

DOCKET NO. 30

AN APPLICATION SUBMITTED BY CENTURY NORWICH CORPORATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED TO CONSTRUCT A COMMUNITY ANTENNA TELEVISION TOWER IN NORWICH, CONNECTICUT. : CONNECTICUT SITING COUNCIL : November 1, 1982

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

1. The Century Norwich Corporation, in accordance with the provisions of section 16-501 of the General Statutes of Connecticut, Revision of 1958, revised to 1981, as amended applied to the Connecticut Siting Council on July 30, 1982, for a certificate of environmental compatibility and public need for the construction of a community antenna television tower at an existing tower site on Plain Hill Road in Norwich, Connecticut. (Record)
2. The fee of \$500.00 as prescribed by section 16-50v-1(b) of the Regulations of Connecticut State Agencies accompanied the application. (Record)
3. The application was accompanied by proof of service as required by section 16-501(b) of the General Statutes. (Record)
4. Affidavits of newspaper notice as required by Statute and section 16-501-1 of the Regulations of Connecticut State Agencies were also filed with the application. (Record)
5. Pursuant to section 16-50m of the General Statutes, the Connecticut Siting Council, after giving due notice thereof, held a public hearing at the City Hall, Union Square, Norwich, Connecticut, on September 13, 1982, at 7:00 P.M. (Record)
6. The parties to the proceeding are the applicant, the Century Norwich Corporation, and those persons and organizations whose

names are listed in the Decision and Order which accompanies these findings. (Record)

7. 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 Environmental Protection, the Department of Transportation, and the Department of Economic Development. (Record)
8. On September 13, 1982, members of the Council made a ground inspection of the proposed site. (Record)
9. The applicant proposes to replace four forty-foot wooden towers and one eighty-foot steel tower with one three hundred-foot CATV tower. The existing towers will be removed from the site. (CN Exhibit 1, pp. 1, 2, 3)
10. The antennae now on the existing towers would be placed at various heights on the proposed tower. The applicant proposes to place two additional Yagi-Uda antennae on the proposed tower. The new tower would support a total of thirteen Yagi-Uda and three Quad zig-zag antennae. (CN Exhibit 1, p. 3)
11. In 1967, a franchise for cable television service was awarded to Century Norwich for the Norwich area. (Tr. p. 9)
12. The Norwich franchise was limited in the number of channels it could provide under FCC rules since it was within 35 miles of two major markets, Hartford and Providence. Therefore, channels 9 and 11 from New York City have not been provided to subscribers. (Tr. p. 9)
13. In 1980, the FCC changed the 35 mile rule, and no restrictions are now imposed on the number of channels imported into a

- franchise. (Tr. p. 10)
14. When the present facility was built in 1976, litigation prevented the owner from erecting towers that could bring in channels 9 and 11. (Tr. p. 11; CN Exhibit 1, p. 2)
  15. The 300 foot height is the minimum height necessary to receive signals of acceptable quality from channels 9 and 11 from New York. (Tr. pp. 17, 21; CN Exhibit 1, p. 5; Exhibit 2, p. 2, Q. 3)
  16. The increased channel capacity of the basic service program should benefit the applicant's 10,900 subscribers with more reliable service and better reception of all stations now received off-air. (CN Exhibit 1, pp. 2, 5; Tr. p. 40)
  17. The existing antennae, on one 80 foot tower and four 40 foot wood utility poles, were adequate for service originally but are not adequate now. (Tr. pp. 11, 41; CN Exhibit 1, p. 2)
  18. The present 18 T.V. channels are not available by microwave from satellites, and all present channels are picked up off the air. (Tr. pp. 32, 33)
  19. At present, the applicant receives no New York channels. (Tr. p. 38)
  20. Channels 2 and 5 in New York cannot be received due to the close proximity of corresponding channels in Boston. (Tr. pp. 38, 39)
  21. The applicant does not plan to add New York channels 5 or 13 to its service. (CN Exhibit 2, Q. 7)
  22. The antennae for channels 9 and 11 would be placed at the top of the 300 foot tower. (Tr. pp. 21, 22)

23. The applicant states that there are no practical alternative methods of receiving New York TV stations because other tower sites are unavailable and because a recent Federal Court decision regarding copyright infringement by a microwave transmission operator precludes a microwave system to obtain New York stations. (CN Exhibit 1, pp. 4, 5; CN Exhibit 2, Q. 8)
24. A requirement placed on cable systems by the FCC stipulates that a standard be applied for assessing reception quality by antennae. This standard is a 36 db signal voltage to noise voltage ratio. (Tr. p. 23)
25. The FCC reception quality standard is used to determine the ability of an antenna to pick up distant or very weak signals and overcome interference from amplifier noise levels, such as the phenomenon known as snow. (Tr. p. 23)
26. The applicant intends to purchase the best antennae with the highest gain (power) available in order to provide the best reception. (Tr. pp. 23, 24)
27. The optimum height for this antenna in order to obtain the 36 db signal to noise ratio would be 300 feet, the height of the proposed new tower. This was determined by use of a helicopter and signal testing equipment. (Tr. p. 25, 50)
28. At least another 100' would be necessary for any noticeable improvement in reception. (Tr. p. 22)
29. When the old tower is dismantled and the new tower erected, the applicant expects a service interruption of channels 38, 56, 4, and 27 for a few hours with some renewed service by day's

