

DAVID A. BALL

Please Reply To Bridgeport
E-Mail: dball@cohenandwolf.com

November 29, 2023

VIA E-MAIL AND HAND DELIVERY

Attorney Melanie Bachman
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. 518 – New Cingular Wireless PCS, LLC d/b/a AT&T and Tarpon Towers III, LLC Application for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a Telecommunications Facility Located at 99 Dart Hill Road, South Windsor, Connecticut

Motion for Protective Order – Response to Interrogatory No. 4 of the Council’s Pre-Hearing Interrogatories dated October 26, 2023

Dear Attorney Bachman:

On behalf of the applicants, New Cingular Wireless PCS, LLC d/b/a AT&T and Tarpon Towers III, LLC, I have enclosed an original and fifteen (15) copies of the following:

- Motion for Protective Order
- Affidavit of Keith Coppins
- Proposed Protective Order

In addition, I have enclosed a sealed envelope containing a copy of the unredacted Land Lease Agreement, which will be Exhibit 4 to New Cingular Wireless PCS, LLC and Tarpon Towers III, LLC’s responses to Interrogatories.

Very truly yours,



David A. Ball

Enclosures
cc: Service List

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

NEW CINGULAR WIRELESS PCS, LLC
D/B/A AT&T AND TARPON TOWERS III,
LLC APPLICATION FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND
OPERATION OF A
TELECOMMUNICATIONS FACILITY
LOCATED AT 99 DART HILL ROAD,
SOUTH WINDSOR, CONNECTICUT

DOCKET NO. 518

November 29, 2023

MOTION FOR PROTECTIVE ORDER

Tarpon Towers III, LLC (“Tarpon”) respectfully requests that the Connecticut Siting Council (“Council”) issue a protective order pursuant to Connecticut General Statutes § 1-210(b)(5), regarding a copy of the unredacted Land Lease Agreement dated December 30, 2015 between Judith Eckhouse and Tarpon Towers II, LLC (the “Lease”), in connection with the site located at 99 Dart Hill Road, South Windsor, Connecticut. Tarpon further requests permission to file a copy of the unredacted Lease under seal. In support of this Motion, Tarpon states as follows:

1. Connecticut General Statutes § 16-50o(c) provides in relevant part that “The applicant shall submit into the record the full text of the terms of any agreement, and a statement of any consideration therefore, if not contained in such agreement, entered into by the applicant and any party to the certification proceeding, or any third party, in connection with the construction or operation of the facility. This provision shall not require the public disclosure of proprietary information or trade secrets.”

2. In accordance with § 16-50o(c), Tarpon submitted a redacted version of its Lease to the Council in the Docket No. 518 Application, which was appended thereto as Exhibit O.

3. In Interrogatory No. 4 of the Council's Pre-Hearing Interrogatories dated October 26, 2023, the Council requested that the Applicants submit an unredacted copy of the Lease.

4. In passing upon the application for a Certificate of Environmental Compatibility and Public Need for a telecommunications facility, designated as Docket No. 366, the Council ruled that an applicant is required to disclose to the Council the specific rental amounts, albeit subject to a protective order because such information constitutes a "trade secret."

5. As reflected in the attached affidavit of Keith Coppins, the information for which Tarpon seeks protected treatment is commercially valuable, confidential and proprietary, market sensitive information that is not readily obtainable from other sources, and that constitutes trade secrets within the meaning of Connecticut General Statutes § 1-210(b)(5). Tarpon has used its best efforts to maintain this information as secret in order to avoid the harm that would result if the confidential information were to become publicly available. The Council has historically granted protected treatment of similar filings.

6. Tarpon hereby submits with this Motion one (1) copy of the Lease in unredacted form, pursuant to the Council's ruling in Docket No. 366, contained in a sealed envelope that has upon it the caption and docket number for this Application and the

wording "CONFIDENTIAL; DISCLOSURE LIMITED TO CONNECTICUT SITING COUNCIL ONLY."

WHEREFORE, Tarpon respectfully moves the Council to grant the request for protected treatment consistent with the attached Protective Order which would limit disclosure of the un-redacted Lease (and any copies thereof) to the Council and its staff.

RESPECTFULLY SUBMITTED,

TARPON TOWERS III, LLC,

By: 

David A. Ball, Esq.
Philip C. Pires, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
Tel. No. (203) 368-0211
E-Mail: dball@cohenandwolf.com
E-Mail: ppires@cohenandwolf.com
Juris No. 010032

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail on this 29th day of November, 2023, to the following:

Lucia Chiochio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
lchiocchio@cuddyfeder.com



David A. Ball