

APPLICATION BY HOUSATONIC CABLE VISION : POWER FACILITY
COMPANY FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED RESPECTING A : EVALUATION COUNCIL
PROPOSED COMMUNITY ANTENNA TELEVISION
TOWER TO BE CONSTRUCTED IN MONROE, :
CONNECTICUT.

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

I. PROCEDURES

1. The Housatonic Cable Vision Company acting by its attorney Howard L. Slater of Louden, Byrne, Shechtman, Slater and Rose applied to the Power Facility Evaluation Council on December 15, 1978 for a certificate of environmental compatibility and public need for erection of a community antenna television tower in the town of Monroe, 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 16-501(b) of said General Statutes of the State of Connecticut. (Record)
4. Affidavits of newspapers noticed as required by statute in section 16-501-1 of the regulations of Connecticut State Agencies were also filed. (Record)
5. Council members and staff made ground inspection of the proposed site and the alternate sites on March 8, 1979. Council members made additional ground inspections of the proposed and alternate sites following the hearing. (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 public hearings at Monroe Town Hall (Council Chamber), 7 Fan Hill Road, Monroe, Connecticut on February 20, 1979. (Record)
7. The party to the proceedings is the applicant, the Housatonic Cable Vision Company, whose name is 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, Council on Environmental Quality, The Department of Transportation, Department of Health Services, Department of Environmental Protection, Public Utilities Control Authority, and the Office of Policy and Management. (Record)

9. The Public Utilities Control Authority awarded Housatonic Cable Vision Company a Certificate of Public Convenience and Necessity to provide cable television service (CATV) on October 13, 1976. The Town of Monroe is in the subject franchise area. (Record)

II. NEED

10. The applicant will serve its entire franchise area from its headend structure in New Milford which sends signals to receiving towers in New Fairfield and Brookfield and which is capable of sending signals to proposed towers in Newtown and Monroe. (Docket 14, Record, Transcript page 243)
11. Factors involved in considering coaxial cable service are picture quality, maintenance, and local access channel capability. (Docket 14, Transcript page 91)
12. The Federal Communications Commission maintains certain specifications that must be met for the quality of customer set reception, one of which is the amount of noise (interference) in the signal. (Docket 14, Transcript page 90)
13. Video signals suffer severe degradation in quality as they travel along the coaxial cable and must be "boosted" by repeated amplification. (Application page 5)
14. Each time a signal is amplified, its quality deteriorates further, and "noise" is introduced into the signal. After a certain number of amplifications, acceptable quality limits are no longer obtainable. (Application page 5)
15. The system manufacturer, Scientific Atlanta Incorporated, states that 32 amplifiers is the limit for cascade beyond which picture quality will be unacceptable. (Exhibit J, Schedule 6)
16. The Public Utilities Control Authority stated that providing CATV signals to the Town of Monroe by way of trunk cable from either New Milford or Newtown is uneconomical, and also stated that microwave transmission is the only other economical and practical means to distribute the CATV signals. (PUCA letter of January 26, page 1)
17. Microwave links are a central element of the applicant's CATV system design. (Application page 5)
18. A separate headend facility, as an alternative to the proposed receive tower, is economically impractical. (Application page 14)

19. The cost of a headend is approximately \$90,000, and that of the proposed receive tower and receiver, \$22,000. (Transcript page 146)
20. The PUCA has determined that, "The public convenience and necessity require that community antenna television service be made available to the residents of Trumbull, Monroe, Newtown, Brookfield, New Fairfield, and Sherman." (Application page 3, from PUCA Docket No. 11738)
21. From the existing tower located in Brookfield, service to Monroe and Trumbull would require 51 and 64 amplifiers, respectively. From the PFEC approved tower site in Newtown, service to Monroe and Trumbull would require 31 and 45 amplifiers, respectively. (Application page 14)
22. Within the 32 amplifier limit, Monroe, Trumbull, and one half of Newtown could be serviced from the proposed tower site in Monroe. (Transcript page 122)
23. Construction of the Newtown tower has not begun due to legal matters. (Transcript 15, page 123)
24. Coaxial service could cover all of Newtown by going South from Brookfield and North from Monroe within the technical limit of 32 cascade amplifiers per cable. (Transcript 14, pages 243, 244)
25. The number of customers served in Newtown would not be affected by the site chosen for the receive tower. (Transcript 14, page 239)
26. The applicant estimates that it would cost at least \$15,000 to provide a design involving a three tower receive system, as well as to demonstrate the comparative costs associated with both a three tower receive system and a four tower receive system. (Exhibit J, page 7)
27. A Hughes Microwave Communications Products Company engineer proved out the Monroe Municipal Building as a feasible site for a CATV tower. (Transcript page 37)
28. Monroe town officials indicated their reluctance to pursue replacing the existing police tower at the Municipal Building and entering into a joint-use agreement for a new tower. (Application page 10)
29. The proposed tower is capable of holding the town of Monroe's police 2-way radio communication equipment. (Transcript pages 115-116)
30. Free standing towers are more expensive than guyed towers. (Transcript page 83)

