



**DETAILS AND PRINCIPLES REGARDING PROPOSED  
REVISED SERVICE CHARGES**

**FEBRUARY 2004**

**GENERAL**

This document ("Details and Principles") provides additional details to expand upon the *Notice of Revised Service Charges* dated February 2004 (the "Notice"). Under Section 36 of the *Civil Air Navigation Services Commercialization Act*, S.C. 1996, c. 20 (the "ANS Act"), NAV CANADA is required to produce a document containing more details in relation to the proposed revised charges set forth in the Notice, including a justification in relation to the charging principles set out in Section 35 of the ANS Act.

Except for the revision proposed in the Notice, all the existing charges and related terms and conditions, as set out in earlier Announcements pertaining to charges, remain in effect.

This document sets out the following: (1) a general overview of NAV CANADA, (2) proposed removal of ASDE charge at L. B. Pearson International Airport (LBPIA), (3) a justification of the proposal in relation to the charging principles, and (4) information regarding the Notice and on making representations to NAV CANADA.

**Persons interested in making representations in writing to NAV CANADA with regard to the Notice may do so by forwarding their submissions to the address set out in the Notice. Submissions must be received by NAV CANADA not later than April 13, 2004.**

## **1. GENERAL OVERVIEW OF NAV CANADA**

NAV CANADA is a non-share capital, private corporation which is responsible for the provision of civil air navigation facilities and services for aircraft in Canadian airspace and any other airspace for which Canada is responsible for providing air navigation services.

The system of governance at NAV CANADA is the result of a unique corporate structure intended to make the company a self-sustaining commercial enterprise that is accountable to its stakeholders. The Corporation is governed by a 15-member Board of Directors consisting of 10 directors nominated by stakeholders representing aviation users, bargaining agents and the federal government, 4 independent directors and the President & CEO. NAV CANADA also has an Advisory Committee elected by associate members, empowered to analyze and make reports and recommendations to the Board of Directors on any matter affecting the air navigation system.

The fundamental elements governing the mandate conferred on NAV CANADA by the ANS Act include the right to provide certain air navigation services, the ability to set and collect charges, consistent with legislated charging principles and notice requirements, for air navigation services provided or made available by NAV CANADA or a person acting under the authority of the Minister of National Defence, and the obligation of the Corporation to provide these services.

The financial statements and Management's Discussion and Analysis (MD&A), issued quarterly and annually, provide extensive information on the revenues and expenses of NAV CANADA.

## **2. PROPOSED REMOVAL OF AIRPORT SURFACE DETECTION EQUIPMENT (ASDE) CHARGE AT L. B. PEARSON INTERNATIONAL AIRPORT (LBPIA)**

The Notice of Revised Service Charges of February 2004 proposed the removal of the ASDE charge at LBPIA, effective May 1, 2004, as the costs for which the charge was implemented will have been recovered. This section provides supporting financial information.

A summary of the ASDE account up to December 31, 2003 is provided in the following table.

**SUMMARY OF ASDE ACCOUNT  
DECEMBER 31, 2003**

	\$ MILLIONS
TOTAL CAPITAL COSTS	\$ 12.8
INTEREST TO DATE	\$ 1.9
ASDE CHARGES PAID	\$ (13.8)
BALANCE 2003/12/31	\$ 0.9

Interest is calculated monthly on the outstanding balance, using an interest rate that approximated the Company's weighted average cost of capital over the relevant period.

The outstanding balance of the ASDE account was \$0.9 million as at December 31, 2003. Total ASDE billings for the period January 2004 to April 2004 are estimated to be approximately \$1 million, or about \$250,000 per month. These billings will be sufficient to retire the outstanding balance plus the additional interest incurred during the period.

### **3. PRINCIPLES GOVERNING NAV CANADA'S SERVICE CHARGES**

The principles governing the establishment of new charges or the revision of existing charges by NAV CANADA are set out in Section 35 of the ANS Act. Each of the principles is presented below in italics, followed by an explanation of how the NAV CANADA charges comply with that particular principle. The explanations are valid for the NAV CANADA charges, whether the ASDE charge is in effect or not. The NAV CANADA charges remain consistent with the charging principles with the removal of the ASDE charge.

- 35 (1) (a) *Charges must be in accordance with a methodology established and published by the Corporation that is explicit and that also includes the terms and conditions affecting charges;*

The Notice, required under Section 36 of the ANS Act, has been placed on the Internet and sent to aviation associations. On the basis of this information, any person subject to NAV CANADA's charges can calculate the amount that would be payable for a given flight.

- 35 (1) (b) *Charges must not be structured in such a way that a user would be encouraged to engage in practices that diminish safety for the purpose of avoiding a charge;*

For any given flight, NAV CANADA's charges are not structured in such a manner that safety may be affected. For example, any flight involving a jet aircraft of a given weight between two points (e.g., Ottawa and Québec City) is subject to the same Terminal Services Charge and Enroute Charge, regardless of whether the flight is IFR or VFR.

- 35 (1) (c) *Charges for the same services must not differentiate between domestic and international flights of air carriers;*

There is no differentiation in the proposed revised charges between domestic and international flights of air carriers.

- 35 (1) (d) *Charges for the same services must not differentiate among Canadian air carriers or among foreign air carriers;*

There is no differentiation in the proposed revised charges for a flight based on which domestic or foreign carrier provides the flight.

