

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
: :
APPLICATION OF TARPON TOWERS II, LLC : DOCKET NO. 479
AND CELLCO PARTNERSHIP D/B/A :
VERIZON WIRELESS FOR A CERTIFICATE :
OF ENVIRONMENTAL COMPATIBILITY AND :
PUBLIC NEED FOR THE CONSTRUCTION, :
MAINTENANCE AND OPERATION OF A :
WIRELESS TELECOMMUNICATIONS :
FACILITY AT 380 HORACE STREET IN :
BRIDGEPORT, CONNECTICUT : OCTOBER 6, 2017

MOTION FOR PROTECTIVE ORDER

Tarpon Towers II, LLC (“Tarpon”) respectfully requests that the Connecticut Siting Council (“Council”) issue a Protective Order pursuant to Connecticut General Statutes section 1-210(b)(5), with respect to certain terms of a Land Lease Agreement (the “Agreement”), dated June 16, 2014, between MDL Realty, LLC and Construction Services of Branford, LLC (“CSB”) (the “Agreement”), and an Assignment and Assumption of Ground Lease between CSB and Tarpon Towers II, LLC (“Assignment”) dated June 16, 2017, both of which were submitted to the Council in connection with the above-referenced proceeding.

Connecticut General Statutes section 16-50o provides, in relevant part:

The applicant shall submit into the record the full text of the terms of any agreement . . . entered into by the applicant . . . in connection with the construction or operation of the facility. This provision shall *not* require the disclosure of proprietary information or trade secrets.


Conn. Gen. Stat. § 16-50o(c) (emphasis added). Pursuant to this requirement, Tarpon submitted redacted copies of the Agreement and the Assignment to the Council. (*See* Council Application, Attachment 17; and Tarpon’s October 2, 2017 submission of the Assignment). The redacted

provisions relate to financial terms and other confidential information contained in the Agreement and the Assignment (“Confidential Information”). Tarpon is willing to submit an unredacted copy of the Agreement and the Assignment to the Council subject to the issuance of a Protective Order that would limit disclosure of the Confidential Information to the Council and its staff.

As reflected in the attached Affidavit of Brett Buggeln, Chief Operating Officer for Tarpon, the information for which Tarpon seeks protected treatment is commercially valuable, confidential and proprietary, market-sensitive information that constitutes trade secrets within the meaning of Connecticut General Statutes §1-210(b)(5), and which Tarpon has heretofore used its best efforts to maintain 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.

WHEREFORE, Tarpon respectfully requests that the Council grant the request for protected treatment consistent with the attached Protective Order for the Agreement and the Assignment, which would limit disclosure of the Confidential Information to the Council and its staff.

Respectfully submitted,
TARPON TOWERS II, LLC

By 
Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
Its Attorneys

AFFIDAVIT

STATE OF Florida)
) ss. Bradenton
COUNTY OF Manatee)


Brett Buggeln, being duly sworn, deposes and states that:

1. I am over the age of eighteen and understand the obligation of making a statement under oath.
2. I am a the Chief Operating Officer of Tarpon Towers II, LLC ("Tarpon").
3. I am familiar with the terms of the Land Lease Agreement, dated June 16, 2014, between MDL Realty, LLC and Construction Services of Branford, LLC ("CSB") (the "Agreement") and the Assignment and Assumption of Ground Lease ("Assignment") dated June 16, 2017, between CSB and Tarpon for the construction of a new wireless telecommunications facility at 380 Horace Street in Bridgeport, Connecticut.
4. A redacted copy of the Agreement was submitted to the Council as a part of the Docket No. 479 application. A redacted copy of the Assignment was submitted to the Council as part of a filing made on October 2, 2017.
5. The redacted provisions of the Agreement and Assignment relate to the amount of rent and other monies to be paid by Tarpon during the term of the Agreement and any extension thereof and the amount of money paid for the Assignment ("Confidential Information").
6. The Confidential Information is commercially valuable, confidential, proprietary and market-sensitive information that constitutes trade secrets.
7. Tarpon has heretofore used its best efforts to maintain the Confidential Information as secret in order to avoid the harm that would result if the information were to become publicly available.



Brett Buggeln, Chief Operating Officer
Tarpon Towers II, LLC

Subscribed and sworn to before me
this 3 day of October, 2017



Notary Public
My Commission Expires on : 5-10-18



TODD J. BOWMAN
MY COMMISSION # FF 122433
EXPIRES: August 10, 2018
Bonded Thru Budget Notary Services