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September 3, 2015

URGENT

VIA EMAIL AND FAX

The Secretary
Canadian Transportation Agency
Ottawa, ON K1A 0N9

Dear Madam Secretary:

Re: Dr. Gábor Lukács v. SkyGreece Airlines
Emergency application for an Order to reprotect and protect stranded passengers
Case No.: 15-03912
Breach of procedural fairness and the open court principle

I am writing to protest against and seek immediate rectification of what transpires as a serious breach of procedural fairness by the Agency.

1. On August 27, 2015, SkyGreece Airlines announced that it has temporarily ceased operations, stranding over a thousand passengers without alternative transportation, contrary to SkyGreece Airlines' International Tariff Rule 85.
2. On August 28, 2015, I made an emergency application to the Agency for:
 - (a) a permanent order, pursuant to s. 113.1(a) of the *Air Transportation Regulations*, S.O.R./88-58 ("ATR"), directing SkyGreece Airlines to take corrective measures by arranging for transportation, at its own cost, for all of its stranded passengers on flights of other airlines forthwith, and within 24 hours at the latest; and
 - (b) an order directing SkyGreece Airlines to provide security for anticipated claims of passengers.

Concurrently with said application, I made a request to the Agency for an expedited process.

3. On September 1, 2015, in Decision No. LET-C-A-54-2015, the Agency denied the request for an expedited process.
4. On September 2, 2015, in the morning, I made a request to the Agency for an interim order, pursuant to ss. 26 and 28(2) of the *Canada Transportation Act*, S.C. 1996, c. 10, directing SkyGreece Airlines to arrange for transportation, at its own cost, for all of its stranded passengers on flights of other airlines within a reasonable amount of time.
5. On September 3, 2015 (today), in the morning, I learned from the Agency's website that the Agency has issued an order directing SkyGreece Airlines to show cause why the Agency should not direct it to "take immediate corrective measures to properly apply the rules of its international tariff for all passengers affected by schedule irregularities."
6. Although I am the Applicant in Case No. 15-03912 and I am seeking remedies that appear to be similar or identical to those referred to in the Agency's press release,
 - (a) I have not been provided with the Agency's show-cause order; and
 - (b) I have not been provided with an opportunity to respond to SkyGreece Airlines' submissions to the Agency's show-cause order.

This is not only a breach of procedural fairness, but it also creates the appearance of the Agency attempting to conduct an *ex parte* proceeding, to the exclusion of everyone who may be representing the interests of the travelling public against SkyGreece Airlines.

7. Based on my right to fair process before the Agency and/or the open court principle (*Lukács v. CTA*, 2015 FCA 140), I am requesting that the Agency provide me forthwith with:
 - (a) the aforementioned show-cause order, dated September 2, 2015;
 - (b) SkyGreece Airlines' response to the show-cause order;
 - (c) a fair opportunity to reply to SkyGreece Airlines' response to the show-cause order; and
 - (d) any decision and/or order made in relation to SkyGreece Airlines.

Dr. Gábor Lukács
Applicant

Cc: Mr. Massimo (Max) Starnino, counsel for SkyGreece Airlines