

Ottawa Light Rail Commission

Steve Kanellakos
on Thursday, April 28, 2022



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OTTAWA LIGHT RAIL COMMISSION
CITY OF OTTAWA - STEVE KANELLAKOS
APRIL 28th, 2022

--- Held via Zoom Videoconferencing, with all
participants attending remotely, on the 27th day
of April, 2022, 9:00 a.m. to 12:20 p.m.

1 COMMISSION COUNSEL:

2 Kate McGrann, Co-Lead Counsel Member

3 Emily Young, Litigation Counsel Member

4

5 PARTICIPANTS:

6 Steve Kanellakos: City of Ottawa

7 Peter Wardle and Catherine Gleason-Mercier:

8 Singleton Urquhart Reynolds Vogel LLP

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11 ALSO PRESENT:

12 Helen Martineau, Stenographer/Transcriptionist,

13 Benjamin Bilgen, Virtual Technician

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I N D E X

* * The following is a list of questions undertaken, to be followed up, or questions refused. * *

INDEX OF UNDERTAKINGS

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INDEX OF REFUSALS

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1 --- Upon commencing at 9:01 a.m.

2 STEVE KANELLAKOS: AFFIRMED.

3 KATE McGRANN: Good morning,
4 Mr. Kanellakos, my name is Kate McGrann, I'm one
5 of the counsel for the Ottawa Light Rail Transit
6 public inquiry. I'm joined by my colleague,
7 Emily Young, who's a member of the Commission's
8 counsel team. The purpose of today's interview
9 is to obtain your evidence, by oath or solemn
10 declaration, for use at the Commission's public
11 hearings. This will be a collaborative
12 interview such that my co-counsel may intervene
13 to ask question. If time permits your counsel
14 may also ask follow-up questions at the end of
15 this interview. This interview is being
16 transcribed and the Commission intends to enter
17 this transcript into evidence at the
18 Commission's public hearings or at the hearings
19 or by way of procedural order before the
20 hearings commence.

21 KATE McGRANN: The transcript will be
22 posted to the Commission's public website, along
23 with any corrections made to it, after it is
24 entered into evidence. The transcript, along
25 with corrections later made to it, will be

1 shared with the Commission's participants and
2 their counsel on a confidential basis before
3 being entered into evidence.

4 You will be given the opportunity to
5 review your transcript and correct any typos or
6 other errors before the transcript is shared
7 with the participants or entered into evidence.
8 Any nontypographical corrections made will be
9 appended to the transcript.

10 Pursuant to section 33(6) of the
11 Public Inquiry's Act 2009, a witness at an
12 inquiry shall be deemed to have objected to
13 answer any question asked of him upon the ground
14 that his answer may tend to incriminate the
15 witness or may tend to establish his or her
16 liability to civil proceedings at the instance
17 of the Crown, or of any person. And no answer
18 given by a witness at an inquiry shall be used
19 or be receivable in evidence against him in any
20 trial or other proceedings against him,
21 thereafter taking place, other than a
22 prosecution for perjury in giving such evidence.

23 And as required by section 33(7) of
24 the Act, you are advised that you have the right
25 to object to answer any question under section 5

1 of the Canada Evidence Act.

2 -- OFF-THE-RECORD DISCUSSION --

3 KATE McGRANN: Mr. Kanellakos, would
4 you please provide us with a brief description
5 of your professional background and experience?

6 STEVE KANELLAKOS: I've been in the
7 municipal sector for 37 years. Started in
8 Police Service, attained the position of
9 Director General of the Ottawa Police. Came
10 over to the City in amalgamation in the year
11 2000 as the General Manager of Emergency and
12 Protective Services. Increasing
13 responsibilities over the last 20 years. I was
14 a Deputy City Manager responsible for the
15 operations of the City, effectively a Chief
16 Operating Officer.

17 I left in 2015 for one year to take a
18 position as City Manager at the City of Vaughan,
19 and then returned in May of 2016, exactly twelve
20 months later, to take the position of City
21 Manager for the City of Ottawa, which is
22 effectively the top bureaucrat reporting to
23 Council, administering the organization we have
24 for Council.

