

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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CONNECTICUT
SITING COUNCIL

RE: APPLICATION BY PHOENIX
PARTNERSHIP, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
AT 50 DEVINE STREET IN THE TOWN
OF NORTH HAVEN, CONNECTICUT

DOCKET NO. 384

Date: October 19, 2009

**MOTION FOR PROTECTIVE ORDER AND
MOTION TO FILE UNDER SEAL**

The applicant, Phoenix Partnership, LLC ("Phoenix") respectfully moves the Connecticut Siting Council ("Council") to enter a protective order regarding Phoenix's lease in connection with the above-captioned Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 50 Devine Street in the Town of North Haven (the "Application"). Phoenix further requests permission to file a copy of its un-redacted lease relating to the Application under seal. In support of this Motion, Phoenix states as follows:

1. Connecticut General Statutes § 16-50o (c) provides in relevant part that "[t]he 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), Phoenix submitted a redacted version of its lease with the Application, which was appended thereto as Exhibit A.

3. 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."

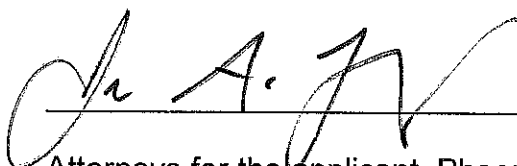
4. Phoenix hereby submits with this Motion one (1) copy of the lease regarding the Application in un-redacted form, pursuant to the Council's ruling in Docket No. 366, which is contained in an envelope that has upon it the caption and docket number for this Application and the wording "CONFIDENTIAL; DISCLOSURE LIMITED TO CONNECTICUT SITING COUNSEL ONLY."

5. Pursuant to § 16-50o (c) and the Council's ruling in Docket No. 366, the un-redacted lease contains proprietary and confidential information and, accordingly, Phoenix moves this Council for permission to file one (1) copy of its lease in un-redacted form under seal and for the Council's eyes only.

WHEREFORE, Phoenix respectfully moves the Council (1) to enter a protective order prohibiting anyone but the Council from reviewing the un-redacted lease (and any copies thereof) and (2) for permission to file said lease under seal and for the Council's eyes only.

Respectfully Submitted,

By:

A handwritten signature in black ink, appearing to read "Julie D. Kohler", written over a horizontal line.

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Partnership, LLC

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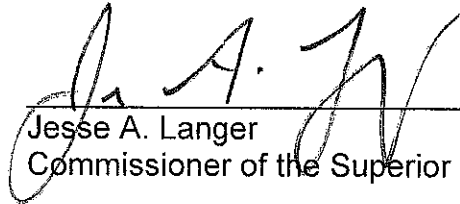
Tel. (203) 368-0211

Fax (203) 394-9901

CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing (excluding the copy of the un-redacted version of the lease filed under seal) was delivered by regular mail, postage prepaid, to all parties and intervenors of record, as follows:

Carrie L. Larson, Esq.
Pullman and Comley, LLC
90 State House Square
Hartford, CT 06103-3702



Jesse A. Langer
Commissioner of the Superior Court