

From cmccall@pmlaw.com Thu Feb 27 13:38:55 2014  
Date: Thu, 27 Feb 2014 17:38:48 +0000  
From: Carol McCall <cmccall@pmlaw.com>  
To: "Christine.Solomon@otc-cta.gc.ca" <Christine.Solomon@otc-cta.gc.ca>  
Cc: "lukacs@AirPassengerRights.ca" <lukacs@airpassengerrights.ca>  
Subject: Re: Canadian Transportation Agency Decision against British Airways

[ The following text is in the "utf-8" character set. ]  
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[ Some characters may be displayed incorrectly. ]

Hello Ms. Solomon,

I have been instructed to request a three week extension from today's date for British Airways to make show cause submissions. The delay in response has been due to British Airways' Senior Counsel being unavailable for working with the British Airways' commercial personnel in preparing a response for submission to the Agency in this matter. As you are aware, as a European 'community carrier', British Airways is required to comply with (EC) No. 261/2004 which in Articles 3, 4 and 7 deals with flights operated by community carriers departing from airports in Canada for airports in the UK.

British Airways needs to ensure that whatever Denied Boarding Compensation it may provide for passengers departing from Canadian airports is compatible with its obligations under (EC) No. 261/2004 and does not result in passengers receiving double compensation. Because of the analysis required and the number of British Airways' personnel involved, some time is required to review and decide how to proceed in making submissions.

Additionally, British Airways does not want to revise its tariff to comply with the disallowance order of the Agency in a piecemeal manner, and plans to implement the revisions to the tariff, both removing the disallowed sections and revising the Denied Boarding Compensation section as one revision that can be filed by ATPCO, and then have the revised official pdf version posted on the BA.com website on the 'Legal' page. Its delay in complying with the order is not intended as showing any disrespect for the Agency.

British Airways' Senior Counsel is prepared to discuss compliance with the Agency's orders and the requested extension of time for submissions with you and others at the Agency reviewing this matter.

Your very truly,

Carol McCall

Partner  
Paterson MacDougall LLP  
Tel.: 416 643 3309

----- Original Message -----

From: Christine Solomon [mailto:Christine.Solomon@otc-cta.gc.ca]  
Sent: Wednesday, February 26, 2014 11:20 AM Eastern Standard Time  
To: Carol McCall  
Cc: Gabor Lukacs <lukacs@AirPassengerRights.ca>  
Subject: RE: Canadian Transportation Agency Decision against British Airways

Good morning Ms. McCall,

Thank you for the update with respect to this matter. Please be advised, with regards to the Tariff compliance, it is currently under review.

Can you please advise if British Airways intends to request an extension to the show cause?

Best regards,

Christine Solomon

Christine Solomon  
Analyste aux tarifs/Tariffs Analyst  
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Gouvernement du Canada | Government of Canada

>>> Carol McCall <cmccall@pmlaw.com> 25/02/2014 5:27 PM >>>  
Good afternoon Ms. Solomon,

I have followed up with British Airways' Senior Counsel in New York and do not yet have details on when the revised Tariff will be filed pursuant to the order of the Agency in this matter. I will continue to pursue a response and will keep you advised. I regret that there has been a delay in complying with the order of the Agency.

Yours very truly,

Carol McCall

Carol McCall | Partner

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-----Original Message-----

From: Carol McCall  
Sent: February 17, 2014 1:16 PM  
To: Christine Solomon  
Subject: RE: Canadian Transportation Agency Decision against British Airways

Good afternoon Christine,

Today is a statutory holiday, Family Day in Ontario and Washington/President's Day in the US. I followed up your email with an email to Senior Counsel at BA in NYC and hope to receive a response, but, with the statutory holiday, there may be a problem.

Best regards,

Carol McCall

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From: Christine Solomon [Christine.Solomon@otc-cta.gc.ca]  
Sent: February-17-14 10:38 AM  
To: Carol McCall  
Subject: Canadian Transportation Agency Decision against British Airways

Good Afternoon Ms. McCall,

My name is Christine Solomon and I am a Tariffs Analyst with the Canadian Transportation Agency (Agency). I am just following up in regards to the Agency's decision No. 10-C-A-2014 against British Airways, wherein the Agency ordered that amendments to BA's tariff respecting the below rules:

- \*The introductory text to Rule 55(C);
- \*Rule 55(C)(6);
- \*Rule 55(C)(7);
- \*Rule 55(C)(8);
- \*Rule 55(C)(10) and the portion of Rule 115(N) that governs liability;
- \*Rules 85(A) and 85(B)2; and \*Rule 87(B)(3)(B) in respect of sole remedy are amended by February 17, 2014. Also, the Agency provides British Airways with the opportunity to show cause, no later than February 17, 2014, why the Agency should not require British Airways, with respect to the denied boarding compensation tendered to passengers under Rule 87 (B)(3)(B).

<http://www.otc-cta.gc.ca/eng/ruling/10-c-a-2014>

Can you please advise what the carrier's intent as to being compliant with the decision mentioned above? Today being the deadline. Staff have yet to see any amendments to BA's tariff and is inquiring when they may be received.

Thank you,

Christine Solomon  
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