

Gábor Lukács

Halifax, Nova Scotia

September 14, 2012

**VIA EMAIL**

The Secretary  
Canadian Transportation Agency  
Ottawa, Ontario, K1A 0N9

Attention: Mr. Mike Redmond, Chief, Tariff Investigation

Dear Madam Secretary:

**Re: Gábor Lukács v. Air Canada**  
**Overselling practices and denied boarding compensation rules (domestic)**  
**File No.: M 4120-3/11-06673**  
**Air Canada's letter dated September 14, 2012**

Please accept the following in response to Air Canada's letter of September 14, 2012, which contains a number of misstatements of the law and the facts:

1. Air Canada misstates the substance of the Applicant's motion for directions.

On September 13, 2012, the Applicant asked that "the Agency direct Air Canada to confine the submissions that it will be making pursuant to Decision No. LET-C-A-137-2012 to the four corners of the ten questions asked by the Applicant on August 31, 2012 on pages 4-7 of his submissions."

2. The Applicant's motion for directions serves the purpose of clarifying the directions given by the Agency in Decision No. LET-C-A-137-2012.
3. The Applicant's pending motion for directions does not operate as a stay of Decision No. LET-C-A-137-2012. Unless the Agency grants Air Canada's motion for an extension, Air Canada must file its answers to all questions by September 17, 2012.

4. Air Canada's attempt to resist the Applicant's motion for directions in every possible way supports the Applicant's impression that, in fact, Air Canada intends to use the interrogatory as an opportunity to engage in a new round of complete pleadings. (Otherwise, Air Canada would simply consent to the motion, and save further waste of valuable judicial resources.)
5. Air Canada's reference to the 10-day deadline provided by Rule 32(4) in its September 14, 2012 letter is an attempt of Air Canada to force its own timelines on the Agency, and unnecessarily delay the proceeding.
6. According to Rule 5 of the *Canadian Transportation Agency General Rules*, the Agency may abridge or extend the time limits set out by the Rules. In particular, pursuant to Rule 5, the Agency may override Rule 32(4) concerning the 10-day deadline for answering a motion, and may direct that Air Canada respond to the Applicant's motion for directions within 24 hours or less.

The Applicant notes that in the very recent past, in Decision No. LET-C-A-110-2012, the Agency imposed similarly tight deadlines on the parties.

All of which is most respectfully submitted.

Gábor Lukács  
Applicant

Cc: Ms. Julianna Fox, Counsel, Regulatory and International, Air Canada  
Ms. Martine De Serres, Counsel, Regulatory and International, Air Canada