

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

APPLICATION OF)
METROCAST) DOCKET NO.:
COMMUNICATIONS OF)
CONNECTICUT, LLC FOR)
CERTIFICATE OF)
ENVIRONMENTAL)
COMPATIBILITY AND)
PUBLIC NEED FOR A CATV)
HEADEND FACILITY IN)
MONTVILLE, CT) APRIL 13, 2007

**APPLICATION OF METROCAST COMMUNICATIONS OF CONNECTICUT, LLC
FOR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
FOR A CATV HEADEND FACILITY IN MONTVILLE, CT**

I. INTRODUCTION.

Pursuant to Chapter 277a, Sections 16-50k *et seq.* of the Connecticut General Statutes, and Sections 16-50j-70 through 16-50j-74 of the Regulations of Connecticut State Agencies, this Application and the exhibits accompanying it are submitted by MetroCast Communications of Connecticut, LLC (“MetroCast”, “Applicant” or “the Company”) in support of the Company’s Application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) in the Town of Montville, Connecticut. The Certificate is needed to modify an existing, grandfathered community antenna television (“CATV”) headend facility in Montville¹ by adding nine (9) satellite dishes (also referred to as “earth stations”), and installing related headend electronic equipment (collectively the “Expanded Facility”). Additionally, MetroCast proposes to make the existing CATV tower located at the site part of this Application and the requested

¹ The existing facility, consisting of a CATV tower and headend structure and equipment, was constructed in 1972 and is, therefore, considered to be “grandfathered” as predating the establishment of the Connecticut Siting Council. Conn. Gen. Stat. § 16-50k(d).

Certificate, thereby providing the Connecticut Siting Council (the "Council") with jurisdiction, prospectively, over this "grandfathered" cable tower.² Upon approval of this Application, the Company will remove most of its satellite dishes and certain of its related electronics presently sited at the Company's offices in Waterford, Connecticut, to consolidate the CATV headend function at the Expanded Facility, and to bring into the Council's purview the grandfathered facility on the site.

The Applicant's legal name is MetroCast Communications of Connecticut, LLC, which is formed under the laws of the State of Delaware and which does business as MetroCast of Connecticut, LLC. The Applicant's address and principal place of business is 61 Myrock Avenue, Waterford, Connecticut 06385, with a mailing address of P. O. Box 6008, Waterford, Connecticut 06385-6008. The Applicant is a public service company and a CATV company within the meaning of Sections 16-1 and 16-331 of the Connecticut General Statutes. Since September 1, 2006, the Company has held a Certificate of Public Convenience and Necessity ("CPCN") issued by the Connecticut Department of Public Utility Control ("DPUC") to operate a CATV system serving a franchise area consisting of the Towns of East Lyme, Griswold, Killingly, Montville, New London, Plainfield, Putnam, Sterling and Waterford (the "Franchise Area").³

The Expanded Facility is located on a site that has served as a CATV tower and headend facility for the CATV system serving the Franchise Area since 1972. A CATV headend facility is established primarily for the purposes of receiving, processing and distributing video programming services. The Expanded Facility will substantially eliminate the need for the

² See Conn. Gen. Stat. § 16-50k(d). An historical summary of this CATV tower, constructed and owned by Eastern Connecticut Cable Television, Inc. ("Eastern"), the prior CATV franchisee, is set forth in Exhibit 21 for the Council's reference.

³ Decision, Docket No. 06-05-05, Joint Application for Approval to Transfer Certificate of Public Convenience and Necessity and Other Assets of Eastern Connecticut Cable Television, Inc. to MetroCast Communications of Connecticut, LLC (Aug. 21, 2006) at 1, 11 (the "Transfer Decision"). A copy of the Transfer Decision is attached as Exhibit 13.

Company's use of its earth stations at 61 Myrock Avenue for the purposes of receiving, processing and distributing satellite-delivered video programming services.⁴ This Application is a major component to the Company's multimillion dollar investment in installing a technologically advanced, broadband network throughout the Franchise Area.

The names, titles, addresses and telephone numbers of the attorneys or other persons to whom correspondence or communications in regard to this Application are to be addressed are:

John F. Dee, General Manager
MetroCast Communications of Connecticut, LLC
61 Myrock Avenue, P. O. Box 6008
Waterford, Connecticut 06385-6008
(860) 442-5616 ext. 201; and

Burton B. Cohen, Esq.
Ryan M. Mihalic, Esq.
Murtha Cullina LLP
CityPlace I, 185 Asylum Street
Hartford, Connecticut 06103-3469
(860) 240-6000, as its attorneys.

