

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

Applications of)	
)	
PRIMARIS AIRLINES, INC.)	DOCKETS OST-2003-14773
)	and
for certificates of public convenience and)	OST-2003-14774
necessity under 49 U.S.C. § 41102 to engage)	
in interstate and foreign scheduled air)	
transportation of persons, property and mail)	
)	

**MOTION OF PRIMARIS AIRLINES, INC.
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

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May 5, 2004

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May 5, 2004

**MOTION OF PRIMARIS AIRLINES, INC.
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

Pursuant to section 302.12 of the Department’s Rules of Practice, Primaris Airlines, Inc. (“Primaris”) hereby moves to withhold from public disclosure in its entirety a Letter from JP Morgan Private Bank, dated April 29, 2004, that provides independent verification of a escrow account in the amount of \$500,000 that is available to Primaris.

This document is being filed with this Motion in a sealed envelope marked “Confidential Document of Primaris Airlines, Inc. – Request to Make Charter Authority Effective.”

In support of this Motion, Primaris submits the following:

On May 5, 2004, Primaris filed a Request to Make Charter Authority Effective. In support of this Request, Primaris is required to provide third party, independent verification of the funds available to Primaris to cover pre-operating expenses and one-quarter of the operating expenses for the first year of forecast charter operations. The

letter from JP Morgan Private Bank provides this verification with respect to an escrow account opened on behalf of Primaris with \$500,000 in funds from a U.S. citizen investor in Primaris.

The investor has requested that its identity be kept confidential, and Primaris has not obtained permission to reveal the investor's identity to the public. Likewise, Primaris is concerned about the potential competitive harm in disclosing the identity of private investors in Primaris at this stage in the company's development. There is no apparent interest in the public disclosure of the identity of the investor or of the JP Morgan Private Bank letter; the review of documents providing verification of the funds available to Primaris is a matter entrusted to the Department in which neither a potential competitors nor the general public has a legitimate interest.

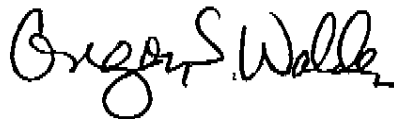
The information Primaris seeks to withhold from public disclosure is (1) commercial or financial, (2) obtained from a person outside the government, and (3) privileged or confidential, and thus recognized by Congress as exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. § 552(b)(4). *See, e.g., Gulf & Western Industries, 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).

The letter for which Primaris seeks confidential treatment incorporates private, commercial and financial information of a type not usually disclosed to the public and would not be disclosed to the public by Primaris in the ordinary course. Rather, this information is being provided to the Department solely in support of its Request to Make Charter Authority Effective. Primaris is concerned that disclosure of this information to

the public or to potential competitors would cause material and substantial harm to its competitive position. Accordingly, Primaris requests that the Department grant confidential treatment to this document in its entirety.

Wherefore, Primaris Airlines respectfully moves the Department to withhold from public disclosure under Rule 12 the April 29, 2004 letter from JP Morgan Private Bank.

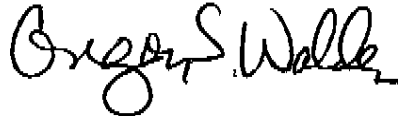
Respectfully submitted,



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CERTIFICATE OF SERVICE

Pursuant to 14 C.F.R. 302.203, I, Gregory S. Walden, Patton Boggs LLP, counsel for Primaris Airlines, Inc., hereby certify that a Motion to Withhold Information From Public Disclosure was filed in Dockets OST 2003-14773 and 14774, and was sent this 5th day of May, 2004, via electronic mail, facsimile, or regular mail, as specified below, to the following persons



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