



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2736

Office of FOIA Services

April 30, 2014

Mr. Richard Edelman
Empire State Building Associates LLC
608 North Rios Avenue
Solana Beach, CA 92075

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 14-03452-FOIA

Dear Mr. Edelman:

This letter responds to your request, dated and received in this office on January 15, 2014, seeking all consumer complaint records concerning Empire State Realty Trust, Inc., to include e-mail messages to and from SEC lawyers David Orlick, Tom Kluck and Angela McHale, where consumer complaints and interviews were discussed. Reference is also made to our communications to you on March 05, March 07, March 19, April 04, April 17 and April 23, 2014.

We can neither confirm nor deny the existence of any records responsive to your request. If such records were to exist, they may be exempt from disclosure pursuant to one or more of the following exemptions under the FOIA: 5 U.S.C. § 552(b)(3), which protects records or information that are specifically exempted from disclosure by statute, including 15 U.S.C. 78u-6(h)(2)(A); 5 U.S.C. § 552(b)(4), 17 CFR § 200.80(b)(4), since it contains confidential commercial or financial information, the release of which could cause substantial competitive harm to the submitter; 5 U.S.C. § 552(b)(7)(A), which protects records or information when disclosure could reasonably be expected to interfere with law enforcement proceedings; 5 U.S.C. § 552(b)(6) and/or (7)(C), which protects records or information when disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy; and/or 5 U.S.C. § 552(b)(7)(D), which protects records or information that could reasonably be expected to reveal the identity of a confidential source. By outlining the provisions of these exemptions, we do not mean to imply in any way that records responsive to your request exist.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to our General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(d)(5) and (6).

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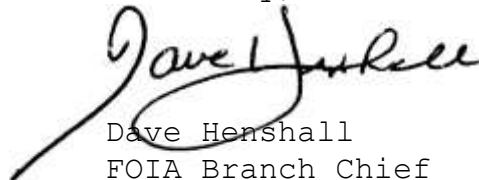
Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to our General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(d)(5) and (6). Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

Send your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2736, Washington, D.C. 20549, or deliver it to Room 1120 at that address. Also, send a copy to the SEC Office of the General Counsel, Mail Stop 9612, or deliver it to Room 1120 at the Station Place address.

If you have any questions, please contact Tina Churchman of my staff at churchmant@sec.gov or (202) 551-8330. You may also contact me at foiapa@sec.gov or (202) 551-7900.

Sincerely,



Dave Henshall
FOIA Branch Chief