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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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RE: APPLICATION OF SBA TOWERS II LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 49 BRAINERD ROAD,
NIANTIC (EAST LYME), CONNECTICUT

DOCKET NO. 396

Date: December 14, 2009

MOTION FOR PROTECTIVE ORDER AND
MOTION TO FILE UNDER SEAL

The applicant, SBA Towers II LLC ("SBA") respectfully moves for a protective order in connection with the filing of its unredacted lease and moves for permission to file its unredacted lease under seal. In support of this motion, SBA represents as follows:

1. Conn. Gen. Stat. § 16-50o (c) requires SBA to submit, to the record, "the full text of the terms of an agreement, and a statement of any consideration therefor . . . entered into by the applicant . . . 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. Pursuant to Conn. Gen. Stat. § 16-50o (c), SBA submitted a copy of its notice of lease in its Application dated July 10, 2009 (found at Exhibit A).

3. Pursuant to Conn. Gen. Stat. § 16-50o (c), the specific rental amount paid pursuant to the lease is proprietary information to SBA and considered a trade secret.

4. In Docket 366, the Council ruled that an applicant is required to disclose specific rental amounts, subject to a protective order.

5. In furtherance of the Council's ruling in Docket 366, SBA files four unredacted copies its lease under seal.

6. SBA moves for permission to file such information under seal and moves that the Council impose a protective order on this information because it is proprietary and confidential, as permitted by Pursuant to Conn. Gen. Stat. § 16-50o (c).

Respectfully Submitted,

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Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

Kenneth Baldwin, Esq.
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Carrie L. Larson

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