In compliance with Section 16-501(c) of the Connecticut General Statutes, the Company hereby states that the proposed headend and earth station site has not been identified in any annual forecast report required by Section 16-50r of the Connecticut General Statutes because the Company is not a person engaged in generating electric power in the State of Connecticut and is thus not subject to the provisions of that statute.

Included with this Application as Exhibit 1 is a Cross-Index of the Council's Application Guide containing page references to the Application for each required item.

⁴ One earth station will remain at the Company's current operational center at 61 Myrock Avenue, Waterford, Connecticut, for the capability of emergency satellite reception as well as reception of satellite programming that could be used for community access programming that originates from the Waterford site.

II. APPLICATION FEE.

The total construction cost for the Expanded Facility will be less than \$5,000,000 and is estimated to be \$577,000, as set forth in Exhibit 2. Therefore, pursuant to Section 16-50v-1a of the Regulations of Connecticut State Agencies, an application fee of \$1,000.00, being the greater of .05 per cent of the estimated total construction cost or \$1,000.00, accompanies this Application.

III. PROOF OF SERVICE.

Proof of the required service of copies of this Application in accordance with Section 16-50l(b) of the Connecticut General Statutes, in the form of a Certificate of Service, is attached to this Application as Exhibit 3.

IV. PUBLIC NOTICE.

Notice of this Application was published twice in the New London Day prior to filing, in accordance with Section 16-50l(b) of the Connecticut General Statutes. Copies of these publications, as well as the required Affidavit of Publication, are attached to this Application as Exhibit 4. The Company also plans to file notice of this Application once in the Montville Times subsequent to this filing.

V. NOTICE TO ABUTTING LANDOWNERS.

Notice of this Application was sent by certified or registered mail to all landowners abutting the site for the Expanded Facility, in accordance with Section 16-50l(b) of the Connecticut General Statutes. A listing of the names and addresses of all abutting property owners, copies of the notice letters, and the affidavit of notice to all abutting property owners are attached to this Application as Exhibit 5.

VI. OTHER AGENCY REVIEWS.

A review of the State Department of Environmental Protection's ("DEP") Natural Resources Center Natural Diversity Data Base Maps was conducted to determine if the site is an area of concern for federal listed species, state endangered and threatened species, state species of special concern and natural communities. The result of that review indicates that the site is not within one of the areas of concern mentioned above. A copy of the response of the DEP is included as Exhibit 6 to this Application.

The State Historic Preservation Officer was contacted to see if the site had any significant, cultural, or historic value. The result of this review indicates that the site does not have any significant, cultural, or historic value. The response of the State Historic Preservation Officer to the Company's Expanded Facility is included as Exhibit 7 to this Application.

The Company has consulted with representatives of the Town of Montville (the "Town") regarding the Expanded Facility. A copy of the materials submitted to the Town are included as Exhibit 8 to this Application. Representatives of the Company and Mayor Joseph W. Jaskiewicz met on March 30, 2007 to review the Company's Expanded Facility. A copy of the Town's response regarding the Company's Expanded Facility will be provided under separate cover and included as Exhibit 9 to this Application. A copy of the Town's letter waiving the 60-day requirement set forth in Section 16-50l(e) of the Connecticut General Statutes is included as Exhibit 20 to this Application.

VII. REQUIRED INFORMATION.

In accordance with Sections 16-50j-74 of the Regulations of Connecticut State Agencies, the following information is included in this Application. Indented section headings are reprinted verbatim subsections of Section 16-50j-74 of the Regulations of Connecticut State Agencies.

- (a) A description of the proposed tower, modification or associated equipment including height and special design features, and of access roads and power lines, if any;

The Company plans to install nine (9) earth stations at the Expanded Facility. This site currently consists of a functioning CATV tower and headend site and has been operating as such since its original construction in 1972. The existing tower was erected by MetroCast's predecessor, Eastern, in 1988 as a replacement tower to the original. It is approximately 350 feet high and has served as the CATV tower for this cable system for almost 19 years.⁵ The Expanded Facility involves the modification of the existing site and is fully compatible with the present use thereof. The height of the proposed earth stations will be approximately 14 feet from pad level, 15 feet from ground level, and range from 490 to 495 feet above sea level.

