on May 2, 1980 for a certificate of environmental compatibility and public need for erection of a VHF Troposcatter Parabolic Reflector in the town of Winchester, Connecticut. (Record)
2. The fee of $500.00 accompanied the application. (Record)
3. The application was accompanied by proof of service as required by section 16-50ℓ(b) of the said General Statutes of the State of Connecticut. (Record)
4. Affidavits of newspapers noticed were filed as required in section 16-50-1 of the regulations of Connecticut State Agencies. (Record)
5. Council members and staff made ground inspection of the proposed site on June 3, 1980. (Record)
6. Pursuant to section 16-50m of said General Statutes of the State of Connecticut, the Power Facility Evaluation Council, after giving due notice thereof held a public hearing at Pierson Junior High School (Library), 2 Wetmore Avenue, Winsted, Connecticut on June 3, 1980. (Record)
7. The parties to the proceedings are listed in the Decision and Order which accompanies these findings. (Record)
8. The following state agencies filed written comments with the Council pursuant to section 16-50j(f) of the General Statutes of the State of Connecticut, The Department of Economic Development, The Department of Transportation, Department of Health Services, Department of Environmental Protection, and the Office of Policy and Management. (Record)
9. The applicant proposed to construct a VHF troposcatter parabolic reflector at its existing head-end site off Winchester Road in Winchester, Connecticut. (Application Nos. 6, 22)

10. In 1972 the Winchester Planning and Zoning Commission (The Commission) approved Northwest Cablevision Incorporated's application to erect the head-end facility described in the application to The Commission with the condition that the company adhere to the plans furnished to The Commission, and if any real deviation were necessary, the company should submit the changes to The Commission for its approval. (Northwest Cablevision, Inc., Late File Exhibit No. 1)

11. William Riiska, the current Chairman of the Commission, filed a limited appearance with the Council. (Record)

II. Environmental

12. The proposed reflector will be attached to six Rohn 45 G lattice towers spaced thirty feet apart for a total horizontal separation of 150 feet. The towers will range from 90 feet to 120 feet tall to compensate for the sloping terrain. The reflector itself consists of wires strung horizontally approximately two inches apart on the six towers. The vertical distance of the parabolic reflector is 75 feet beginning ten feet below the top of the towers. (Tr. pp. 15, 16, 42)

13. Construction of the proposed facility at the existing head-end will minimize any additional impacts by eliminating new clearing, new access road construction, and a new area of visual impact associated with a separate site. (Department of Environmental Protection comments p. 3, 5/30/80)

14. The proposed design is the most environmentally compatible design considered. (Application No. 24c)

15. Two other parabolic reflector support structures were considered, but they were rejected because (a) one had a massive appearance and required a great deal of cutting and filling, and (b) the other would have a greater visual impact than the proposed facility. (Tr. pp. 37, 38)

16. Access to the head-end site is over an existing half mile access road, which is owned by the applicant, off Winchester Road in Winchester. (Application No. 6f, Tr. p. 41)

17. There will be a six foot security fence around the facility, and there is a six foot locked gate at the entrance to the access road off Winchester Road. (Tr. p. 40, Application No. 29d)

18. The site will be visited by company personnel approximately twelve times per year. (Tr. p. 80)

19. The facility will have no adverse impact on natural systems. (Application No. 27b; Department of Environmental Protection Comments p. 3, 5/30/80)

20. The proposed facility will not affect other land uses in the area. (Application No. 26a)

21. The proposed facility will not interfere with radio or television reception of non-cable customers. (Tr. p. 41)

22. No noise will emanate from the proposed facility. (Tr. p. 63)

23. The calculated power density at the focal point of the reflector will be 2.12 millionths of a milliwatt per square centimeter which is approximately five million times less than the 10 milliwatts per square centimeter standard of OSHA. (Tr. pp. 35, 39)

24. The reflector will pose no hazard to human health. (Application No. 28; Comments from the Department of Health Services, 5/29/80)

25. No visually sensitive public highways, residential, recreational, or officially designated scenic areas were identified adjacent to the site. (Application No. 24a)

26. There is an AT&T Microwave tower on Platt Hill, adjacent to the hill supporting the head-end facility. (Tr. p. 69, Application No. 14)

27. The existing facility is visible from several roads in the vicinity and from Platt Hill State Park, which is .6 miles away. (Council Field Reveiw, Tr. p. 36)

28. The existing facility is visible from at least 20 houses on five streets during 12 months of the year. (Tr. p. 53; Comments from Peter Faber, Enclosure A, 6/12/80)