- 35 (1) (e) *Charges must differentiate between the provision of services in relation to the landing and take-off of aircraft and the provision of services in relation to aircraft in flight, and must reflect a reasonable allocation of the costs of providing the services in those circumstances;*

The charges are based on an allocation of costs among the enroute, terminal and oceanic services. The rules for the attribution of costs to the services were arrived at by considering work loads, statistics based on activity reports, management judgment and ICAO guidelines.

The Company's auditors, KPMG, have provided an opinion that the allocation methodology adopted by NAV CANADA reasonably reflects the way in which services are provided, is consistent with approaches used by other air navigation service providers, and is appropriate for use as a basis for establishing the costs of these services. A copy of this opinion is available upon request from NAV CANADA.

- 35 (1) (f) *Charges in respect of recreational and private aircraft must not be unreasonable or undue;*

The charges reflect the need for recreational and private aircraft to contribute, along with other users, to the costs of operating the Canadian civil air navigation system. NAV CANADA believes the charges are neither unreasonable nor undue.

- 35 (1) (g) *Charges for designated northern or remote services and for services directed to be provided under subsection 24(1) must not be higher than charges for similar services utilized to a similar extent elsewhere in Canada;*

Since NAV CANADA's charges are uniform throughout Canada, northern or remote services are subject to the same charges as services utilized elsewhere in Canada.

- 35 (1) (h) *Charges must be consistent with the international obligations of the Government of Canada; and*

The most relevant international obligations are the Convention on International Civil Aviation of 1944 (the "Chicago Convention") and bilateral air services agreements between Canada and other states.

Article 15 of the Chicago Convention deals with charges for air navigation facilities, and establishes the principle that fees charged for the use of airport and air navigation services not be higher for foreign compared to domestic users engaged in similar international air services. The charges comply with Article 15 because: (i) the charges in respect of international air services are not higher for foreign air carriers than they are for Canadian carriers engaged in similar international air services (i.e., the charges do not differentiate according to the flag of the carrier), and (ii) the charges relate to the availability or provision of air navigation services and are not imposed for the right of entry into Canadian airspace.

The charges are also consistent with bilateral air services agreements between Canada and other states.

- 35 (1) (i) *Charges must not be set at a level that, based on reasonable and prudent projections, would generate revenues exceeding the Corporation's current and future financial requirements in relation to the provision of civil air navigation services.*

NAV CANADA's charges are set to recover the Corporation's costs, including expenses determined according to Generally Accepted Accounting Principles (GAAP) and the costs of complying with certain financial requirements, as described in detail in Subsection 35(5) of the ANS Act.

- 35 (2) *The charging methodology may recognize that the value of the services differs among users.*

NAV CANADA's charging methodology does recognize that the value of the services differs among users, e.g., charges that vary with aircraft weight.

- 35 (3) *Where the Corporation's charging methodology recognizes the value of the services and aircraft weight is used as a measure of the value of the services, the principle referred to in paragraph (1)(a) is deemed not to have been observed if aircraft weight is taken into account either directly proportionally or greater than directly proportionally.*

The International Communication Services Charges and the North Atlantic Enroute Facilities and Services Charge are levied on a per flight basis and do not take weight into account.

The Enroute and Terminal Services charges take weight into account, but less than proportionally. The Enroute Charge is based on a unit rate multiplied by the square root of aircraft weight multiplied by the distance in Canadian airspace. The Terminal Services Charge is based on a unit rate multiplied by aircraft weight raised to the 0.9 power. The Airport Surface Detection Equipment Charge is based on the same formula as that for the Terminal Services Charge (but with a different unit rate).

Pursuant to Subsection 35(7), Subsection 35(3) does not apply to flat fees. The Annual, Quarterly and Daily Charges represent flat fees.

- 35 (4) *For the purpose of subsection (3), "weight", in relation to an aircraft, means the maximum permissible take-off weight specified in the aircraft's certificate of airworthiness or in a document referred to in that certificate.*

Weight calculations are based on the maximum permissible take-off weight specified in the aircraft's certificate of airworthiness or in a document referred to in that certificate. For more information, please refer to the *Customer Guide to Charges*.

#### **4. INFORMATION REGARDING THE NOTICE AND ON MAKING REPRESENTATIONS TO NAV CANADA**

The Notice and this document are available on-line and a copy may be downloaded from NAV CANADA's Internet site ([www.navcanada.ca](http://www.navcanada.ca)).

Information on the existing charges is provided in NAV CANADA's announcements on service charges and *Customer Guide to Charges*, which are also posted on the Internet site.

Copies of the Details and Principles document may be obtained by contacting NAV CANADA:

in writing:                   NAV CANADA  
P.O. Box 3411, Station "D"  
Ottawa, Ontario  
CANADA K1P 5L6  
Attention: Director, Customer Relations

by e-mail:                    [service@navcanada.ca](mailto:service@navcanada.ca)  
by facsimile:               1 - 613 - 563 - 3426  
by telephone:               1 - 800 - 876 - 46934 (within North America, disregard the last digit)

Pursuant to Section 36 of the ANS Act, persons interested in making representations in writing to NAV CANADA with regard to the Notice may do so in writing to the following address:

NAV CANADA  
P.O. Box 3411, Station "D"  
Ottawa, Ontario  
CANADA K1P 5L6  
Attention: Director, Rates and Revenues

by e-mail:                    [andreea@navcanada.ca](mailto:andreea@navcanada.ca)  
By facsimile:               1 - 613 - 563 - 7994

**Note: Representations must be received by NAV CANADA not later than the close of business on April 13, 2004.**