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August 20, 2001

Via Hand Delivery

Ms. Jerrily Kress
Director, Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

RECEIVED
D.C. BOARD OF ZONING ADJUSTMENT
2001 AUG 21 AM 8:37

Re: Application By Comcast Cablevision of the District, LLC For A Special Exception To Install An Optical Transmission Node ("OTN") At 6336 Piney Branch Road

Dear Ms. Kress:

Undersigned counsel, on behalf of the Applicant, Comcast Cablevision of the District, LLC, files the attached application to the Board of Zoning Adjustment for a Special Exception to allow Comcast's installation of an Optical Transmission Node ("OTN") at 6336 Piney Branch Road. **Applicant respectfully requests that this application receive expedited review and that it be calendared for hearing before the Board of Zoning Adjustment on October 9, 2001 or such earlier date as may be available**.

An OTN houses equipment necessary for video and data transmission via fiber optic cable. It includes no broadcast or transmission antenna. Comcast makes this application under protest following a recent determination by the District of Columbia's Zoning Administrator that the placement of an OTN should be considered and regulated pursuant to 11 DCMR Sec. 211, "Antenna, Commercial Broadcast." (*See* attached letter from Michael Johnson, District Zoning Administrator, to Curt Pendelton, Comcast Cablevision, dated August 17, 2001.) The Applicant takes exception to the Zoning Administrator's classification of its facility and expressly reserves its right to appeal that determination. However, time is critical to Comcast's upgrade of its service capabilities in the District, so it has elected to apply for this Special Exception in the interest of bringing improved service to its subscribers in the shortest possible time.

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BZA
Case No. 16784
Exhibit No. 1

Board of Zoning Adjustment
District of Columbia
CASE NO.16784
EXHIBIT NO.1

Included with this application are the plat prepared by the D.C. Surveyor, site plans, a letter of authorization from the property owner, site photos, a list of adjoining property owners with mailing labels, the Zoning Administrator's "referral letter" dated August 17, 2001, and a check in the amount of $2000 for the filing fee. Additional informational materials submitted with this letter include specification sheets on the modular equipment building, specifications and sound data on the generator that will be installed outside the building, and a rendering depicting the equipment building finished with a peaked roof, as proposed.

Please note that the D.C. Surveyor's plat provided here is not the original, but a copy. The original plat is already filed with the City as part of the Applicant's application for the building permit that was issued following the City's now reversed earlier determination that the Applicant's facility complied with zoning requirements. It is therefore requested that, under these circumstances, the requirement that the original Surveyor's plat accompany the application be modified to allow submission of a copy. Further, it is requested that the Zoning Administrator's August 17, 2001 letter to Comcast, which is attached, serve as the required referral of the Applicant to the Board of Zoning Adjustment.

Applicant requests expedited consideration of this application. As acknowledged by the Zoning Administrator in the attached letter, Comcast, in good faith reliance on initial zoning approval and after obtaining a building permit from the City, had begun construction of its OTN. It was only on August 10th, after its facility was 70% complete, that Applicant was informed that a "stop work" order was being issued as a consequence of the Zoning Administrator's reconsideration of the facility's character *vis-à-vis* the Zoning Ordinance. Timely completion of this OTN facility is critical to the Applicant's upgrade of its facilities and improved service to its customers. Until the Zoning Administrator's surprise action on August 10th, Comcast had no reason to believe that the completion of its facility on Piney Branch Road would be delayed. Therefore, we would appreciate any measures that might be taken to expedite consideration of this application.

If you require anything further in regard to this application, please do not hesitate to contact me.

Sincerely,

Terence S. Cooke

Attachments

cc: Mr. Maurice Smith, Comcast Director of Regulatory Affairs
Donna Rattley, Esq.
Edward L. Donohue, Esq.