29. The Department of Environmental Protection has no plans for any development or additional facilities in Platt Hill State Park at this time. (Department of Environmental Protection comments p. 2, 5/30/80)

30. No local, county, regional, or state agency plans were identified for development within the vicinity of the head-end (Application No. 23)

31. Trees will be cleared and removed from a triangular shaped area with a 150 foot base and a height of 135 feet. (Application No. 25)

32. There will be no chemical treatment of vegetation. Application No. 25)

33. No landscape or contour changes will be required and no fill will be needed. Soil removed for foundation construction will be spread around the base, seeded, and fertilized. (Application Nos. 26a, 27c; Tr. p. 39)

34. Construction will begin within 30 days of certification and should be completed ten working days thereafter. (Application No. 10a)

35. If the facility were to be no longer used, it would be removed. (Tr. p. 40)

36. No alternate sites were considered for the proposed facility. (Tr. p. 43)

37. The support towers will range from 90 to 120 feet tall. The towers will protrude approximately 50 to 80 feet above the existing trees. (Tr. p. 42)

38. Several residents object to the proposed facility because of the visual impact. (Tr. pp. 51, 53, 61, 68, 70, 76)

39. The access road to the site may be susceptible to erosion and there are no plans to rehabilitate the access road to protect adjacent wetlands from erosion. (Tr. p. 80; Council field Review)

40. The existing facility is approximately 50 feet square and the total width of the modified facility will be 240 feet. (Tr. pp. 16, 33)

III. NEED

41. Reception of the New York channels (channels 2, 4, 5, 9, and 11) is frequently affected by the condition known as co-channeling. (Application No. 8, Tr. p. 24)

42. The Division of Public Utility Control has received a petition with at least 200 signatures that expressed dissatisfaction with the current CATV reception and co-channeling is the suspected cause. (Tr. p. 17)

43. Co-channeling is a condition whereby two signals of the same channel frequency are received at the same point of reception, resulting in a degraded picture signal. (Tr. pp. 11. 12)

44. The existing antenna site is close to being equidistant between New York and Boston, the originating location of the interfering signals. (Tr. p. 19)

45. The nearer the facility is to the halfway point between New York and Boston, the greater the co-channeling problem thereis. (Tr. p. 22)

46. The co-channeling is partly a result of atmospheric conditions which are most prevalent during the spring and summer months. (Tr. p. 22)

47. The co-channeling is partly a function of increased sun spot activity, which is approaching the peak of an 11 year cycle. (Tr. p. 22)

48. The proposed facility is designed to reduce greatly the co-channeling interference of the New York channels. (Application No. 8; Tr. p. 20)

49. The proposed facility is to augment the existing antennae being used to receive the five New York channels currently being carried on the system. (Application No. 7)

50. The proposed facility is estimated to be adequate for ten years. (Application No. 10 (b)).

51. Marketing and Federal regulatory consideration require the company to carry several of the five New York channels. (Tr. p. 25)

52. The cost of the proposed facility will be approximately $45,700.00 which the company feels the need to spend to correct the co-channeling problem. (Application No. 12b; Tr. p. 11)

53. A parabolic reflector was selected to get an antenna that was as directional as possible, so as to pick up the desired signals as well as possible and to reject the unwanted signals from those directions where signals were interfering. (Tr. p. 30)

54. No other site is economically or technically feasible for the proposed reflector. (Application No. 22, 33; Tr. pp. 81, 82)

55. No alternative sites were actually considered. (Tr. p. 43)

56. There is an AT&T microwave tower on Platt Hill, adjacent to the hill supporting the head-end facility, but since it does not carry the non-network New York stations, it can not be used to correct the co-channeling problem. (Application No. 14; Tr. p. 69)

57. The two alternative designs that were considered were rejected by the company as having greater environmental impact than the proposed facility: one would have required a great deal of modification of the land site; the other would have required a focal point tower 45 feet higher than the one that will be used with the proposed facility. (Tr. p. 37)

58. The only alternative that would be superior to the proposed facility would be to establish microwave links for the signals from New York; this approach would be a great deal more expensive than the proposed facility and the company did not consider it a viable option. (Application No. 11, Tr. pp. 27, 31)

59. The design approach being proposed was selected by the company as the best possible because it was the most environmentally compatible as well as the most environmentally feasible and technically effective. (Application No. 24c)

60. The proposed facility will probably rectify the situation, although "state of the art" developments may provide different means of co-channel correction in the future. (Tr. pp. 21, 40)