



Jesse A. Langer
(t) 203.786.8317
(f) 203.772.2037
jlanger@uks.com

LEED Green Associate

December 15, 2014

***VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL***

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

Re: Docket No. 454 – Application by Tower Holdings, LLC for A Certificate of Environmental Compatibility and Public Need for A Telecommunications Facility at 199 Brickyard Road, Farmington, Connecticut

Dear Attorney Bachman:

This office represents Tower Holdings, LLC (“Tower Holdings”), the applicant in the above-captioned docket. In accordance with General Statutes § 16-50o(c), Tower Holdings respectfully submits the enclosed Motion for Protective Order concerning the lease between it and New Cingular Wireless PCS LLC (“Lease”). I have also included twenty (20) copies in accordance with §16-50j-12(a) of the Regulations of Connecticut State Agencies.

I have also filed with the Motion for Protective Order one (1) copy of the Lease, without redaction, pursuant to the Connecticut Siting Council’s (“Council”) ruling in Docket No. 366, which is contained 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 454; DISCLOSURE LIMITED TO CONNECTICUT SITING COUNCIL AND ITS STAFF ONLY.”

Tower Holdings respectfully requests that the enclosed Motion for Protective Order be placed on the agenda of the Connecticut Siting Council’s next regularly scheduled meeting.

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
December 15, 2014
Page 2

If you have any questions concerning the Motion for Protective Order, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jesse A. Langer", with a long horizontal flourish extending to the right.

Jesse A. Langer

Enclosures

cc: *Service List*

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

DOCKET NO. 454

**APPLICATION OF TOWER HOLDINGS,
LLC FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE
AND OPERATION OF A
TELECOMMUNICATIONS FACILITY
AT 199 BRICKYARD ROAD IN THE
TOWN OF FARMINGTON,
CONNECTICUT**

December 15, 2014

**MOTION FOR PROTECTIVE ORDER AND
SUPPORTING MEMORANDUM OF LAW**

The Applicant, Tower Holdings, LLC, (“Tower Holdings”), respectfully moves the Connecticut Siting Council (“Council”) to enter a protective order regarding Tower Holding’s lease in connection with the above-captioned Application for Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 199 Brickyard Road, Farmington, Connecticut (“Application”). Tower Holdings further requests permission to file a copy of the un-redacted lease concerning the Application under seal. In support if this Motion for Protective Order, Tower Holdings states as follows:

1. 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.” (Emphasis added.)

2. In accordance with § 16-50o(c), Tower Holdings submitted a redacted version of the lease (“Lease”) between it and New Cingular Wireless PCS LLC (“AT&T”) with the Application, which was appended thereto as Attachment 21. The redacted portions of the Lease pertain to rental amounts and related financial information (“Confidential Information”).

3. In passing upon the Application for 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 and related financial information, albeit subject to a protective order because such information constitutes a “trade secret.”

4. Attached hereto as Exhibit A is the Affidavit of Jessica Rincon, a Senior Real Estate and Construction Manager for AT&T, stating that the Confidential Information contained in the Lease is proprietary and commercially sensitive information and that AT&T would be harmed by the disclosure of the Confidential Information. The Confidential Information constitutes “trade secrets” as defined by Connecticut law.

5. Tower Holdings hereby submits with this motion and supporting memorandum one (1) copy of the Lease concerning the Application, without redaction, pursuant to the Council’s ruling in Docket No. 366, which is contained 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 454; DISCLOSURE LIMITED TO CONNECTICUT SITING COUNCIL AND ITS STAFF ONLY.”

6. Tower Holdings respectfully moves the Council to maintain the Confidential Information under seal and keep it confidential pursuant to the terms of the proposed Protective

Order, attached hereto as Exhibit B. Tower Holdings further moves the Council to order that any recipient of the Confidential Information, as defined by the Protective Order, execute the proposed Non-Disclosure Agreement, attached hereto as Exhibit C, and be otherwise bound by the terms of the proposed Protective Order.

WHEREFORE, Tower Holdings respectfully moves the Council to (1) enter a protective order prohibiting anyone but the Council and its staff from reviewing the un-redacted Lease (and any copies thereof); (2) order any recipient of the Confidential Information to execute the proposed Non-Disclosure Agreement; and (3) permit Tower Holdings to file the Lease under seal for the Council and its staff's eyes only.

Respectfully submitted by,

TOWER HOLDINGS, LLC

By: 

Jesse A. Langer
Updike, Kelly & Spellacy, P.C.
265 Church Street
New Haven, CT 06510
(203) 786-8310
Email: jlanger@uks.com

EXHIBIT A

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

DOCKET NO. 454

**APPLICATION OF TOWER HOLDINGS,
LLC FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE
AND OPERATION OF A
TELECOMMUNICATIONS FACILITY
AT 199 BRICKYARD ROAD IN THE
TOWN OF FARMINGTON,
CONNECTICUT**

December 8, 2014

AFFIDAVIT OF JESSICA RINCON

Jessica Rincon, having been sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligations of an oath, and I have personal knowledge of the facts outlined in this affidavit.
2. I am a Senior Real Estate and Construction Manager for New Cingular Wireless PCS LLC ("AT&T").
3. I am familiar with the Application for Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 199 Brickyard Road, Farmington, Connecticut ("Application"), filed by Tower Holdings, LLC ("Tower Holdings") with the Connecticut Siting Council ("Council").
4. I am also familiar with the lease between New Cingular Wireless PCS, LLC ("AT&T") and Tower Holdings ("Lease").
5. Tower Holdings submitted a redacted copy of the Lease with the Application, appended thereto as Attachment 21, which is now pending before the Council as Docket Number 454.