- end. (Tr. pp. 26, 27)
30. The applicant states that the improvement in reception for the present channels would not, alone, justify the proposed tower. (Tr. p. 40)
31. The 300 foot tower will serve the needs of this franchise area, although there would be space on the new tower for additional antennae. The tower would be capable of supporting microwave dishes. (Tr. pp. 32, 43)
32. Relocation of WOR channel 9's studios to New Jersey should have no effect on the proposed facility's reception of this channel. (Tr. p. 33)
33. The tower manufacturer needs 60 days to complete construction after the final order. (Tr. p. 34)
34. The chairperson of the Century Norwich Cable Television Advisory Council testified that the overwhelming complaint from the public was the lack of New York channels in the service provided by the applicant. (Tr. p. 53)
35. The addition of channels 9 and 11 from New York was discussed at nearly every Advisory Council meeting over the past 18 months. (Tr. pp. 53, 54; CN Exhibit 5)
36. The Advisory Council passed a resolution on May 12, 1982, endorsing a petition supporting the proposed tower. (Tr. p. 54; Exhibit 4)
37. The Advisory Council believes that the new tower is in the best interest of the franchise. (Tr. p. 56)
38. The New York channels 9 and 11, which are independent of any network, will be broadcast to the Norwich subscribers as long

- as they are transmitting on the air. (Tr. p. 71)
39. The applicant expects to drop from service channel 27 from Worcester, which is a part time subscription pay T.V. channel. (Tr. p. 84)
  40. Five members of the public were made parties and testified in favor of the proposal. One member of the public was made party and testified in opposition to the proposal. (Record)
  41. The Norwich City Council passed a resolution on June 8, 1981, supporting the tower proposal. (Tr. p. 93; CN Exhibit 1, p. 5)
  42. The City of Norwich's Commission on City Planning supported the proposal in a letter dated August 30, 1982, to the Siting Council. (Tr. p. 93)
  43. State Representative Thomas F. Sweeney of the 46th District and Senator James Murphy of the 19th District submitted letters of support for the project. (Record)
  44. The \$50,000 estimated project cost will be financed through company capital expenditure. (Tr. p. 26)
  45. The cost of the project will be reduced by the trade-in value of the existing 80 foot tower, which is undetermined at this time. (CN Exhibit 1, p. 5)
  46. The existing forty two-inch triangular concrete base now supporting the eighty-foot tower will be used to support the proposed tower. (CN Exhibit 1, p. 3)
  47. The proposed site is owned by the applicant and has been used as a tower site for many years. The site is one of the highest locations in the Norwich area and offers better possibilities

for good CATV performance with a shorter tower than would be required elsewhere. (CN Exhibit 1, p. 5; CN Exhibit 2, Q. 9; Tr. p. 11)

48. The site and surrounding area are zoned R-80 which includes such permitted uses as commercial farming, commercial dairy farming, forestry, truck and nursery gardening, other large scale agricultural uses, and accessory farm uses such as storage, processing, and manufacture of agricultural products incidental to farming. (CN Exhibit 1, p. 2)
49. The area surrounding the site is presently undeveloped or used in various rural capacities. (CN Exhibit 1, p. 2)
50. Alternative tower locations were investigated and found unsatisfactory. (Tr. pp. 18, 30, 31; CN Exhibit 1, pp. 4, 5; Exhibit 2, p. 3)
51. There are no alternative technologies which would eliminate the need for or reduce the height of the tower. (CN Exhibit 2, p. 2, Q. 8)
52. The present facility presents a minor visual intrusion to the surrounding area. (Department of Environmental Protection letter of 9/3/82)
53. The proposed facility would be visible from selected locations on town and state roads and nearby developments. (Tr. pp. 35, 36)
54. The proposed facility would present an imposing feature on the landscape as seen over a very wide area. Lighting on the tower will add to the nighttime visibility of the tower. (Department of Environmental Protection letter of 9/3/82)

55. There are two radio communication towers less than one quarter mile from the applicant's tower site. The 120 foot tower is owned by the Department of Transportation. The owner of the other tower, which is 80 feet tall, is unknown to the applicant. The visual impact of towers in this general area could be mitigated somewhat by removing the 120 foot and 80 foot towers. (Department of Environmental Protection letter of 9/3/82)
56. The applicant would be willing to investigate the possibility of offering tower space to the operators of two towers approximately  $\frac{1}{4}$  mile from the applicant's tower site, although engineering incompatibilities might preclude such sharing. (Tr. p. 31)
57. No property or right-of-way acquisition would be necessary, no clearing would be required, and an access road and underground power lines to the facility already exist. (CN Exhibit 1, p. 4)
58. The proposed facility would support only receiving antennae, so there would be no change in power density levels. (CN Exhibit 1, p. 3)
59. There would be no adverse impacts on historic, scenic, or recreational aspects of surrounding property. (CN Exhibit 1, p. 7; Exhibit 2, p. 2)
60. The proposed facility would not be located within a 100 year or 500 year flood plain or within a wetland area and would will have no environmental impact on the area's drainage, wetlands, or any floodplain. (City of Norwich, Inland Wetlands, Water Courses and Conservation Commission letter of



8/9/82)

61. The proposed tower would be painted and lighted according to Federal Aviation Administration guidelines. (CN Exhibit 1, p. 3; Exhibit 2, p. 2, Q. 1)
62. The safety of the proposal tower for air traffic would be reviewed by the Federal Aviation Administration. (Tr. p. 15)