The earth stations will all be 4.5 meter earth station manufactured by Prodelin Corporation.⁶ Installation of these nine (9) earth stations will enable MetroCast to receive signals from all the CATV satellites now in orbit, with additional capacity for further and future satellite services. Attached to this Application as Exhibit 10 are drawings with specifications showing the details of the proposed earth stations.

The proposed earth stations will allow MetroCast to receive cable programming from the following satellites: AMC 1, AMC 3, AMC 10, AMC 11, Galaxy IR, Galaxy 10R, Galaxy 11,

5 A review of the Council's records concerning the subject site reflects that the Applicant's predecessor, Eastern, submitted an application to the Council in 1983 for the Council's approval of a replacement CATV tower at the site. Eastern, evidently upon realizing that the then existing tower was "grandfathered," withdrew the application, which was accepted by the Council as confirmed by letter dated March 27, 1984. By letter dated April 4, 1988, Eastern advised the Council that it was replacing the CATV tower with a new CATV tower of the same height. The Council acknowledged Eastern's Notice of Intent to Modify an Exempt Tower and Associated Equipment and found that the notice was "... in compliance with the exception criteria for changes to an existing facility site, pursuant to RSA 16-50-72", Letter, dated April 25, 1988, from Gloria Dibble Pond, Chairperson, to Eastern.

6 As set forth in Exhibit 10 (at p.3) "[t]he Prodelin 4.5M is a rugged, reliable antenna system that will operate at C-band and Ku-band frequencies with high efficiency and at the same time successfully withstand the effects of the environment."

Galaxy 12, Galaxy 13, and INTAM 13.⁷ Attached to this Application as Exhibit 11 is a channel lineup, which sets forth a listing of each satellite in orbit and available to a CATV provider with the corresponding programming services.

The Company is in the process of installing a new thirty (30) foot by fifty (50) foot pre-cast concrete building to house headend equipment and provide sufficient room for on-site storage directly related to the headend equipment.⁸ The headend equipment will consist of various receivers, transmitters, signal processors, television modulators, and television demodulators involved with the reception, processing and distribution of satellite-delivered services.

The nine (9) earth stations will be located approximately five hundred (500) feet from Old Colchester Road. See Exhibit 12. A six (6) foot high chain link fence will be placed around the perimeter of the Expanded Facility. Other than within the fenced in earth station and CATV tower area, the natural vegetation of the site and area will remain largely undisturbed. Pine trees provide natural visual screening to the site and the proposed earth station locations. The site plan shows the locations of the existing building, the new building, and the nine (9) earth stations on the site. See Exhibit 12.

The Expanded Facility involves the installation of receive-only earth stations, which will result in no measurable power density increase. This is consistent with Council precedent in reviewing earth station facilities.⁹ However, the Company plans to conduct power density

7 Presently, there are a total of ten (10) satellites from which the Company would receive services from the proposed earth stations.

8 MetroCast sought and received the necessary Town approvals and permits for this building in March 2007.

9 See Petition No. 409, CoxCom, Inc. d/b/a Cox Communications Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is required for two earth station satellite dishes at 170 Utopia Road in Manchester, Connecticut, Staff Report (February 2, 1999) (Finding that "the dish antennas are receive only and do not emit any radio frequency electromagnetic radiation"); Docket No. 172, An Application of TCI Cablevision of Central Connecticut for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a community antenna television headend facility at 222 New Park Drive, Berlin, Connecticut, Finding of Fact, No. 30 (March 13, 1996) (Application for twelve (12) earth stations; finding that "[n]o power density levels were detected").

measurements at the site and file results of such measurements as a supplement to this Application.

Access to the site is from Old Colchester Road, Montville, Connecticut and includes a fifteen (15) foot wide gravel access drive, proceeding northeasterly from Old Colchester Road. Full industrial electric service is currently available at the site, as is a substantial standby generator.

As detailed below in subsection (b), the Expanded Facility will serve as CATV headend for satellite-delivered services, serving the Franchise Area.

