

DOCKET NO. 335 – MetroCast Communications of Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the Expansion of its existing CATV Headend facility located at 689 Old Colchester Road, Uncasville-Montville, Connecticut. } Connecticut
} Siting
} Council

July 26, 2007

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the expansion of a community antenna television headend facility located at 689 Old Colchester Road in Montville, Connecticut 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 General Statutes § 16-50k, be issued to MetroCast Communications of Connecticut, LLC for the expansion and operation of a community antenna television headend facility located at 689 Old Colchester Road in Montville, Connecticut.

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

1. The satellite antennas/earth stations shall be no higher than fifteen feet above ground level.
2. The Certificate Holder shall plant evergreen vegetation native to New England in a non-uniform configuration around the satellite antennas/earth stations.
3. The Certificate Holder shall, prior to the installation of the satellite antennas/earth stations, provide the Council with the electromagnetic radio frequency power density of all existing entities' antennas on the existing tower at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of electromagnetic radio frequency power density is submitted to the Council in the event other carriers locate at this facility or if circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new state or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.

5. The Certificate Holder shall permit public or private entities to share space on the existing tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the existing tower for no compensation for any Town of Montville public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing television programming and other related services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the satellite antennas/earth stations and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Montville. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide television programming and other related services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 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 New London Day and the Montville Times.

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 Connecticut State Agencies.

The parties and intervenors in this proceeding are:

| Status Granted | Status Holder (name, address & phone number) | Representative (name, address & phone number) |
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| Applicant | MetroCast Communications of Connecticut, LLC | Andrew W. Lord, Esq. Ryan M. Mihalic, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6000 (860) 240-6150 fax bcohen@murthalaw.com rmihalic@murthlaw.com John F. Dee, General Manager MetroCast Communications of Connecticut, LLC 61 Myrock Avenue, P.O. Box 6008 Waterford, CT 06385-6008 (860) 442-5616 ext. 201 (860) 443-6031 fax jdee@ct.metrocast.net |