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Date: 2/13/02 11:54AM
Subject: Comments to Planning Commission on PTI

Susan: Please forward these comments on the PTI case to the Planning Commission. I have also attached a copy in case that makes it easier for you. Thanks very much.

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Although I have been very impressed with the quality of HDTV and, in fact, do have an HDTV compatible set, I think the PTI proposal is a very bad idea for two reasons (at least). The first reason is the failure of PTI's amended application to address substantially the very issues given by the Commission for the denial of their first application. These issues are detailed in the comments provided to you by the Coal Creek Canyon Homeowner's Association.

The second reason is related to the recent creation of the Rocky Flats National Wildlife Refuge just east of Eldorado Mt. This new refuge, along with the surrounding open space, has been described as the Crown Jewel of Colorado's front range by Senator Allard and Congressman Udall. The addition of tall, lighted towers clearly within the refuge's view corridor to the west would further compromise this Crown Jewel. Eldorado Mt. lies near a number of adjacent open space parcels that give this region its unique character. Adding tall, lighted towers in the middle of all this is clearly incompatible with existing land use, especially now that the Rocky Flats National Wildlife Refuge has been created.

I would also like to suggest a few questions that the Commission might consider asking PTI. These questions are directed at issues that PTI has conveniently avoided but they should be addressed *before* making your decision.

The first question concerns fire services. PTI has admitted that Coal Creek Canyon Fire Protection District says that it is unable to protect the mountain top because of the unimproved 26% grade road making access to the site impossible with their equipment. This is in addition to other reasons related to defensible space and the 20,000 gallon tank of diesel fuel proposed by PTI. (As an aside; someone in support of PTI's proposal noted the large amount of concrete already in place at the site, suggesting that it was accessible with large cement trucks. They failed to note, however, that it took those trucks the good part of a day to reach the site because of the unimproved road. We don't believe that this would be acceptable to any fire fighting crew.) PTI has indicated now that it would pursue fire-fighting services from some other entity. So a question that should be asked of PTI is "Exactly what fire fighting entity did you have in mind that would provide services to this site, and what kind of equipment would they use to access the site?"

Another question that should be asked of PTI relates to their claim of wanting to be "good neighbors". The elevation of this site above the desired TV coverage area is approximately 3000 ft. Because of the high elevation of the site, the difference in TV coverage provided by a 450 ft tower versus a 199 ft tower is negligible. Lighting would not be needed for this smaller tower. So the question that should be asked of Pinnacle is "Since PTI has often indicated its desire to be a "good neighbor", why are you proposing a 450 ft tall tower when a 199 ft tall tower would provide nearly the same coverage and this shorter tower would not need to be lit and painted so as to be highly visible?"

During the construction of a new home in Blue Mt. Estates not long ago, the owner was required by

Jefferson County to obtain a grading permit for their 250 ft long, 12% grade driveway. It took eight months for the county to approve this permit, and the owner was required to put up an \$8000 performance guarantee just in case the project was abandoned. A question the county should ask itself is "Should not projects such as this PTI proposal be held to the same standard as that required from private home builders and should not the applicant be required to establish an appropriate performance guarantee?"

Over the course of the last year, the value of PTI's stock has plummeted from about \$12 to 7 cents, making Enron look like a good investment. In a recent PTI press release, Pinnacle executives said that PTI would not have sufficient funds to immediately repay the debt on notes due March 15, and that debt would have to restructure under Chapter 11. In light of this, the question should be asked of Pinnacle "What would happen to this project if PTI goes under after the project is started? Who would pick up the pieces and would PTI be willing to put up significant funds to guarantee against failure to complete the project?" A question that Jefferson County should ask itself about this is "Do we really want to hook up with such a controversial, high-risk, high-impact venture that doesn't even come close to compliance with the County's master plan, regulations, and policies?"

I have contacted six local TV stations. Their engineers have made statements indicating lack of interest in Eldorado Mt. They stated that "other tower sites have better coverage than Eldorado Mt." and "we have no plans to move from Lookout Mt." They also have indicated that the Eldorado Mt. site would have serious interference problems with Channel 5 in Cheyenne and Channel 4 in Scottsbluff where other candidate sites in the county would not. I suggest that the Planning Commission ask PTI "How do you plan to handle potential interference with Cheyenne and Scottsbluff stations?"

None of the engineers from these TV stations had any reservations at all about revealing what was their preferred tower site. This can easily be verified with a few phone calls, and, if needed, I can provide names and numbers of those we contacted. In light of this, the Commission might ask PTI, "Since none of the local stations seem reluctant to give such information over the phone and your competitors such as the Cedar Lake Group and Bear Creek Development have been open about their customers, why are you unwilling to reveal who are your potential customers?"

Finally, I call your attention to the NIST Technical Note 1519 and NTIA Report 01-387 entitled "Predicted and Measured Field Strengths in the Boulder, Colorado area from Two Proposed Terrestrial Digital Television Tower Sites". This report states that a 1 MW transmitter from Eldorado Mt. would "exceed the FCC's regulatory (47 CFR 73.1030) limit by about an order of magnitude" within the quiet zone of Table Mountain and also that "these field strengths are high enough to possibly jeopardize the sensitive measurements done on a routine basis at the DOC Laboratories" in Boulder. In light of this, the question should be asked of PTI "How do you plan to satisfy quiet zone requirements in addition to the desired low signal level requirements at the Boulder Labs and yet at the same time provide signal levels adequate for TV reception in Boulder, a feature you claim gives Eldorado Mt. an advantage over other potential sites?"

These are just a few of the questions that the Planning Commission might consider asking PTI before making its final decision. Thank you.