- (b) A statement of the need for the proposed tower, modification, or associated equipment with as much specific information as is practicable to demonstrate the need;

This Application is for the modification of an existing CATV headend facility which has as its purpose the provision of optimum cable television services to consumers in the Franchise Area. In granting the CPCN to the Company, the DPUC has expressly determined the public need for the service to be provided through the Expanded Facility. Although service is currently being provided in the Franchise Area, there is a compelling need to reconfigure and relocate existing facilities. As part of the DPUC Transfer Decision (Exhibit 13), the Company is required to upgrade/rebuild its CATV system by no later than March 1, 2009, in order to provide more and enhanced services to customers. The Transfer Decision states that: “[t]he proposed system upgrade would improve system reliability and picture quality” and “[t]he proposed system upgrade will increase the quantity and diversity of programming and services available. See Transfer Decision, Findings of Fact Nos. 10 and 11.

Today, the Company’s customers can receive hundreds of satellite-delivered programming services. See Exhibit 11. The proliferation of domestic and international satellite-

delivered programming services requires MetroCast to make modifications of its headend facility in order to effect reception of additional services and to ensure the existence of additional capacity for the future. In addition to ensuring the capacity for existing and future satellite-delivered services, the siting of the Expanded Facility will enable the Company to better monitor the signals for its satellite-delivered programming.

The site was selected because the Company owns the property and the site's existing use as a CATV tower and headend facility provides optimal operational efficiencies and greater security for equipment integral to the Company's services.

In sum, the Company plans to consolidate its headend facilities into the Expanded Facility. The Expanded Facility is needed, not only to ensure continued and quality service throughout the Franchise Area in the most economic and efficient manner, but also so MetroCast customers may gain the benefit of additional satellite-delivered services in the coming years.

- (c) A statement of the benefits expected from the proposed tower, modification, or associated equipment with as much specific information as is practicable;

The primary public benefit expected from the establishment of the Expanded Facility, the description of which is set forth in subsection (a) above, will be the ability of MetroCast to receive, process and distribute additional satellite-delivered services - existing ones as well as those established in the future.

The Expanded Facility will also simplify certain maintenance requirements. Cable television picture reception quality will be enhanced, maintenance procedures will be simplified and expedited and costs will be reduced, all resulting in increased overall subscriber satisfaction. On the Company's property, the Expanded Facility, including the associated equipment, will be subject to better security, which is critical given the increasingly competitive market for delivery of video programming services and the growing need to protect communication infrastructure.

- (d) (1) The most recent U.S.G.S. topographic quadrangle map (scale 1" = 2000') marked to show the approximate site of the tower, modification, or associated equipment and any significant changes within a one mile radius of the site; and (2) a map (scale 1" = 200' or less) of the lot or tract on which the tower, modification, or associated equipment is proposed to be located showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and names of abutting owners and the portions of their lands abutting the site;

A U.S.G.S. topographic quadrangle map of the area where the Expanded Facility will be located is attached to this Application as Exhibit 14. The proposed site is marked on Exhibit 14.

A map of the lot on which the Expanded Facility will be located, showing the acreage and dimensions of such site, the name and location of adjoining public roads, and the names of abutting owners and the portions of their lands abutting the site, is attached to the Application as Exhibit 15.

- (e) (1) Plan and elevation drawings showing the proposed tower, modification, or associated equipment, the antennas and other facilities to be supported, and all associated equipment and structures on the site; and (2) where relevant, a terrain profile showing the proposed tower, modification, or associated equipment and its related transmitting, receiving, or relaying tower;

A site plan drawing showing the proposed earth stations is attached to this Application as Exhibit 12. As the site already includes an approximately 350 foot tower, which was installed as an exempt modification in 1988 (See Exhibit 21), and the earth stations will be no higher than 15 feet from ground level, site line, elevation and terrain profile drawings are not relevant to this Application.

- (f) A description of the site, including the zoning classification of the site and surrounding areas;

The address of the site where the Expanded Facility will be located is 689 Old Colchester Road, Montville, Connecticut at MetroCast's existing CATV tower and headend facility. This

site is located on a hill in a discrete area with residences to the north, northeast, south, and west of the site, and wooded area to the east. The site has been used since 1972 as a headend facility for cable television. The site has no scenic, natural, historical, or recreational characteristics, nor do any such characteristics pertain to the surrounding area.

The proposed site consists of 8.3 acres of open fields and is zoned R-40 pursuant to Town of Montville regulations. Copies of the most recent inland wetland, zoning, and plan of development documents of the Town of Montville are attached as Exhibits 16, 17 and 18 respectively. The Town does not have separate documents relating to conservation matters. Conservation issues are addressed in the documents of Exhibits 16 through 18.

