

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF AMERICAN TOWERS LLC (ATC)
AND NEW CINGULAR WIRELESS PCS, LLC (AT&T)
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION
OF A TELECOMMUNICATIONS TOWER FACILITY IN
EAST LYME, CONNECTICUT

DOCKET NO. 463A

October 31, 2016

MOTION FOR A PROTECTIVE ORDER RELATED TO DISCLOSURE OF THE EXACT
MONTHLY RENT IN THE LEASE AGREEMENT BETWEEN NEW CINGULAR
WIRELESS PCS, LLC AND THE ORCHARDS AT EAST LYME, INC.

In furtherance of the Council's ruling in Docket 366, Applicant New Cingular Wireless PCS, LLC, respectfully moves for a protective order related to the disclosure of the exact monthly rent in the respective Lease Agreement with The Orchards at East Lyme, Inc. ("Lessee"). The Siting Council's evaluation of the Applicants' proposed facility should not be based on the financial terms of AT&T's agreement with the Lessee as it does not relate to the criteria set forth in Section 16-50p of the Connecticut General Statutes. Additionally, AT&T considers the specific amount of rent and other financial terms that these parties agreed upon as proprietary corporate information. It is respectfully submitted that the specific monthly rent of the Lease Agreement between AT&T and The Orchards at East Lyme, Inc. as well as other financial terms is not relevant to this proceeding and should be excluded from any public disclosure. In furtherance of this motion, portions of the lease with the unredacted portions disclosed specifying the monthly rent and other financial terms has been provided in the included sealed envelope and marked "Confidential: Disclosure of the Contents is Bound by Protective Order Issued by the Siting Council". A redacted copy of the lease has already been provided to the Siting Council in furtherance of Section 16-50o(c) of the Connecticut General Statutes.



Daniel M. Laub, Esq.
Cuddy & Feder LLP
Attorneys for the Applicant

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APPLICATION OF AMERICAN TOWERS LLC ("ATC") DOCKET NO. 463A
AND NEW CINGULAR WIRELESS PCS, LLC ("AT&T")
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE October, 2016
CONSTRUCTION, MAINTENANCE AND OPERATION
OF A TELECOMMUNICATIONS TOWER FACILITY
AT 2 ARBOR CROSSING IN THE TOWN OF EAST
LYME

AFFIDAVIT OF JESSICA RINCON

Jessica Rincon, being duly sworn, deposes and states that:

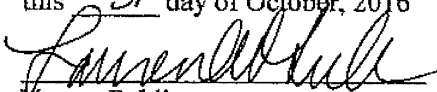
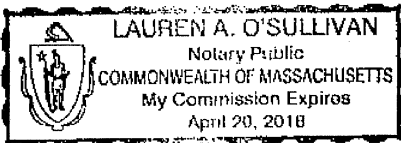
1. I am over the eighteen years of age and understand the obligation of making a statement under oath.
2. I am a Sr. Real Estate and Construction Manager with New Cingular Wireless PCS, LLC ("AT&T")
3. I am familiar with AT&T and American Tower Corporation's Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications tower facility located at 2 Arbor Crossing in East Lyme, Connecticut (the "Application").
4. I am familiar with the lease between AT&T and The Orchards at East Lyme, the owners of the property located at 2 Arbor Crossing, that is being submitted to the Connecticut Siting Council ("lease").
5. A redacted copy of the lease between AT&T and The Orchards at East Lyme, Inc. is being submitted in connection with the Application.

6. The redacted provisions relate to the amount of rent and related financial information to be paid by AT&T to The Orchards at East Lyme during the term of the lease and any extensions thereof ("Confidential Information").
7. The Confidential Information is proprietary, confidential and commercially valuable information that constitutes 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.



Jessica Rincon
Sr. Real Estate and Construction Manager
AT&T

Subscribed and sworn to before me
this 31st day of October, 2016th


Notary Public

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EAST LYME, CONNECTICUT

DOCKET NO. 463A

November 1, 2016

PROTECTIVE ORDER

WHEREAS, the financial provisions in the Lease Agreement between New Cingular Wireless PCS, LLC and The Orchards at East Lyme, Inc. (the "lease") is proprietary, confidential and commercially valuable information ("Confidential Information");

WHEREAS, the Confidential Information qualifies as "trade secrets" as defined by Connecticut Law;

WHEREAS, AT&T would be harmed by the disclosure of the Confidential Information;

WHEREAS, AT&T is willing to provide the Confidential Information to the Siting Council subject to a protective order;

NOW, THEREFORE, it is hereby ordered that a protective order enter with respect to the Confidential Information and that the following is adopted for the protection of the Confidential Information:

1. The Confidential Information shall be governed by the terms of this Order.
2. The Confidential Information is proprietary, confidential and constitutes trade secrets.
3. The Confidential Information shall be given solely to the Siting Council and its staff and the Siting Council and its staff shall take all reasonable precautions to maintain the confidentiality of the Confidential Information.
4. The Confidential Information is subject to this Order and shall in no event be disclosed to any person or entity.

5. The Confidential Information shall be delivered in a sealed envelope to the Siting Council and marked as follows: "Confidential: Disclosure of the Contents is Bound by Protective Order Issued by the Siting Council."

6. Nothing herein shall be interpreted as a determination that any of the Confidential Information will be admissible as substantive evidence in this proceeding or at any hearing or trial. Any party seeking to change the terms of this Order shall do so by motion and serve all parties. No information protected by this Order shall be made public until the Siting Council rules on any such motion to change the terms of this Order.

7. The Siting Council and its staff shall not access, use or disclose the Confidential Information in any proceeding, nor make the Confidential Information available to any party, intervenor or interested individual or entity in any proceeding.

8. The Confidential Information shall remain confidential and proprietary after the conclusion of all proceedings in this docket.

9. All copies of the Confidential Information shall be returned to AT&T no later than thirty (30) days after the expiration of all appeal periods applicable to the final decision rendered in this proceeding.

CONNECTICUT SITING COUNCIL

By: _____

Dated: _____, 2016