

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:

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AIRLINES, INC. d/b/a WORLD
ATLANTIC AIRLINES

July 28, 2020

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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U.S.-HAVANA PUBLIC CHARTER)	DOCKET OST-2020-0011
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ATLANTIC AIRLINES FOR CONFIDENTIAL TREATMENT

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-2020-4 to its U.S.-Havana Charter Pool Request of July 28, 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-2020-4 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 information 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-2020-4 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.

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July 28, 2020

CERTIFICATE OF SERVICE

I certify that a copy of this letter was served by email this 28th day of July, 2020, on the following persons:

Aerocuba, Cubazul,
Havana Air
American
Cuba Travel Services
Delta
Invicta
JetBlue
Southwest
Superior Air
United
Xael

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A handwritten signature in black ink, appearing to read "John R. Mietus, Jr.", with a stylized, cursive script.

John R. Mietus, Jr.