

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Application of)
)
)

«Aircompany Constanta» PrJSC)

For a foreign air carrier permit pursuant to)
49 USC § 41301 and for exemption authority)
pursuant to 49 USC § 40109)
(US – Ukraine Open Skies))

Docket No. DOT- OST-2020-0022

**MOTION OF «AIRCOMPANY CONSTANTA» PrJSC
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

Communications with respect to this document should be addressed to:

Kseniia Goncharenko
Quality and Compliance Monitoring Manager
«Aircompany Constanta» PrJSC
Zaporizhzhya International Airport
Blakytina Str., Building 4
Zaporizhzhya, Ukraine, 69013
kgoncharenko@constantaairlines.com

Paul M. Grocki
Law Offices of Paul A. Lange, LLC
80 Ferry Boulevard
Stratford, CT 06615
Phone: (203) 375-7724
Fax: (203) 375-9397
pmg@lopal.com

Counsel for
«Aircompany Constanta» PrJSC

Dated: February 19, 2020

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Application of

«Aircompany Constanta» PrJSC

For a foreign air carrier permit pursuant to
49 USC § 41301 and for exemption authority
pursuant to 49 USC § 40109
(US – Ukraine Open Skies)

Docket No. DOT- OST-2020-0022

**MOTION OF «AIRCOMPANY CONSTANTA» PrJSC
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

Pursuant to Section 302.12 of the Department’s Rules of Practice, «Aircompany Constanta» PrJSC (“Aircompany Constanta”) hereby moves to withhold from public disclosure Attachment 8, Attachment 9, Attachment 10, Attachment 11, and Attachment 16 to the above-captioned application for the issuance of certificate authority. These documents are being filed with this Motion in a sealed envelope marked “Confidential Materials -- Rule 12 Treatment Requested.” In support of this Motion, Aircompany Constanta submits the following:

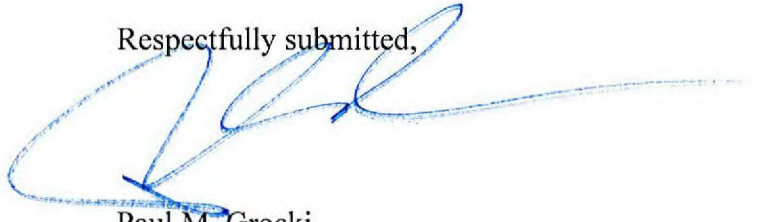
- Attachment 9 is Aircompany Constanta’s personal commercial and financial statements.
- Attachment 8 is a statement related to Aircompany Constanta’s personal commercial and financial statements.
- Attachment 10 is a detailed third-party audit report of Aircompany Constanta’s personal commercial and financial statements.
- Attachment 11 is a detailed third-party audit report of Aircompany Constanta’s personal commercial and financial statements.
- Attachment 16 is a 2020 forecast that contains Aircompany Constanta’s personal commercial and financial statements along with proprietary information concerning its market research, operations, and business strategy/plans.

Pursuant to 5 U.S.C. § 552(b)(4), the information that Aircompany Constanta seeks to withhold from public disclosure is: (1) commercial and/or financial; (2) obtained from a person outside the government; and (3) privileged and confidential. Moreover, the release of this information would cause substantial harm to the competitive position of Aircompany Constanta or the individual from whom the information was obtained. In further support of the foregoing, Aircompany Constanta submits the following:

- Attachment 9 contains sensitive financial and commercial information about Aircompany Constanta, including profits and losses, assets and liabilities, and other financial information that could be used by competitors to impede Aircompany Constanta's plans to undertake the proposed air service and/or generally harm Aircompany Constanta's business interests. Moreover, the information contained in Attachment 9 is highly detailed and otherwise would not be accessible to persons outside the company.
- Attachment 8 is related to and refers to Attachment 9, which contains proprietary financial and commercial information about Aircompany Constanta that generally would not be accessible to persons outside the company.
- Attachment 10 contains sensitive financial and commercial information about Aircompany Constanta in that it is an audit report of Aircompany Constanta's private and confidential financial statements. Such proprietary financial information could be used unfairly by Aircompany Constanta's competitors to impede its plans to undertake the proposed air service and/or generally harm Aircompany Constanta's business interests. Moreover, the information contained in Attachment 10 is highly detailed and private and otherwise would not be accessible to persons outside the company.
- Attachment 11 contains sensitive financial and commercial information about Aircompany Constanta in that it is an audit report of Aircompany Constanta's private and confidential financial statements. Such proprietary financial information could be used unfairly by Aircompany Constanta's competitors to impede its plans to undertake the proposed air service and/or generally harm Aircompany Constanta's business interests. Moreover, the information contained in Attachment 11 is highly detailed and private and otherwise would not be accessible to persons outside the company.
- Attachment 16 contains sensitive financial and commercial information about Aircompany Constanta, including costs, expenses, liabilities, and projected income. It also includes proprietary details of Aircompany Constanta's market research about its proposed operations, and also provides confidential details about the workings of its business and business strategy. Such proprietary information could be used unfairly by Aircompany Constanta's competitors to impede its plans to undertake the proposed air service and/or generally harm Aircompany Constanta's business interests directly or indirectly.

WHEREFORE, the foregoing information should be afforded confidential treatment by the
Department.

Respectfully submitted,



Paul M. Grocki
Law Offices of Paul A. Lange, LLC
80 Ferry Boulevard
Stratford, CT 06615
Phone: (203) 375-7724
Fax: (203) 375-9397
pmg@lopal.com

Counsel for
«Aircompany Constanta» PrJSC

Dated: February 19, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served the foregoing Motion for Confidential Treatment by first class mail, postage prepaid, upon the persons shown on the following service list.

U.S. Department of Transportation – Dockets Section
1200 New Jersey Avenue, SE
West Building
W12-140 Dockets
Washington, DC 20590

Brett Kruger
U.S. Department of Transportation
Office of International Aviation
1200 New Jersey Ave, SE
Washington, DC 20590
Tel.: (202) 366-8025
Email: brett.kruger@dot.gov

Aaron P. Forsberg
Director
Office of Aviation Negotiations Bureau of Economic and Business Affairs (EB/TRA/AN)
U.S. Department of State
Harry S Truman Bldg. Rm. 3817
2201 C St NW
Washington, DC 20520
Tel.: (202) 647-9797
Email: forsbergap@state.gov

Dated: February 19, 2020