

Gábor Lukács

Halifax, Nova Scotia

August 17, 2012

VIA EMAIL

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

To the attention of 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
Request for disclosure (Rule 23(8))

This is a request pursuant to s. 23(8) of the *Canadian Transportation Agency General Rules*, SOR/2005-35 for disclosure to the Applicant of the complete, unredacted submissions and exhibits of Air Canada dated August 15, 2012.

The Applicant does not object to signing a “Confidentiality and Non-Disclosure Undertaking” as requested by Air Canada, and will sign it as soon as the Agency provides the Applicant with it.

The Applicant is requesting that the Agency provide him with 12 days from the day the complete, unredacted submissions and exhibits of Air Canada are delivered to the Applicant to file his comments in response.

The Applicant is also asking that the Agency allow for transmission of confidential documents using encryption (either of Acrobat or of GPG) by email to expedite the proceeding.

BACKGROUND

On July 19, 2012, in Decision No. LET-C-A-105-2012, the Agency directed a total of ten questions to Air Canada: three concerning Rule 245(E)(1)(B), and seven concerning Rule 245(E)(2). The Agency directed that Air Canada provide its answers by August 8, 2012, and provided the Applicant until August 20, 2012 to file comments in response.

On August 8, 2012, in Decision No. LET-C-A-125-2012, the Agency granted Air Canada's request for an extension until August 15, 2012 to answer the interrogatories, and provided the Applicant until August 27, 2012 to file comments in response.

On August 15, 2012, Air Canada provided answers to the interrogatories, and served a redacted version of the answers upon the Applicant, omitting certain paragraphs and documents with respect to which Air Canada is seeking confidentiality. Air Canada requested that the Applicant sign a "Confidentiality and Non-Disclosure Undertaking" before the full, unredacted submissions of Air Canada are disclosed to the Applicant.

The Applicant is unable to provide meaningful comments without the redacted portions of Air Canada's submissions and the exhibits with respect to which confidentiality was claimed.

On August 17, 2012, in subsequent correspondence, Air Canada confirmed that it is seeking an undertaking that is identical to the one provided by the Agency in Decision No. LET-C-A-226-2010. The Applicant does not object to signing such an undertaking.

The Applicant submits that it would be most appropriate if the Agency modified the header of the undertaking from Decision No. LET-C-A-226-2010 to reflect the details of the present case.

The Applicant is concerned about the delay that sending confidential documents by registered mail instead of email may cause. Thanks to 21st century technology, digital encryption serves the purpose of protecting confidential documents far better and faster than sending them by registered letter. Thus, the Applicant is proposing the use of standard encryption technologies (either the built-in function of Acrobat, or GPG) to expedite the exchange of documents that contain confidential information, and thus cannot be sent as plain (unencrypted) attachments to emails.

The Applicant will be pleased to provide any technical assistance necessary to Air Canada or to the Agency to use the aforementioned encryption tools.

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