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

Application of

**Multi-Aero, Inc. d/b/a
Air Choice One**

for authority to conduct scheduled passenger operations
as a commuter air carrier under 49 U.S.C. § 41738

Docket OST-02-

12417

MOTION OF
MULTI-AERO, INC. d/b/a AIR CHOICE ONE
FOR CONFIDENTIAL TREATMENT
UNDER THE DEPARTMENT'S RULES OF PRACTICE

Communications with respect to this document should be sent to:

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Pursuant to Section 302.12(e) of the Department of Transportation's Rules of Practice, Multi-Aero, Inc. ("MAI") hereby files this Motion for Confidential Treatment of Exhibits 4 and 5 to its Application for a Commuter Fitness Determination, that are attached hereto in a sealed envelope. In support thereof, MAI shows the following:

1. The information sought to be withheld from public disclosure includes financial and/or commercial information of a privately held company that is not otherwise made public. This information falls within Exemption 4 from the Freedom of Information Act, 5 U.S.C. 552(b)(4), which provides protection from disclosure for "trade secrets and commercial or financial information obtained from a person and privileged or confidential..." See Gulf & Western Industries v. United States, 615 F.2d 527 (D.C. Cir. 1974).

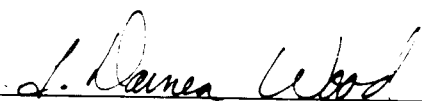
2. To obtain protection under Exemption 4, three elements are required: (1) the information must be financial or commercial in nature; (2) the information must be obtained from a person outside the government structure; and (3) the information must be confidential or privileged. Information is deemed "confidential" if its disclosure is likely to cause substantial harm to the competitive position of the person reporting it to the government, or if the information is of the type that it would not customarily be made public by the person reporting it.

3. Clearly, the information that MAI seeks to protect satisfies all three elements required in order to obtain Exemption 4 protection. First, the data is financial or commercial in nature. Second, the information was obtained from a person outside of the government structure. Finally, the information is confidential and the disclosure of this information would severely harm MAI's competitive position.

4. The sensitive information for which MAI is seeking protection has not been publicly released. The airline industry is extremely competitive and the disclosure of this information would very likely result in great harm to MAI. If the information were made public, MAI would suffer significant injury since its competitors would gain a valuable insight into its financial plans and marketing initiatives, which are among the most competitively sensitive information. If used against MAI, this information could prove to be quite damaging to its ongoing operations and future plans.

WHEREFORE, MAI respectfully requests that Exhibits 4 and 5 to its Application for a Commuter Fitness Determination that are attached hereto in a sealed envelope be held confidential by the Department of Transportation.

Respectfully submitted,



S. Darnea Wood
Secretary & Treasurer
Multi-Aero, Inc.