31. The applicant estimates that it would cost \$18,000 and take 3 to 4 months to study the nine sites mentioned as alternatives by PUCA. (Transcript page 27)
32. The applicant has provided local access channels in New Fairfield and Brookfield for local programming. (Docket No. 14, Transcript page 92)
33. The applicant plans to provide local access channels for local programming in Monroe and Trumbull. (Transcript page 124)
34. The costs both of local broadcasting equipment and of producing local programming will be borne by the towns engaged in local broadcasting. (Exhibit J, page 9, Transcript page 77)
35. The applicant does not intend to charge local public programmers for the use of the two way capability coaxial cable. (Transcript page 77)
36. Because of differences in the programming provided and in the security systems used, the applicant testified that it would be very expensive to share headend facilities at Bridgeport Cable Television Associates' Shelton site. (Transcript pages 104-105)
37. The proposed tower could support structurally the addition of a signal power transmitter and a 6 foot receiving dish that could be mounted at some future date to receive signals from Shelton and transmit to the headend in New Milford. (Transcript page 119)
38. The Monroe Town Council would support an affirmative decision on the part of PFEC to enable the applicant to provide service to the Town of Monroe. (Transcript pages 79-80)
39. The applicant is currently negotiating a lease with the Town of Monroe for about one acre of land located at the landfill site; the term of the proposed lease is ten years, renewable for an additional 10 years. Proposed rental is \$750 per year for the first two years and \$1000 per year thereafter. (Application page 11)
40. The applicant estimates that the costs of constructing a mature CATV system are 3½ million dollars, and that, operating expenses of a mature system will be approximately \$600,000 per year. (Exhibit J, page 9)
41. Current annual operating expenses are estimated to be \$300,000. (Transcript page 95)
42. The proposed tower site off Guinea Road is 7.1 miles from Masuk High School, the source of local programming; the Stepney School is approximately 7.1 miles from Masuk High School; the Monroe Municipal

Building is 1.5 miles from Masuk High School. (Exhibit J, pages 7-8)

43. The cost to the applicant to provide two way capability for local programming between the proposed site and Masuk High School is approximately \$10,943; between the Stepney School and Masuk High School, \$10,943; and between the Municipal Building and Masuk High School, \$4363. (Transcript page 69)

44. The costs associated with the necessary special designs due to the characteristics of the landfill are not known. (Transcript pages 100-101)

III. ENVIRONMENTAL

45. The applicant proposed to locate a cable antenna television tower in the Monroe sanitary landfill off Guinea Road. (Application page 7; Exhibit E)
46. The applicant proposed to construct a 140 foot lattice type tower with a 10 feet diameter microwave receiving dish mounted at the 135 feet level. (Application pages 2, 3; Applicant's response to prehearing questions, page 1; Exhibit A)
47. The proposed tower will support a UHF antenna in addition to a microwave receive dish. (Transcript page 44)
48. An unmanned, prefabricated building will be placed at the base of the tower. Chain link fences will be constructed around the tower base and building and each guy anchor. (Application pages 7-8)
49. The tower and associated guy wires will occupy approximately one acre of land and will be located at least 140 feet from the borders of the landfill area. (Application page 37; Transcript page 47)
50. Access to the tower from Guinea Road will be over an existing unnamed access road across the Monroe landfill. (Application page 3; Exhibits D & E)
51. Coaxial cable and power cable will be placed in a trench from the tower base to Guinea Road where the signals received by the tower antenna will be distributed via coaxial cable on utility poles throughout Monroe and into Trumbull. (Application page 3)
52. The proposed site and surrounding area is zoned for two acre, single family dwellings and farmland. (Application page 8)
53. The proposed site is in a landfill area which is being used as a sanitary landfill until the completion of a regional resource recovery facility in Bridgeport. (Application page 8)
54. The present use of the Monroe sanitary landfill will be discontinued

when the Bridgeport resource recovery facility begins commercial operation. However, this site may be used for the disposal of brush and other material not processable through the Bridgeport resource recovery facility. (Monroe letter of 2/9/79)

