

DOCKET NO. 28

AN APPLICATION OF STORER COMMUNICATIONS : CONNECTICUT SITING  
OF CLINTON, INCORPORATED, FOR A :  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY : COUNCIL  
AND PUBLIC NEED TO CONSTRUCT A COMMUNITY  
ANTENNA TELEVISION TOWER IN THE TOWN  
OF HADDAM. : October 8, 1982

O P I N I O N

Storer Cablevision applied for a certificate of environmental compatibility and public need for the construction of a cable antenna television tower (CATV) on land near Foot Hills Road in Haddam. The tower is proposed to support a microwave antenna to receive signals from the applicant's head-end in Killingworth in order to serve customers in Haddam and Durham.

Following the issuance of due notice, Council members inspected the proposed site and held a public hearing on the application at the Old Town Hall in Haddam on August 16, 1982.

The applicant presented testimony and exhibits to support its claim that the tower was necessary, that adverse environmental effects would be minimal, and that alternative sites and technologies were not available or appropriate. No parties appeared in opposition to the proposal.

The Council considered the potential adverse environmental effects of the proposed tower and concludes that they are not sufficient to deny the proposal. The proposal had been carefully designed by the applicant to accommodate the property owner's specifications; thus, the access road will follow the owner's driveway as far as possible, tree trimming will be minimal and utility service will eventually be placed underground. Although a shorter tower would be possible, it would require more tree trimming for the microwave path. The Council's field review, and

comments by the DEP indicate that visibility of the 50' tower will be minimal from all directions because the tower will protrude only 10-20 feet above the tree canopy, there will be no lights, and the tower will be painted a neutral color. In its order the Council will require, in advance, specifications of the construction and exact alignment of the temporary overhead utility service line, and timing of the permanent underground service line installation.

No regulated wetlands will be affected, nor will the historically and geologically interesting abandoned feldspar mines near the site. Since the facility will support a receive-only antenna, microwave frequency power density is calculated to be minute: 0.00037 microwatts per square centimeter at the level of the antenna. The record shows that this power level is far below all published health and safety standards.

However, the Council has determined by regulation that each CATV tower may have an adverse environmental effect and therefore a need must be established to outweigh the potential effect. The Council recognizes that the General Assembly has by law determined a need for CATV service, and the Department of Public Utility Control has, through its franchise award to Storer, determined that the towns of Haddam and Durham must be served. The Council must determine whether the need for the facility proposed to meet those service requirements is sufficient to outweigh potential effects.

It was established that service to the two towns was not available. The Council then looked at the possible alternative means of providing the service. The applicant testified and provided ample evidence that a microwave link was economically and technically the most practical means of supplying the service. However, it should be noted

that a major component of the economic calculation was the company's prior investment in transmitting equipment, and the Council is not establishing a need for a facility based on unanalyzed investment decisions, unrelated to the subject facility. Nonetheless, it is evident from the record that the alternative of using trunk cable would cost substantially more and would not provide the reliability or quality of service required.

The other alternative would be to use an existing tower. The applicant claims to have experience in proposals for sharing and has not had previous success with tower owners in the vicinity of a proposed tower site. Although direct contact was not made with nearby tower owners with regard to the potential for sharing as an alternative, to this proposed tower, the applicant testified that existing tower sites were unsuitable to satisfy the company's requirements. The tower, telecommunication equipment, and easement will cost approximately \$70,000 dollars, which should provide an incentive to explore options such as tower sharing. Moreover, the Council notes that NU has allowed installation of state telecommunications equipment on a nearby tower, and the Council continues to encourage applicants to investigate tower sharing possibilities as a means of further reducing environmental intrusions by new facilities.

In conclusion, it is apparent to the Council that this proposal has been designed to address the statutorily defined concerns of the Council and, specifically, that the environmental effects are not sufficient to deny the application. Therefore, the Council will order that a certificate of environmental compatibility and public need be issued to Storer Communications of Clinton, Inc., for the construction of a CATV tower as proposed even though it is not determined at this time whether

or not regulatory approval is required for the transmitting dish on the applicant's Killingworth tower. The Council's approval of this facility does not constitute approval of any associated equipment on any other tower. The Council will require in its decision and order that the applicant notify the Council in advance of the installation of the transmitting dish on the applicant's Killingworth tower.