The residential areas nearest to the site are zoned R-40 and R-120. These residential areas border the existing site. A ridge along the eastern border of the property and a wooded area both shield the presently existing building from the views of residences in other residential areas to the east. These natural barriers would also shield the planned earth stations from the view of those in that residential area. A parking lot used by the Company is directly west of the site, while the Company's existing building shields the view of the site from the south and southwesterly directions.

(g) A description of the land uses of the site and surrounding areas;

The immediate area where the Expanded Facility is to be situated is presently utilized as a Company CATV tower facility. Generally, the site is surrounded by vegetation. To the north and northeast of the site is a residential neighborhood, bordering the Northern most portion of the site. East of the site is a vacant lot. To the South and West of the site is a residential neighborhood. The Company's proposed use of the site is consistent with the present use of the immediate area, as it has been since 1972.

- (h) A description of the scenic, natural, historic, and recreational characteristics of the proposed site and surrounding area;

There is no recreational use of the site. No other scenic, natural, historic or recreational characteristics are pertinent to this Application. See Exhibit 7. Additionally, this site has been used as a CATV headend facility since 1972.¹⁰

- (i) A statement in narrative form of the environmental effects of the proposed tower, modification or associated equipment;

The Expanded Facility will not significantly alter, from an environmental perspective, the existing site which has been used as a CATV tower and headend facility since 1972.¹¹ The advantages of the existing site are that the Expanded Facility will make full utilization of the existing underground electric service, access road, and electric grounding system, and not create a significant visual intrusion or hazard to aircraft. The headend equipment will be housed in an enclosed building.

No portion of the site consists of an inland wetlands area or watercourse. Under all these circumstances, the Company believes that the establishment of the Expanded Facility will not cause any significant adverse environmental changes.

- (j) A statement concerning justification for the site selected including a description of siting criteria and the narrowing process by which other possible sites were considered and eliminated;

The site for the Expanded Facility was chosen because it was the existing site for the Company's CATV tower facility. The Expanded Facility was selected for three primary reasons.

¹⁰ See supra n.2.

¹¹ See supra n.2.

First, the Waterford office site has become inadequate with respect to the reception of satellite-delivered programming; as set forth in Section VII(b) above, MetroCast needs the nine (9) earth stations for the current and future reception and delivery of satellite-delivered services. Second, with the abundance of satellite-delivered programming services subscribed to by most customers, the siting of the equipment needed to process and distribute those services would provide optional monitoring and maintenance opportunities, on a 24-hour basis. Third, in that the Company's CATV tower is located on the site, the Expanded Facility would be consistent with the existing uses in the area.

- (k) A statement of the estimated cost for site acquisition and construction of the tower, modification, or associated equipment;

The Company owns the site. Costs connected with site approval are estimated to be approximately \$100,000. The estimated costs for site work and electrical work are approximately \$125,000. The estimated costs for the equipment, including the earth stations and associated electronics, are approximately \$343,000. The total estimated cost for engineering work is approximately \$9,000. All of these costs are set forth in Exhibit 2.

- (l) A schedule showing the proposed program of site acquisition, construction, completion, and operation;

The Company owns the site and the building located on it. Within sixty (60) days of Council approval, concrete foundations for the earth stations will be installed. Within ninety (90) days of Council approval, the nine (9) earth stations will be installed.

- (m) The names and mail addresses of the owner of the site and all abutting owners;

The name and mail address of the site owner is:

MetroCast Communications of Connecticut, LLC
61 Myrock Avenue
P.O. Box 6008
Waterford, Connecticut 06385-6008

The names and addresses of the abutting owners as shown on Exhibit 15 are set forth in Exhibit 5 to this Application.

- (n) A listing of any federal, state, regional, district, and municipal agencies with which reviews were conducted concerning the tower, modification, or associated equipment, including a copy of any agency position or decision with respect to the tower, modification, or associated equipment;

Inquiry was made to the DEP and Connecticut Historic Preservation Officer concerning the effect of the Expanded Facility on known populations of rare, endangered or threatened species, in addition to whether the site held any historical, cultural, or other significant value. The DEP and State Historic Preservation Officer's responses indicate that there are no known populations of rare, endangered or threatened species within the site area, are that the site is not of historic, cultural, or other significant importance. See Exhibits 6 and 7. The Company also consulted with the Town of Montville. Please see Exhibits 8 and 9. No other agency reviews were conducted concerning the Expanded Facility.

