



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

September 28, 2015

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

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request Nos. 15-01819-FOIA, 15-00302-APPS, and
15-00052-REMD

Dear Mr. Edelman:

This letter responds to your request, dated and received in this office on February 9, 2015, for all documents, records, material of any nature concerning investigation in the matter of Empire State Realty Trust MNY-08894, including wells notices and wells submissions, from January 1, 2012 to February 9, 2015.

Reference is also made to your June 1, 2015 appeal to the SEC's Office of the General Counsel (15-00302-APPS), and the remand of your request to this office dated June 23, 2015 (15-00052-REMD).

We have identified the enclosed 1,442 pages of records as being responsive to your request. Access is granted to these records, except for certain information that is protected from release pursuant to 5 U.S.C. § 552(b)(4), (5), (6) and/or (7)(C), 17 CFR § 200.80(b)(4), (5), (6) and/or (ii), for the following reasons:

- Exemption 4 protects confidential commercial or financial information, the release of which could cause substantial competitive harm to the submitter.
- Exemption 5 protects records that were prepared in anticipation of litigation, form an integral part of the SEC's pre-decisional process, and/or contain advice given to the Commission or senior staff by the Commission's attorneys. Such records are protected from release by the attorney work-product, deliberative process and/or attorney-client privileges embodied in Exemption 5.

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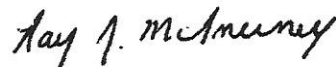
- Exemption 6 protects records that would constitute a clearly unwarranted invasion of personal privacy if released.
- Exemption 7(C) protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision within 90 calendar days from the date of this letter 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.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, 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 Jason Luetkenhaus of my staff at luetkenhausj@sec.gov or (202) 551-8352. You may also contact me at foiapa@sec.gov or (202) 551-7900.

Sincerely,



Ray J. McInerney
FOIA Branch Chief

Enclosures