

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of)	
)	
)	
Breeze Aviation Group, Inc.)	Docket DOT-OST-2020-_____
)	
for a certificate of public convenience and)	
Necessity under 49 U.S.C. 41102 to engage)	
In interstate scheduled air transportation)	
)	

**MOTION OF BREEZE AVIATION GROUP, INC.
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

Communications with respect to this document should be sent to:

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February 7, 2020

Notice: Any person who wishes to support or oppose this motion must file an answer within 7 days after receipt of the motion by the Department of Transportation and serve that answer on all persons served with this filing.

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Pursuant to section 302.12 of the Department’s Rules of Practice, Breeze Aviation Group, Inc. (“Breeze”) hereby moves to withhold from public disclosure:

- Portions of Exhibits F-1 – F-14 (certain personal information)
- Portions of Exhibit N (Select terms of financing agreements & financing strategies)
- Portions of Exhibit T-1 (Initial city pairs)
- Portions of Exhibit T-4 (Revenue Per Mile Assumptions & Charter Rates)
- Portions of Exhibit T-5 (Load Factor, Available Seat Mile, Charter Block Hours & Aircraft in Service information)
- Exhibit 4 (Aircraft Financing Agreement)
- Exhibit 5 (Aircraft Sale & Leaseback Agreement)
- Exhibit 6 (Letter of Intent to Lease Aircraft)
- Portions of Exhibit 7-2 (Certain personal information)
- Portion of Application page 4 (Commercially sensitive aircraft information)

These documents are being filed with this Motion in a sealed envelope marked “Confidential Materials - Rule 12 Treatment Requested.” In support of this Motion, Breeze submits the following:

1. Exhibits T-1, T-4 and T-5 contain information that is confidential and proprietary, and is protected from public disclosure under the Freedom of Information Act, including 5 U.S.C.

§552(b)(4) (“Exemption 4”). Exemption 4 protects from public disclosure information that is (1) commercial or financial, (2) obtained from a person outside the government, and (3) privileged or confidential. The redacted portions of these exhibits satisfy the standard. They are commercial or financial in nature. The redacted information is not available to the public and was obtained from a private citizen, and Breeze considers the information highly confidential. Breeze also submits that public disclosure of the confidential information it is providing would cause substantial harm to its competitive position, and could impair the government’s ability to obtain similar information on a voluntary basis from individuals in the future.¹ Disclosure of Breeze’s initial markets prior to Breeze’s entry into those markets could disadvantage the airline competitively. Moreover, the initial city-pair, revenue per mile, available seat mile, load factor and charter pricing information is the type of information that the Department advises will be protected as confidential in application proceedings.² For the same reason, Breeze has redacted the projected charter block hours to inhibit the easy calculation of the charter pricing information that has been redacted.³ Breeze has redacted the total aircraft in service to prevent the precise calculation of its commercially sensitive aircraft leasing rates while providing the total number of aircraft to allow the public to scrutinize its proposed operating plan.

¹ *Gulf & Western Indus., Inc. v. United States*, 615 F.2d 527,529 (D.C. Cir. 1980); *Nat’l Parks & Conservation Ass’n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

² U.S. Dep’t of Transp., Air Carrier Fitness Division, How to Become a Certificated Air Carrier, (Sep. 2012), https://cms8.dot.gov/sites/dot.gov/files/docs/Certificated_Packet_2012_final.pdf (“How to Become a Certificated Air Carrier”) (“the Department will generally grant confidentiality to information identifying the specific markets to be served, proposed frequency of service, fares, estimated revenue passenger miles and available seat miles, and projected load factor.”).

³ Because Breeze plans to initiate scheduled service in its fourth month of operations, it has redacted the total system hours during those months because they are all charter hours. In the months where there is a mixture of charter and scheduled service, Breeze has provided the total system block hours.

2. Exhibits 4, 5 and 6 are aircraft financing and leasing documents, Exhibit N contains a description of how much of the two credit facilities that Breeze projects it will draw through the end of 2021, and the Application provides the proprietary capacity of Breeze's A220 aircraft that have not yet been delivered. As with the commercial information protected by Exemption 4 above, the terms of these agreements are (1) commercial and financial, (2) obtained from a person outside the government, and (3) confidential to Breeze and the counter-parties to these agreements. Moreover, release of this information would cause substantial harm to the competitive position of Breeze and its counterparties. This information also is of the type that the Department typically allows to remain confidential.⁴

4. With respect to Exhibits F-1-F-14 and Exhibit 7-2, Breeze has redacted personal contact information of certain of its executives and employees. Such information is protected from public disclosure under the Freedom of Information Act, including 5 U.S.C. §552(b)(6) ("Exemption 6"). Exemption 6 permits the withholding from public disclosure that would constitute an unwarranted invasion of privacy. Disclosure of the personal contact information not only would be an unwarranted invasion of privacy, but the information is not particularly probative of Breeze's fitness to provide air transportation.

WHEREFORE, for the foregoing reasons, Breeze respectfully requests that the Department grant this motion for confidential treatment; withhold from public disclosure the confidential, proprietary, and commercially sensitive information Breeze has filed (and subsequently may file)

⁴ How to Become a Certificated Air Carrier at 4 ("Information for which confidential treatment will generally be granted includes ... aircraft leases [and] loan agreements").

under seal. Breeze further respectfully requests any additional relief that the Department may deem necessary and in the public interest.

Respectfully Submitted,



Dated: February 7, 2020

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 7th day of February, 2020 served the foregoing Motion of Breeze Aviation Group, Inc. for Confidential Treatment via email submission on the following:

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