- (o) Where relevant, a list of all towers and associated equipment within a 10-mile radius of the proposed tower, modification, or associated equipment which are owned or operated by a public service company or the state;

The Company owns and operates a CATV tower on the site. The site has been used as a CATV tower and headend site since 1972. The Company is not aware of any other tower or associated equipment located within 10 miles of the Expanded Facility.

- (p) A description of technological alternatives and a statement containing justification for the Expanded Facility;

There is no technological alternative to a headend facility. Specifically in this Application, the Company requires a suitable location to use as a point for the reception, processing and distribution via cable of satellite transmissions. The site presents an optimum opportunity to situate the earth stations and related equipment on Company-owned property which serves as MetroCast's CATV tower. The only alternative is to leave the earth stations and equipment in place at the Waterford facility and forego the benefits of installing the additional

earth stations for which there no longer is sufficient space at the Waterford facility. This alternative is neither consistent with MetroCast's business plan to make significant investments in its Franchise Area in order to install a technologically advanced broadband network, nor practicable given that MetroCast leases and does not own the property in Waterford where the current facilities are located. Leaving the facilities in Waterford thereby exposes the Company to economic uncertainty given its status as a lessee on the property.

- (q) A description of alternative sites for the proposed tower, modification, or associated equipment with the following information: (1) a U.S.G.S. topographic quadrangle map (scale 1"=2000') marked to show the location of alternative sites; (2) a map (scale 1"=200' or less) of the lots or tracts of the alternative sites for the proposed tower, modification, or associated equipment showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their land abutting the alternate site; and (3) such additional information as would be necessary or useful to compare the costs and environmental impacts of the alternate sites with those of the proposed sites;

Because of the unique opportunity presented by the Expanded Facility, only one alternative was considered and rejected as unsuitable. That alternative consisted of an expansion of the Company's facilities at 61 Myrock Avenue in Waterford, Connecticut. These facilities could not accommodate nine (9) earth stations and, as set forth above in (p), the Company does not believe that such an expansion is desirable. Unlike the Expanded Facility, the Company does not own its facilities located at 61 Myrock Avenue in Waterford.

The Company respectfully submits that there are simply no meaningful alternatives to siting the Expanded Facility other than on the Company's site.

- (r) A statement describing hazards to human health, if any, with such supporting data or references to authoritative sources of information as will be helpful to the understanding of all aspects of the issue, including signal frequency and power density at the proposed site to be transmitted or received by the proposed facility.

No additional power will be added to the Expanded Facility. As these earth stations are receive-only, there will be no measurable power density increase.¹² By comparison, American National Standards Institute (“ANSI”) safety standards for the proposed frequency range are 5.0 milliwatts per centimeter square. The ANSI safety standards have been adopted by the State of Connecticut pursuant to Section 22a-162 of the Connecticut General Statutes. Therefore, the power density from the Expanded Facility (which is not measurable) would be negligible in terms of hazards to human health and well within national and state safety standards. There are, accordingly, no potential hazards to human health associated with the Expanded Facility.

VIII. MISCELLANEOUS INFORMATION

As required by the Application Guide, an aerial photograph of the site is included as Exhibit 19. Sight line and elevation graphs are not relevant to this Application as the CATV tower was constructed in 1988 as an exempt modification and is much taller (approximately 350 feet) than any of the proposed earth stations.

IX. CONCLUSION

For the foregoing reasons, the Company submits that the Expanded Facility will not have a substantially adverse environmental effect and respectfully urges the Council to make such a finding. The Company further submits that the public need for the Expanded Facility and the CATV service to be provided by it far outweighs what may be any perceived environmental effects. The site has served as a CATV tower and headend facility since 1972. The Company’s proposed modifications to the site are consistent with the present use of the property in

¹² See supra n.9.

accordance with applicable statutes and regulations and in all respects in the public interest. Additionally, the Company's Application will provide the Council with jurisdiction over an otherwise exempt CATV tower.

In order that it can proceed as quickly as possible with the establishment of its technologically advanced broadband network, the Company respectfully requests that the Council grant this Application and issue the Certificate as soon as practicable.

Respectfully submitted,

METROCAST COMMUNICATIONS OF
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