

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

Application of)
)
)

«Aircompany Constanta» PrJSC)

Docket No. DOT- OST-2020-0022

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

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

Communications with respect to this document should be addressed to:

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Dated: March 20, 2020

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**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 17, Attachment 18, and Attachment 19 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 18 is Aircompany Constanta’s personal commercial and financial statements for 2019.
- Attachment 17 is a statement related to Aircompany Constanta’s personal commercial and financial statements for 2019.
- Attachment 19 is a detailed third-party audit report of Aircompany Constanta’s personal commercial and financial statements for 2019.

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 18 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 18 is highly detailed, private, and otherwise would not be accessible to persons outside the company.
- Attachment 17 is related to and refers to Attachment 18, which contains proprietary financial and commercial information about Aircompany Constanta that generally would not be accessible to persons outside the company.
- Attachment 19 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 19 is highly detailed, private, and otherwise would not be accessible to persons outside the company.

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

Respectfully submitted,



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Dated: March 20, 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.

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Dated: March 20, 2020