

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

_____)	
U.S.-HAVANA PUBLIC CHARTER)	DOCKET OST-2020-0011
AUTHORIZATIONS)	
_____)	

MOTION OF CARIBBEAN SUN AIRLINES, INC. d/b/a WORLD
ATLANTIC AIRLINES 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 CARIBBEAN SUN
AIRLINES, INC. d/b/a WORLD
ATLANTIC AIRLINES

June 30, 2020

BEFORE THE
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WASHINGTON, D.C.

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Pursuant to Rule 12 of the Department's Rules of Practice, 14 C.F.R. § 302.12, and ordering paragraph 9 of Order 2020-5-7, Caribbean Sun Airlines, Inc. d/b/a World Atlantic Airlines (“WAA”) respectfully moves to withhold from public disclosure the contents of Confidential Exhibit WAA-2020-3 to its U.S.-Havana Charter Pool Request of June 18, 2020 filed in the above-captioned docket. In accordance with Rule 12, the exhibit has been marked “Confidential” and is being filed under seal.

Confidential Exhibit WAA-2020-3 contains an addendum, relating to the charter pool request described above, to Confidential Exhibit WAA-2020-2, the charter agreement between WAA and Viajes Hoy d/b/a Havana Air. The Department routinely grants confidential treatment to charter agreements, where public disclosure would give competitors the ability to readily calculate sensitive commercial terms negotiated by the submitter. *See, e.g., Atlas Air, Inc.*, Order 2010-4-8 at 13-15; *Swift Air, LLC*, Order 2006-

9-10 at 7-8; *1996/1997 Brazil All-Cargo Charter Proceeding (Phase II)*, Order 96-12-5 at 7-8 (also citing disclosure's adverse effect on the competitive position of an air carrier in foreign air transportation under 49 U.S.C. § 40115(a)(2)(B)). It has done so in the instant proceeding. *See* Order 2020-5-7 at 19, ordering paragraph 14.

Thus, the document sought to be withheld from public disclosure 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). The document also meets the standards of exemption (3), which protects information specifically protected by another federal statute. In this case, 49 U.S.C. § 40115(a)(2)(B) provides that the Department shall withhold from public disclosure information that would “have an adverse effect on the competitive position of an air carrier in foreign air transportation.”

WHEREFORE, World Atlantic Airlines respectfully requests that Confidential Exhibit WAA-2020-3 be accorded 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.
Law Office of John Mietus, LLC
12505 Park Potomac Ave., 6th Floor
Potomac, MD 20854
(202) 747-5212
Counsel for CARIBBEAN SUN
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CERTIFICATE OF SERVICE

I certify that a copy of this Motion for Confidential Treatment was served by email this 30th day of June, 2020, on the following persons:

Aerocuba, Cubazul	jmaddux@ggh-airlaw.com
American	robert.wirick, john.b.williams@aa.com
Cuba Travel Services	lpera@kmazuckert.com
Delta	alex.krulic, chris.walker, steven.seiden@delta.com
HavanaAir	mark@havanaair.com
Invicta	esahr@eckertseamans.com, dderco@eckertseamans.com
JetBlue	robert.land, reese.davidson@jetblue.com
Southwest	bob.kneisley, leslie.abbott@wnco.com
Superior Air	anmartsuperiortravel@yahoo.com
United	dan.weiss, steve.morrissey@united.com
Xael	romanow@pillsburylaw.com



John R. Mietus, Jr.