55. The Connecticut Resource Recovery Authority stated that it would be able to process solid waste from Monroe no later than October of 1979. (CRRRA letter of 1/26/79)
56. The applicant's criteria for an ideal tower site in order of importance as identified by the applicant are; (1) high elevation, (2) site availability, (3) public acceptance and a minimum of environmental problems, (4) a location central to the distribution system, (5) accessibility, and (6) a technically feasible distance from the system head-end. (Transcript pages 60-64)
57. The applicant believes the proposed site to be the best available site. (Transcript page 125)
58. The distance between the New Milford head-end complex and the proposed Monroe tower is approximately 18 miles. (Application page 6)
59. The Town of Monroe suggested the proposed site as an alternative to the Municipal Building site. (Transcript page 39)
60. The proposed site was supported by the Town Council of Monroe. (Transcript pages 40, 79, 80)
61. The proposed site is preferable to any of the alternate sites identified by the Public Utilities Control Authority. (Transcript page 29)
62. The applicant explored the feasibility of using the police tower behind the Municipal Building and the Stepney School radio tower. (Application pages 10-11)
63. The Municipal Building is technically the best site for the proposed tower because of its proximity to the point of local programming. (Transcript page 127)
64. The Municipal Building is in an historic district. (Transcript page 127)
65. The police tower behind the Municipal Building is not available for use by the applicant. (Application page 10; Answers to prehearing questions page 4)
66. An extension of the existing police tower would not be feasible at the Monroe Municipal Building site. (Transcript page 57)
67. There is not enough room for a guyed tower at the Monroe Municipal Building site. (Transcript page 58)

68. The Stepney School site is not available. If it were available, it would require a CATV tower 160 feet in height. (Application page 11; Answers to prehearing questions pages 4, 10)
69. There is not enough space for a guyed tower at the Stepney School site. (Transcript page 58)
70. The WICC tower in Shelton and the Bridgeport Cable Television Associates' headend in Shelton were considered for alternate sites and rejected because they are more than 20 miles from the New Milford headend. (Application pages 10-11)
71. No microwave transmission is anticipated from the proposed tower at the landfill site in Monroe at this time. (Response to prehearing questions page 7)
72. The power density at the Monroe receive site will be approximately .00022 microwatts per square centimeter which is far below any environmental health standard. (DEP letter of 1/22/79; Docket No. 14, Transcript pages 77-79, 199, 208; Exhibit J, Schedule 8, page 1)
73. There are no known health hazards associated with exposure to non-ionizing radiation at the levels calculated for the proposed facility. (DEP letter of 1/22/79; Docket No. 14, Exhibit 3, page 3; Application page 15)
74. The low level of non-ionizing radiation associated with the proposed tower was not shown to be an environmental hazard. (Application page 15; Docket No. 14, Exhibit 9, page 12)
75. Visibility of the tower from Pastor's Walk and Wiltan Drive will be limited to the winter months and obstructed by woods and an intervening ridge. (Response to prehearing questions pages 2, 3; DEP letter of 1/22/79)
76. The Department of Transportation and the Department of Health Services raised no objection to the proposed tower. (Record)
77. There will be no noise generated by the facility. (Application page 9)
78. The construction area will be rehabilitated. (Application page 8)
79. The site will be visited by company personnel approximately three or four times a year. (Application page 9)
80. The proposed tower will conform to the Electronic Industries' Association Structural Standard RS-222-C. (Application page 2)
81. A microwave path in excess of twenty miles beyond the applicant's headend in New Milford is not advised due to rapid degradation of

- signal quality. (Application page 10; Exhibit J, Schedule 7, page 1)
82. There will be a seventy foot allowance for tree height in the design of the proposed tower, which gives a clearance of fifty-five feet between the tree tops and the receiving dish. (Transcript page 130)
83. The applicant is confident that no tree interference with signal reception will be encountered if the receiving dish is located at the 135 foot level. (Transcript page 132)
84. It would be technically possible to provide a local access channel for Newtown with coaxial cable service from Brookfield. (Transcript 14, page 109)
85. At the hearing the town manager of Monroe read a letter stating that the Monroe Town Council would support an affirmative decision on the part of the Power Facility Evaluation Council. (Transcript page 79)
86. There were no members of the public present at the public hearing. (Transcript page 6)
87. By letter filed after the hearing, twenty-five residents in the vicinity of the proposed tower site expressed an objection to the proposed tower and site because of potential danger to health, adverse visual effect, and a decrease in property values. (Limited Appearance, March 7, 1979)
88. No visual study was conducted by the applicant to determine the visual impact of the proposed tower on the surrounding area. (Transcript pages 56-57)
89. The proposed tower may be visible from distant hill tops three or four miles away. (DEP letter of 1/22/79)
90. The applicant has proved out the beam path from the New Milford headend to a 140 foot tower at the proposed site, but the path has not been studied by Hughes Communications. (Transcript page 131)
91. The applicant did not make an exhaustive search for potential sites. (Transcript page 29)
92. The applicant did not investigate any of the alternate sites suggested by the Public Utilities Control Authority. (Transcript page 39)
93. It is possible that the Monroe landfill would be used for open space recreational purposes in the future. (Monroe letter of 2/9/79)
94. The proposed tower will require some special design features because of its location in a landfill. (Transcript page 45)