



**U.S. Department
of Transportation**

1200 New Jersey Avenue, S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

July 21, 2021

Mr. John Mietus, Jr.
Law Offices of John Mietus, LLC
9710 Traville Gateway Drive #274
Rockville, MD 20850

RE: Dockets DOT-OST-2020-0041/42, Applications of Global Crossing Airlines, Inc. for
Certificates of Public Convenience and Necessity

Dear Mr. Mietus:

The purpose of this letter is to notify you of the intended ruling by the U.S. Department of Transportation (the “Department”) on the requests for confidential treatment of documents that Global Crossing Airlines, Inc. (“Global Crossing”) filed in support of the referenced applications.

Global Crossing requested confidential treatment under of the Department’s rules 14 CFR 302.12 (Rule 12) on January 15, April 22, April 30, May 26, and May 28, 2021, filing motions requesting that the Department withhold from public disclosure certain information. Specifically, the applicant requested confidential treatment for the following exhibits:

January 15, 2021

Exhibit C:	Updated FAA License Numbers
Exhibit D:	Smartlynx Financing Agreement
Exhibit E:	GEM Financing Agreement
Exhibit F:	Global Crossing Employee Stock Option Plan
Exhibit G:	Aircraft Lease Agreement for MSN 2695
Exhibit H:	First Year Operating Forecast

April 22, 2021

Exhibit I:	Ascent Global Logistics Inc. Stock Purchase Agreement
Exhibit J:	Foreign Stock Record of Shareholders
Exhibit K:	List of Shareholders
Exhibit L:	Non-Public Financial Statements, 3 months ended March 31, 2021
Exhibit M:	Revised First Year Operating Forecast
Exhibit N:	Sample ACMI Contract
Exhibit O:	Lease Agreement for MSN 2480

April 30, 2021

Exhibit P: Updated List of Shareholders dated April 29, 2021

May 26, 2021

Exhibit Q: Updated List of Shareholders dated May 26, 2021

May 28, 2021

Exhibit R: Stock Purchase Agreement between Ascent Global Logistics, Inc. and Cordia Management, Inc.

Exhibit S: Bank Ledger Balance from Ascent Global Logistics, Inc.

July 14, 2021

Exhibit T: Updated List of Shareholders dated July 14, 2021

Rule 12 instructs us to evaluate requests for confidential treatment by the standards of disclosure found in the Freedom of Information Act (5 U.S.C. section 552). Information may be withheld from disclosure under 5 U.S.C. 552(b)(4) if it is (1) commercial or financial, (2) obtained from a person outside of government, and (3) privileged or confidential (*Gulf and Western Industries, Inc. v. United States*, 615F.2d 527, 529 (D.C. Cir. 1979)).

There is no question that the information for which Global Crossing seeks confidential treatment is financial or commercial in nature and that it was obtained from a person outside the government. The remaining question is whether the information is privileged or confidential--whether “disclosure of the information is likely to have either of the following effects: (1) impair the Government’s ability to obtain necessary information; or (2) cause substantial harm to the competitive position from whom the information was obtained” (*National Parks and Conservation Association v. Morton*, 498 F.2d 765,770 (D.C. Cir.1974)). Further, to be privileged or confidential, the information must not be of the type that is usually released to the public (*Gulf and Western Industries, Inc. v. United States*, 615F.2d 527,530 (D.C. Cir. 1979)).

In support of its requests, Global Crossing stated that the Department routinely grants confidential treatment to information, such as FAA license numbers (Exhibit C), applicants’ revenue forecasts (Exhibits H and M), non-public financing related documents (Exhibits D, E, I, and S), charter contracts (Exhibit N) and aircraft lease agreements where public disclosure would give competitors the ability to readily calculate sensitive commercial terms (Exhibits G and O). We agree. Therefore, we grant confidential treatment to these exhibits.

Regarding Exhibits J, K, P, Q, and T, which are shareholder lists, Global Crossing noted that it had already identified publicly those individuals and companies with ownership interests of more than 10 percent, and the Department's rules do not require the reporting of ownership information of those interests with less than 10 percent. With respect to these exhibits, we have decided to grant confidential treatment to the information contained in them except that we will withhold the investor information only to the extent that the information has not been disclosed in the application itself or is not pertinent to our discussion of the major shareholders and the capitalization of the applicant.

Additionally, Global Crossing stated that Exhibit L, the company's consolidated financial statements, is deemed confidential until May 31, 2021, pursuant to securities laws in Canada and the United States. In this instance, the Department notes that Global Crossing ultimately provided the information at a later date when confidential treatment was no longer required pursuant to Canadian securities laws, so the request for confidential treatment for Exhibit L is moot.

Concerning Exhibit R, Global Crossing stated that the Department views stockholder agreements as being confidential and containing proprietary information and concludes that their public disclosure will provide no public benefit but result in competitive harm to the company and its existing and prospective stockholders. We agree. Therefore, we grant confidential treatment to this exhibit.

We will also grant confidential treatment to Exhibits F and S. The Department finds that the applicant's public summary of the information contained in these exhibits was sufficient for our review.

If you have any questions regarding this letter, please feel free to contact Katy O'Toole of my staff via email at Catherine.O'Toole@dot.gov.

Sincerely,



Lauralyn J. Remo
Associate Director
Air Carrier Fitness Division
Office of Aviation Analysis

cc: FAA South Florida CMO
Mr. David Lusk
Mr. Vincent Rossi