

CANADIAN TRANSPORTATION AGENCY

**In the matter of an inquiry of the Canadian Transportation Agency pursuant to Decisions numbers
LET-A-30-2018 dated April 25, 2018 and LET-A-31-2018 dated May 2, 2018**

**And in the matter of Decision number LET-A-68-2018 dated October 15, 2018 raising certain
Interrogatories**

RESPONSES OF SUNWING AIRLINES INC. TO THE INTERROGATORIES

DATED the second day of November, 2018

By its solicitor:

**Edwin T. Nobbs, Q.C.
Edwin T. Nobbs Q.C. Professional Corporation
33 Yonge Street
Suite 201
Toronto, Ontario
M5E 1G4**

1. Did Sunwing or its agents offer any passengers a choice between reimbursement for unused portions of their tickets or alternative transportation? If so, how many passengers?

No, we did not offer a choice for unused portions of their tickets or alternative transportation for any customers impacted by delays resulting from the Ice Storm between April 14 and 18. Under the circumstances, given the number of Sunwing flights and passengers impacted this would not have been a workable option. Other airlines were cancelling flights so available seats would have been very limited.

We offered customers delayed by more than 12 hours the option to travel as planned with a delay to their outbound flight with a travel voucher or cancel with a full refund if they were starting their Sunwing vacation or a refund of their unused leg of travel if they were returning from their Sunwing vacation per our Passenger Care Commitment. Due to the extraordinary severity of rolling delays, we offered those at the airport, impacted by rolling delays a partial refund.

See our Confidential Appendix pursuant to paragraph 18 of our Interim Submission with respect to both partial refunds and total refunds.

- 2. If passengers were reimbursed for parts of the journey not made, how many were reimbursed?**

We issued refunds for cancellations to 636 passengers.

3. What steps, if any, did Sunwing or its agents take to reprotect passengers? How many passengers were rerouted on different flights?

As there were no plans to cancel flights and given the circumstances of weather, no steps were available to reprotect passengers.

- 4. If passengers were reprotected, were they reprotected on other airlines? If so, how many passengers were reprotected on other airlines? If not, why not?**

See our response to question 3.

- 5. How did Sunwing decide on re-protection options provided to passengers? When would Sunwing consider re-protecting a passenger on another carrier? Does Sunwing have an internal policy on this matter? If so, please provide a copy.**

Re-protecting passengers would have been quickly dismissed due to the weather and its impact on all airlines, as well as the high volume of flights/passengers impacted. In addition, Sunwing Airlines would continue to operate on a delayed schedule in order to return customers home from destination.

When would Sunwing consider re-protecting a passenger on another carrier?

Typically when a flight is cancelled without notice (excluding cancellations due to force majeure) and no other viable Sunwing flights are available.

Does Sunwing have an internal policy on this matter? If so, please provide a copy.

See attached summary of Sunwing Vacations internal policies with respect to providing re-protection.

Reprotection Policies

Route Cancelled - Customers Protected on Sunwing Flight

- Move to Sunwing flight same day if available – treated as time change
- Moved to Sunwing flight on the closest available day of week – forward or back, provide \$100 TV per person, option to cancel with full refund
- If no Sunwing flights available, protect on alternate carrier on the same day – treated as a time change
- If no Sunwing or alternate carrier available on same day, protect on alternate carrier on different day of week – forward or back, provide \$100 TV per person, option to cancel with full refund

Customer Missed Flight – Sunwing Error (i.e. Not advised of Sched Change, Wrong Flight Status)

- Protect on next available Sunwing flight, provide TV, hotel night refund (if applicable). Allow to cancel if delayed over 12 hours. Secure local accommodation if customer is from out of town until the next flight.
- Offer customer to change their round-trip dates to depart a day later (on Sunwing flights), so they get to keep their original duration, plus offer compensation (TV). Allow to cancel if delayed over 12 hours.
- Protect customers on alternate carriers if no Sunwing flight is available + TVs + accommodation as needed. If different day of week, option to cancel with full refund

Customer Missed Cruise due to Flight Delay

- If the southbound flight has not yet departed, try to fly them on the next Sunwing flight to the next Port of Call if available. If not available on Sunwing, book on an alternate carrier to the next port of call. Secure hotel accommodation locally and/or at the next port of call until the cruise ship arrives. Issue TV's to the customers and provide new travel itineraries so they know all the arrangements or, option to cancel with full refund
 - i.e. YOW-FLL delayed and customers will miss cruise, fly them YOW-MBJ on the same day or next morning. Arrange with MBJ reps to secure hotels and transfers to Royalton property and transfers to the pier to meet the ship when it arrives, or option to cancel with full refund.

Flight Cancelled due to Force Majeure

- Delay the flight until the next day or whenever safe to operate, assuming local destination conditions are appropriate for customers' arrival. Provide overnight accommodations and TV's to customers.
- Re-route aircraft entirely to a different destination that is not affected by the weather. Provide overnight accommodation and TV's.

6. Does Sunwing have any commercial arrangements in place to offer re-protection on other carriers, including services offered by interline, code sharing and other affiliated partners, as stated in its tariff?

No, we do not have any commercial agreements to offer re-protection on other carriers. In the event, re-protection is necessary outside of Sunwing Airlines, we contact non-affiliated airlines directly to check availability and confirm seats. Operations would also look at the option of subservicing aircraft.

- 7. For each of the 15 scheduled flights identified in Appendix A, were passengers offered the opportunity to disembark the plane when the delay exceeded 90 minutes. If not, why?**

Of the 15 scheduled flights identified in Appendix A only flight WG271 involved a tarmac delay of over 90 minutes. All of the passengers on the flight were disembarked.

8. Were all passengers who were on flights that experienced tarmac delays offered food and drink at no additional cost? If not, why not? What steps did Sunwing take to ensure that food and water was available for passengers during the tarmac delays?

While the flights detailed below experienced delays, some of which were considerable, there were only 2 tarmac delays beyond normal periods of time ie WG271 and WG752.

There was no ability to provide food and drink service during the remaining minimal tarmac delays due to safety concerns.

WG022 YYZ/FLL Apr 15T The time between pushback and takeoff was 54 minutes.

WG271 YYZ/CUN Apr 15 Water service was provided. Passengers were deplaned and provided with meal vouchers. Upon the re-boarding of the passengers, they were provided with complimentary alcoholic beverages.

WG406 YYZ/PUJ Apr 15 The time between pushback and takeoff was 27 minutes.

WG535 YYZ/CUN Apr 16 The time between pushback and takeoff was 37 minutes.

WG706 YYZ/AUA Apr 16 The time between pushback and takeoff was 29 minutes.

WG714 YYZ/AUA Apr 15 The time between pushback and takeoff was 47 minutes.

WG752 YYZ/MBJ Apr 14 The applicable flight attendants reports do not provide any information on this subject matter. The said flight attendants do not have any recollection of this subject matter.

9. What compensation for expenses has Sunwing provided to passengers for baggage and passenger delay for all flights within the scope of the inquiry.

See our Confidential Appendix pursuant to paragraph 18 of our Interim Submission.