

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

Application of

ORBEST, S.A.

For a Foreign Air Carrier Permit pursuant to
49 U.S.C. §41301 and for exemption authority
pursuant to 49 U.S.C. §40109

Docket DOT-OST-2008-

**MOTION OF ORBEST, S.A.
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

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October 10, 2008

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Pursuant to Rule 12 of the Department's Rules of Practice, 14 C.F.R. §302.12, Orbest, S.A. ("Orbest") hereby moves to withhold from public disclosure the contents of the information described below. Orbest is simultaneously filing an application with the Department requesting a permit under 49 U.S.C. § 41301 and corresponding exemption authority pursuant to the Air Transport Agreement Between the United States and the European Community and the Member States of the European Community ("US-EC Agreement") in order to engage in:

- i. Foreign scheduled and charter air transportation of persons, property and mail between any point or points in a Member State of the European Union and any point or points in the United States and beyond or behind coextensive with the rights provided under the U.S. –EC Agreement;

- ii. Foreign scheduled and charter air transportation of persons, property, and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area;
- iii. Other charters pursuant to the prior approval requirements set forth in Part 212 of the Department's Economic Regulations; and
- iv. Transportation authorized by any additional route rights made available to European Community carriers in the future.

In accordance with Rule 12, each page of the document has been marked "Confidential Treatment Requested Under §302.12" and is being filed under seal.

Information to be Withheld

A summary of Orbest's financial accounts in Euros, including a profit and loss statement and a balance sheet for the year ending in December 31, 2007.

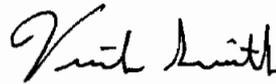
This information is protected from public disclosure under the Freedom of Information Act exemption for privileged or confidential financial information. See 5 U.S.C. § 552(b)(4). To be eligible for an exemption pursuant to Section 552(b)(4), information must fulfill three requirements: (1) the information must be commercial or financial in nature; (2) the information must be obtained from a person outside of the U.S. Government; and (3) the information must be confidential or privileged.

The information contained in the financial summaries satisfies each element of the statutory test. First, the information consists of annual financial summaries of the company and as such is both commercial and financial in nature. Second, the information has been obtained

from representatives of Orbest, who are persons outside the U.S. Government. Third, the information is confidential; Orbest is a private Portuguese company and, upon information and belief, is not required to make public disclosures of its financial statements under Portuguese law. Public disclosure of the financial summaries would be likely to cause substantial harm to Orbest's competitive position and would provide Orbest's commercial rivals with an unwarranted competitive advantage. The information is not otherwise available to the public, and given its availability to the Department, its disclosure in Orbest's application is not required in the public interest

WHEREFORE, Orbest, S.A. respectfully requests that the contents of the financial summaries be withheld from public disclosure and be accorded confidential treatment under Rule 12.

Respectfully submitted,



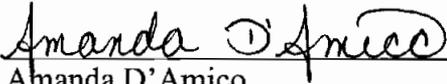
Victor H. Smith

Attorney for Orbest, S.A.

October 10, 2008

CERTIFICATE OF SERVICE

I certify that on this 10th day of October a copy of the foregoing motion has been served by electronic mail on the parties named below.


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