



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION VII
Iowa, Kansas,
Missouri, Nebraska

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April 5, 2005

Mr. Steve Tobis
TLC Charters & Tours, LLC
(formerly known as September Winds Motor Coach Inc.)
5265 Tractor Road Unit G
Toledo, Ohio 43612

Re: Charter Complaint No. 2004-09

Dear Mr. Tobis:

This letter is in response to your request, received in my office on March 7, 2005, for reconsideration of the above identified Charter Complaint No. 2004-09 related to the National World War II Memorial Dedication. You do not dispute the findings made: that TARTA's provision of shuttle service constituted improper charter service. Instead, you request that the remedy be expanded to include disgorgement of fees as recently recommended for a subsequent charter complaint filed later and identified as Charter Complaint No 2004-16 and 18.

The decision in Charter Complaint No. 2004-09 has been rendered and there is no mechanism to re-open the decision once rendered. The appeals process, found at 49 CFR 604.19 only provides for an appeal to be made by the losing party. (See 49 CFR 604.19(a).) Since September Winds Motor Coach was the prevailing party, it may not appeal.

Sincerely,

Paula L. Schwach
Regional Counsel

Cc: Don Gismondi, TRO-05
NE Zusman, TRO-05
Elizabeth Martineau, TCC