

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

_____)	
Joint Application of)	
)	
MIAMI AIR INTERNATIONAL, INC.,)	
Chapter 7 Debtor)	
)	
and)	Docket OST-2020-0098
)	
MIAMI AIR INTERNATIONAL, INC.,)	
a Delaware corporation)	
)	
for transfer of certificate authority)	
under 49 U.S.C. § 41105)	
_____)	

MOTION OF MIAMI AIR INTERNATIONAL, INC.
FOR CONFIDENTIAL TREATMENT

Communications with respect to this document should be sent to:

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Counsel for MIAMI AIR INTER-
NATIONAL, INC.

August 7, 2020

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FOR CONFIDENTIAL TREATMENT

Pursuant to Rule 12 of the Department's Rules of Practice, 14 C.F.R. § 302.12, Miami Air International, Inc. ("Miami Air"), the proposed transferee in this proceeding, respectfully moves to withhold from public disclosure the contents of replacement Confidential Exhibit D to the above-captioned transfer application. In accordance with Rule 12, the exhibit has been marked "Confidential" and is being filed under seal.

The replacement Confidential Exhibit D, referred to in today's response to the Department's August 7, 2020 information request, contains the dry lease agreement between a lessor and the applicant. It incorporates private, financial and commercial information that the agreement parties do not disclose to the public, as such disclosure would cause material harm to

their competitive positions. The Department has maintained the confidentiality of such private agreements. *See, e.g., Delux Public Charter, LLC*, letter ruling of Jan. 13, 2016, document OST-2015-0208-9 (dry lease); *Eastern Air Lines Group, Inc.*, letter ruling of March 11, 2015, document OST-2014-0012-20 (dry lease); *Maxjet*, Order 2005-9-26 at 7 & n.11.

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).

WHEREFORE, Miami Air respectfully requests that replacement Confidential Exhibit D be accorded confidential treatment under Rule 12.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John R. Mietus, Jr.", written in dark ink. The signature is fluid and stylized, with a horizontal line drawn underneath it.

John R. Mietus, Jr.
Law Office of John Mietus, LLC
Counsel for MIAMI AIR INTER-
NATIONAL, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have, this 7th day of August, 2020 caused the attached Motion of Miami Air International, Inc. for Confidential Treatment to be served by electronic mail on the following person:

stanley.r.crum@faa.gov

A handwritten signature in black ink, appearing to read "John R. Mietus, Jr.", written in a cursive style.

John R. Mietus, Jr.