

DOCKET NO. 146 - An application of Eastern Connecticut Cable Television, Inc., for a Certificate of Environmental Compatibility and Public Need to establish a community antenna television tower and head-end facility, located off Bailey Hill Road in the Town of Killingly, Connecticut.

Connecticut  
Siting  
Council  
May 20, 1992

#### DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility and its associated equipment at the proposed Bailey Hill, Killingly site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by section 16-50k of the Connecticut General Statutes (CGS), be issued to the Eastern Connecticut Cable Television, Inc. (ECC), for the construction, operation, and maintenance of a community antenna television tower facility at the proposed Bailey Hill site in Killingly, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The guyed lattice tower shall be no taller than necessary to provide the proposed communications service and in no event shall the tower exceed a total height of 188 feet above ground level with antennas and appurtenances.
2. The Certificate Holder shall prepare a Development and Management (D&M) plan for this site in compliance with sections 16-50j-75 through 16-50j-77 of the Regulations of State Agencies for approval by the Council prior to the commencement of any construction or clearing at the facility site. The D&M plan

shall include detailed plans of the tower, tower foundation, tower guy foundations, equipment building, access road, and security fence. In addition, the D&M plan shall include a detailed final site plan with provisions for minimal site clearing, erosion and sedimentation controls, placement of vegetation for the screening of areas adjacent to the accessway and tower site, and for the accessway to have a maximum cleared width of 17 feet, including a 12-foot wide surfaced driveway and five-foot wide corridor for placement of utilities and drainage swales. The Certificate Holder shall confer with the adjacent property owner to assist in the planning for vegetative screening within or adjacent to the driveway corridor.

3. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
4. The Certificate Holder shall comply with existing and future radio frequency (RF) standards promulgated by State or federal regulatory agencies. Upon the establishment of any new governmental RF standards, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall provide the Council a recalculated report of electromagnetic radio frequency power density if and when circumstances in operation cause a change in power density above the levels originally calculated and provided in the application.
6. The Certificate Holder shall provide the Council with copies of all final permits for the construction and operation of the facility.
7. The Certificate Holder shall provide a final report to the Council upon completion of construction, including the final construction costs, date of commercial operation, and actual measurements of television signals as received at the tower site.
8. If the facility does not initially provide or permanently ceases to provide cable television

service following completion of construction, this Decision and Order shall be void and the tower and all associated equipment shall be dismantled and removed or reapplication for any new use shall be made to the Council before any such new use is made. The Council shall be immediately notified upon cessation of operation.

Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the effective date of this Decision and Order, or within three years of the resolution of all appeals to this Decision and Order.

Pursuant to CGS section 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Norwich Bulletin, and the Journal Transcript.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with section 16-50j-17 of the Regulations of State Agencies.

The parties and intervenors to this proceeding are:

PARTY

ITS REPRESENTATIVE

Eastern Connecticut  
Cable Television, Inc.

Robert P. Knickerbocker, Esq.  
Day, Berry and Howard  
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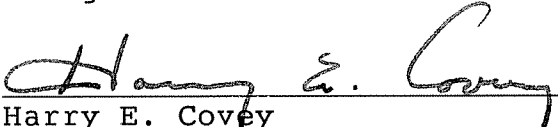

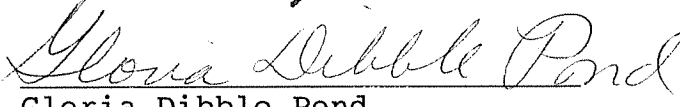
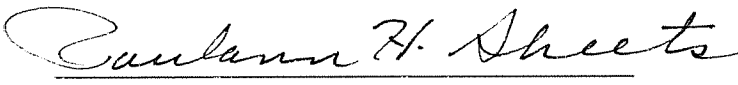
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TEF:bw

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CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in DOCKET NO. 146 - An application of Eastern Connecticut Cable Television, Inc., for a Certificate of Environmental Compatibility and Public Need to establish a community antenna television tower and head-end facility in the Town of Killingly, Connecticut, and voted as follows to approve the proposed facility to be located on Bailey Hill, east of Bailey Hill Road and south of Ledge Road.

<u>Council Members</u>	<u>Vote Cast</u>
 Mortimer A. Gelston Chairman	Yes
 Commissioner Clifton A. Leonhardt Designee: Gerald Heffernan	Yes
_____ Commissioner Timothy R.E. Keeney Designee: Brian Emerick	Absent
 Harry E. Covey	Yes
 Daniel P. Lynch, Jr.	Yes
 Gloria Dibble Pond	Yes
 Paulann H. Sheets	Yes
_____ William H. Smith	Absent
_____ Colin C. Tait	Absent

Dated at New Britain, Connecticut, May 20, 1992.