6. The redacted provisions of the Lease relate to sensitive and confidential financial terms and information regarding rent and fees to be paid by AT&T to Tower Holdings during the term of the Lease ("Confidential Information").

7. The Confidential Information is proprietary, confidential and commercially valuable information that constitute trade secrets.

8. AT&T would be harmed by the disclosure of the Confidential Information.

9. AT&T has used its best efforts to maintain the Confidential Information as secret in order to avoid the harm that would result from the disclosure of the Confidential Information.



Name: Jessica Rincon

Title: Senior Real Estate and Construction Manager

Personally appeared, Jessica Rincon, before me and subscribed and swore to the foregoing on this 24 day of Dec., 2014.



Notary Public

My Commission Expires:

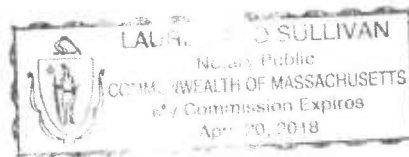


EXHIBIT B

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

DOCKET NO. 454

**APPLICATION OF TOWER HOLDINGS,
LLC FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE
AND OPERATION OF A
TELECOMMUNICATIONS FACILITY
AT 199 BRICKYARD ROAD IN THE
TOWN OF FARMINGTON,
CONNECTICUT**

December 15, 2014

PROTECTIVE ORDER

WHEREAS, the provisions of the lease between New Cingular Wireless PCS, LLC (“AT&T”) and Tower Holdings, LLC (“Tower Holdings”) concerning the rental income and related financial information (“Lease”) are proprietary and commercially sensitive to AT&T (“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, AT&T 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. Tower Holdings 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 454; 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 Tower Holdings’ Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation

of a telecommunications facility at 199 Brickyard Road, Farmington, Connecticut, identified as Docket Number 454 (“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”). Tower Holdings and AT&T 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 Tower Holdings and AT&T have been afforded an opportunity to respond to the Motion. Tower Holdings and AT&T 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, Tower Holdings and/or AT&T 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 454; 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 454. Alternatively, all originals and copies of the Confidential Information, in any form, shall be returned to legal counsel for Tower Holdings 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 Tower Holdings in writing of its decision concerning the disposition of the Confidential Information.

IT IS SO ORDERED BY:

CONNECTICUT SITING COUNCIL

BY: _____

DATE: _____

EXHIBIT C

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

DOCKET NO. 454

**APPLICATION OF TOWER HOLDINGS,
LLC FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE
AND OPERATION OF A
TELECOMMUNICATIONS FACILITY
AT 199 BRICKYARD ROAD IN THE
TOWN OF FARMINGTON,
CONNECTICUT**

December 15, 2014

NON-DISCLOSURE AGREEMENT PURSUANT TO PROTECTIVE ORDER

I hereby acknowledge that I am to receive information, documents and other items designated as Confidential Information pursuant to the terms of the Protective Order, dated _____, in Docket Number 454, pending before the Connecticut Siting Council ("Protective Order"). I acknowledge and verify that I have received a copy of the Protective Order; that I have read the Protective Order; that I understand the Protective Order; and that I agree to be bound by the terms and restrictions set forth in the Protective Order.

I further agree that any Confidential Information in my custody will be segregated and kept safe by me in a safe place, and will not be made known to others or used except in accordance with the terms of the Protective Order. I further understand and agree that any copies, portions, summaries, analyses or excerpts of the Confidential Information, or anything reflecting information derived from the Confidential Information furnished to me shall also be treated by me as Confidential Information in accordance with the terms of the Protective Order. I further agree to notify any stenographic or clerical personnel, or information technology (IT) consultants, who are required to assist me, of the terms of the Protective Order.

I further agree that I am subject to the jurisdiction of the Connecticut Siting Council, and the Courts of the State of Connecticut and the District of Connecticut, in connection with any proceedings concerning the enforcement of the Protective Order.

Date: _____

By: _____
Name:

Personally appeared, _____, before me and subscribed and swore to the foregoing on this day of _____, 2014.

Notary Public

My Commission Expires:

CERTIFICATION

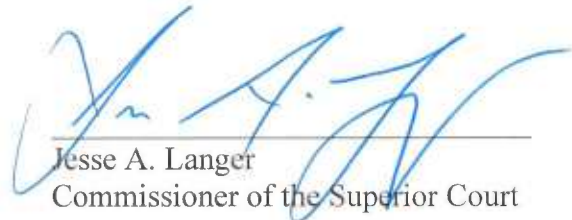
I hereby certify that on this day a copy of the foregoing (excluding the copy of the un-redacted version of the lease filed under seal) was delivered by electronic mail and regular mail, postage prepaid, to all parties and intervenors of record, as follows:

Counsel for New Cingular Wireless PCS, LLC ("AT&T")

Christopher B. Fisher
Lucia Chiocchio
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Counsel for the Town of Farmington

Kenneth R. Slater, Jr.
Duncan F. Forsyth
Halloran & Sage, LLP
One Goodwin Square
225 Asylum Street
Hartford, CT 06106



Jesse A. Langer
Commissioner of the Superior Court