

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of)	
)	
)	
ELEVATE JET, LLC)	DOCKET OST-2019-0154/55
)	
for a Certificate of Public Convenience)	
and Necessity (Interstate Passenger)	
Charter Service))	
)	

MOTION OF ELEVATE JET, LLC FOR CONFIDENTIAL TREATMENT

Communications with respect to this document should be sent to:

John R. Mietus, Jr.
Law Office of John Mietus, LLC
12505 Park Potomac Ave., 6th Floor
Potomac, MD 20854
(202) 747-5212
john@mietuslaw.com

Counsel for ELEVATE JET, LLC

March 31, 2020

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

)	
Application of)	
)	
ELEVATE JET, LLC)	DOCKET OST-2019-0154/55
)	March 31, 2020
for a Certificate of Public Convenience)	
and Necessity (Interstate Passenger)	
Charter Service))	
)	

MOTION OF ELEVATE JET, LLC FOR CONFIDENTIAL TREATMENT

Pursuant to Rule 12 of the Department's Rules of Practice, 14 C.F.R. § 302.12, Elevate Jet, LLC respectfully moves to withhold from public disclosure the contents of Confidential Exhibits A1 (1 page), D, E, and F to the above-captioned certificate application. In accordance with Rule 12, the exhibits have been marked "Confidential" and are being filed under seal.

Confidential Exhibit A1 is an amended list of the FAA certificate numbers of Elevate Jet key personnel. The Department previously has found in this docket that confidential treatment of such numbers is appropriate, among other reasons, because they may be keyed to social security numbers and are otherwise private. *Elevate Jet, LLC*, letter ruling of Jan. 13, 2020, document OST-2019-0154-3. *See also Eastern Air Lines Group, Inc.*, letter ruling of March 14, 2015 at 3, document OST-2014-0012-0020; *Rhoades*

Aviation, Inc. dba Transair, Order 2013-1-13, at 7.

Confidential Exhibits D and E contain agreements between Elevate Jet and certain affiliates relating to the lease of the applicant's first aircraft and its receipt of certain shared services. They incorporate private, financial and commercial information that the agreement parties do not disclose to the public, as such disclosure would cause material harm to their competitive positions. The Department has maintained the confidentiality of such private agreements. *See, e.g., Delux Public Charter, LLC*, letter ruling of Jan. 13, 2016, document OST-2015-0208-9 (dry lease); *Eastern Air Lines Group, Inc.*, letter ruling of March 11, 2015, document OST-2014-0012-20 (dry lease); *Dynamic Airways, LLC*, letter ruling of July 29, 2010, document OST-2010-0058-7 at 3 (intra-group transaction); *Kaiserair, Inc.*, Order 2010-5-25 at 9-10.

Confidential Exhibit F contains a form of the agreement Elevate Jet expects to sign to manage an aircraft on behalf of a private customer. This agreement contains negotiated, proprietary terms that would not be provided to the public and could be used by competitors to Elevate Jet's commercial disadvantage. Such aircraft management agreements have been granted confidential treatment in the past. *See, e.g., Jet Aviation Flight Services, Inc.*, Order 2015-3-18 at 7 n.12; *Universal Jet Aviation, Inc.*, Order 2012-1-11 at 7-8; *Kaiser; Swift Air, LLC*, Order 2006-9-10 at 7-8.

The information in all four Confidential Exhibits meets Department Rule 12 policy for nondisclosure, that is, the standards found in exemption (4) of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), in that it is: (1) commercial or financial, (2) obtained from a person outside the government, and (3) privileged or confidential. *See Gulf & Western Indus., Inc. v. United States*, 615 F.2d 527, 529 (D.C. Cir. 1979); *National Parks and Conservation Assoc. v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

WHEREFORE, Elevate Jet respectfully requests that the Department grant Confidential Exhibits A1 and D through F confidential treatment under Rule 12.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Mietus, Jr.", written in a cursive style.

John R. Mietus, Jr.
Counsel for Elevate Jet, LLC

March 31, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have, this 31st day of March, 2020 caused a copy of the foregoing Motion to be served by electronic mail on the following persons:

David.F.Gillen@faa.gov
David.B.Lusk@faa.gov

A handwritten signature in black ink, appearing to read "John R. Mietus, Jr.", written in a cursive style.

John R. Mietus, Jr.