Comcast Cable Communications, Inc.
900 Michigan Avenue, NE
Washington, DC 20017

D.C. BOARD OF ZONING ADJUSTMENT
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Sheila Cross-Reid
Chair, DC Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20001

September 18, 2001

Re: BZA Application 16784
Comcast Facility at 6336 Piney Branch Road, NW

Dear Chairman Cross-Reid:

On behalf of Comcast Cablevision of the District, LLC, the Applicant in the referenced matter, we wish to respond to Council member Adrian Fenty's August 28th letter to DCRA Director David Clark. As Chair of the Board of Zoning Adjustment, you were copied on that letter.

In his letter, Councilman Fenty requests that the Board of Zoning Adjustment defer its October 9th scheduled hearing on Comcast's application for a Special Exception to allow its installation of an Optical Transmission Node on Piney Branch Road. The reason given by Councilman Fenty is that Advisory Neighborhood Commission 4A does not have sufficient time to prepare for the hearing. In fact, sufficient time remains for the ANC to act.

You should know that ANC 4A met to discuss this case as early as August 10th, more than a week before Comcast filed its application with the BZA. Representatives of Comcast attended that meeting and responded to questions regarding the nature of its facility, construction issues, landscaping, etc. At that time, construction of Comcast's facility was already seventy percent (70%) completed. As it explains in its application to the BZA, Comcast had obtained a building permit from the City approximately two and one-half months before, and was well on its way to completing its facility when it was informed that the Zoning Administrator had changed his earlier assessment of the "by right" nature of the installation and would require that Comcast obtain a special exception. Comcast elected not to contest the Zoning Administrator's change of opinion and agreed to file for the special exception. Consistent with the Board's rules and practice, and because of the unique circumstances that caused Comcast to suspend completion of its facility, Comcast requested that the Board consider its application at the earliest possible time. The earliest that the Board's calendar would allow this matter to be docketed was October 9th.

The OTN is a critical part of the much-needed upgrade of the cable system that Comcast committed to do upon receiving its franchise from the District of Columbia. Comcast is investing approximately $75 million in the upgrade of the cable system, and OTN's, such as the proposed facility at Piney Branch Road, are an essential element of the cable system upgrade design. As a result of the upgrade, Comcast will be able to provide better, and more reliable

BZA
Case No. 16784
Exhibit No. 25

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EXHIBIT NO.25

cable service, as well as advanced services such as high-speed Internet access to the community. Free, high-speed Internet connections will also be offered to all public and private schools, as well as public libraries. This OTN is one of 5 or 6 such facilities that will need to be placed strategically throughout the City. By necessity, such facilities need to be close to the customers they are designed to serve. Any further delay here will force a delay in the provision of these services to the residents of Ward 4 and the entire City.

Contrary to Mr. Fenty's assertion, the ANC has had ample opportunity – and sufficient opportunity remains – for it to consider Comcast's proposal. In addition to its meeting on August 10th, the ANC met on September 4th at which meeting the Comcast facility was listed as a "discussion item". Comcast made several inquiries to the ANC to ask if it wished to hear from Comcast at that meeting. For whatever reason, the ANC chose not to avail itself of the opportunity to have Comcast present its proposal at that September 4th meeting. Further, the ANC is scheduled to meet again on October 2nd -- a full week before the October 9th hearing. The Board can and often does accept submissions from ANCs that are filed less than seven days before the hearing. Comcast will not object to the Board allowing the ANC 4A's report in this matter following its October 2nd meeting.

Though Mr. Fenty's August 28th letter suggests that he may have certain frustrations with the Office of Zoning, Comcast has done nothing to contribute to those frustrations. Comcast had begun construction of its facility pursuant to a lawfully issued and legitimately obtained building permit. The reversal in the Zoning Administrator's characterization of the nature of Comcast's facility, and the resulting suspension of its work to complete this very important element of its cable plant upgrade, serves as a compelling reason for Comcast to seek the soonest possible consideration of its application. Ample opportunity exists for the ANC 4A to consider Comcast's application and report its recommendation to the BZA. Any delays in the ANC doing so thus far have been self-imposed. It would be manifestly unfair to penalize Comcast by unnecessarily deferring its scheduled hearing on October 9th.

Thank you for the opportunity to add to your understanding in this matter. We look forward to our hearing in October.

Sincerely,

Curt Pendleton /mbs

Curt Pendleton
Area Vice President

cc: Councilman Adrian Fenty
David Clark, Director DCRA
Michael Johnson, Zoning Administrator
Darryl Anderson, Executive Director OCTT
Mayor Anthony A. Williams