

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**IN RE:**

**DOCKET NO. 496**

**APPLICATION OF TARPON TOWERS II,  
LLC FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE  
CONSTRUCTION, MAINTENANCE  
AND OPERATION OF A  
TELECOMMUNICATIONS FACILITY  
AT 800 PROSPECT HILL ROAD IN THE  
TOWN OF WINDSOR,  
CONNECTICUT**

**December 21, 2020**

**PROTECTIVE ORDER**

WHEREAS, the provisions of the lease between The Ferraina Company, LLC (“Ferraina”) and Tarpon Towers II, LLC (“Tarpon”) concerning the rental income and related financial information (“Lease”) are proprietary and commercially sensitive to Tarpon (“Confidential Information”).

WHEREAS, the provisions of the Lease concerning the Confidential Information are “trade secrets” as that term is defined by Connecticut law; and

WHEREAS, Tarpon would be harmed by the unauthorized use, dissemination or publication of the Confidential Information contained in the Lease.

NOW, THEREFORE, it is hereby ordered that a protective order enter with respect to the Confidential Information under the following terms:

1. The Confidential Information is confidential and proprietary and shall not be disclosed, used in an unauthorized manner, disseminated or published to any person or entity, except as provided herein.

2. Tarpon shall provide one (1) copy of the Lease, containing the Confidential Information, to the Connecticut Siting Council (“Council”) in a sealed envelope that has upon it the caption and docket number for this Application and the wording: “CONFIDENTIAL – PROPRIETARY INFORMATION; BOUND BY PROTECTIVE ORDER ISSUED IN DOCKET NUMBER 496; DISCLOSURE LIMITED TO CONNECTICUT SITING COUNCIL AND ITS STAFF ONLY.”

3. Confidential Information shall include any documents, electronic data, testimony, transcripts and any other medium or other tangible item containing the Confidential Information, including copies, portions, summaries, analyses or excerpts of the Confidential Information, or anything reflecting information derived from the Confidential Information.

4. Access to and use of the Confidential Information shall be limited only to the Council and its staff. The Council and its staff shall take reasonable precautions to maintain the confidentiality of the Confidential Information.

5. The Council shall maintain a written record of all individuals granted access to the Confidential Information. Under no circumstances shall the Confidential Information be disclosed, used in an unauthorized manner, disseminated or published to any person or entity other than the Council and its staff. All recipients of the Confidential Information shall be bound by this Protective Order.

6. The Council and its staff, or any authorized recipient of the Confidential Information pursuant to the terms of this Protective Order, may access or use the Confidential Information only for the purposes of Tarpon’s Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a

telecommunications facility at 800 Prospect Hill Road, Windsor, Connecticut, identified as Docket Number 496 (“Application”).

7. The Council and its staff shall not disclose, use in an unauthorized manner, disseminate or publish the Confidential Information in any proceeding, including any proceeding associated with the Application, nor shall the Council and its staff make the Confidential Information available, to any other party, intervenor or interested individual or entity in any proceeding, including any proceeding associated with the Application.

8. Under no circumstances shall any recipient of the Confidential Information replicate the Confidential Information, except as authorized by the Council and in accordance with this Protective Order.

9. Any person or entity seeking to change or challenge the terms of this Protective Order shall do so in writing to the Council or proper authority (“Motion”). Tarpon and Ferraina shall receive written notice of the Motion. The Council shall not disclose, use in an unauthorized manner, disseminate or publish the Confidential Information to any person or entity, including the person or entity filing the Motion, until the Council rules on the Motion and Tarpon and Ferraina have been afforded an opportunity to respond to the Motion. Tarpon and Ferraina shall be entitled to a hearing on any Motion.

10. All recipients of the Confidential Information shall execute a Non-Disclosure Agreement in the form as attached to the Motion for Protective Order as Exhibit 3 and shall remain bound by the Protective Order.

11. By making the Confidential Information available for use in any proceeding or hearing related to the Application, Tarpon and/or Ferraina have not waived their rights or compromised the confidentiality or admissibility of the Confidential Information.

12. The Confidential Information shall remain confidential and proprietary in nature after the conclusion of all proceedings related to the Application. The Council and its staff shall maintain the Confidential Information in a sealed envelope with the wording “CONFIDENTIAL – PROPRIETARY INFORMATION; BOUND BY PROTECTIVE ORDER ISSUED IN DOCKET NUMBER 496; DISCLOSURE LIMITED TO CONNECTICUT SITING COUNCIL AND ITS STAFF ONLY.”

13. The Confidential Information, in any form, including any copies thereof, shall be destroyed at the time the Council and/or its staff destroys the file for Docket Number 496. Alternatively, all originals and copies of the Confidential Information, in any form, shall be returned to legal counsel for Tarpon within thirty (30) days after the expiration of all appeal periods applicable to the final decision in the proceedings related to the Application. The Council and its staff shall inform legal counsel for Tarpon in writing of its decision concerning the disposition of the Confidential Information.

**IT IS SO ORDERED BY:**

CONNECTICUT SITING COUNCIL

BY: Melanie Bachman

DATE: January 14, 2021