25 KATE McGRANN: Prior to Stage 1 of the

1 Ottawa Light Rail Transit System, did you have
2 any experience in working in a system that
3 included light rail?

4 STEVE KANELLAKOS: No.

5 KATE McGRANN: Have you had experience
6 in P3 projects before?

7 STEVE KANELLAKOS: Well, much smaller.
8 Obviously we've done, you know, the Ottawa
9 Senators on Sensplex, paramedic headquarters,
10 recreational facilities, those type of things,
11 more infrastructure on -- on facility basis, but
12 not of this scale.

13 KATE McGRANN: And this project
14 proceeded by way of design, build, finance,
15 maintain, did you have any experience in a
16 project that was delivered under that specific
17 P3 model before?

18 STEVE KANELLAKOS: The only one would
19 be the paramedic headquarters, which was that
20 model.

21 But other than that, no. I wasn't
22 involved in the procurement of Stage 1, I was
23 running the operations of the City. There were
24 two Deputy City Managers at the time, I was on
25 the operation side and the other Deputy City

1 Manager, my colleague, handled the planning and
2 infrastructure and was responsible for -- that
3 was Ms. Schepers who was responsible for
4 reporting to the City Manager for the light rail
5 procurement project and the design.

6 KATE McGRANN: Did you bring any
7 particular concepts or learnings from your
8 experience with the paramedic headquarters
9 project to the work that you did on Stage 1 of
10 Ottawa's Light Rail Transit System?

11 STEVE KANELLAKOS: Well, I don't think
12 they're comparable, quite frankly, so no.

13 KATE McGRANN: You were just
14 explaining how responsibilities were divided at
15 the beginning of the project through the
16 procurement phase. Can you explain to me, did
17 you have any involvement in Stage 1 of the light
18 rail transit system before you rejoined the City
19 in May of 2016?

20 STEVE KANELLAKOS: None.

21 KATE McGRANN: And when you joined in
22 2016 did you -- were a series of
23 responsibilities transitioned to you from
24 somebody else?

25 STEVE KANELLAKOS: Yes. There was

1 Kent Kirkpatrick, the previous City Manager, I
2 spent several days with him going over all the
3 key files before he left, getting briefed.
4 There were documents prepared for me, I received
5 briefings, verbal briefings in person from the
6 light rail teams and Mr. Manconi, and all the
7 people, the project directors, Mr. Cripps,
8 Mr. Swail. There were a range of people that
9 briefed me on all aspects of the project when I
10 arrived in May.

11 KATE McGRANN: And what was the status
12 of the project when you arrived in May?

13 STEVE KANELLAKOS: In 2016 it was
14 still under construction and the focus was on
15 the construction and the completion, and
16 maintaining the construction schedule at that
17 time, from what I recall.

18 KATE McGRANN: What, if any, known
19 risks to the construction schedule was the City
20 aware of when you joined?

21 STEVE KANELLAKOS: At that time I
22 believe that, you know, the one thing that
23 happened, which is -- was unfortunate, about two
24 weeks after I arrived we had the sinkhole on
25 Rideau Street, so that totally dominated my time

1 for months after, and dealing with the aftermath
2 of that when it happened, in terms of the public
3 confidence and the impact on the downtown. So I
4 was fully engaged in that, leading that from an
5 emergency operation's perspective.

6 And at the time, you know, it was sort
7 of the standard review of where they were on
8 schedule? The things that were -- from what I
9 recall, the things that were happening, east,
10 west, just project updates. I would consider it
11 more of routine updates in terms of flagging any
12 risks that would impact the revenue service
13 availability date.

14 KATE McGRANN: How was the City
15 approaching its oversight of the project and the
16 construction on the project when you joined in
17 May of 2016?

18 STEVE KANELLAKOS: We had the owner
19 engineers, we had a group, we had a project
20 director, Mr. Cripps, who was overseeing the
21 construction project. We had an executive
22 Steering Committee, which the City Manager
23 chairs, which involved the project director, or
24 legal counsel, our -- sometimes our -- we bring
25 in outside experts, but our CFO, City Treasurer

1 was on that, OC Transpo was there, myself, my
2 Chief of Staff, and we'd bring in experts as
3 required. And we were meeting on a regular
4 basis, receiving updates on the project status
5 and any issues related to the project, financial
6 management, contract management, all those
7 related things.

8 KATE McGRANN: And with respect to the
9 updates that you were receiving, as a member of
10 the Executive Steering Committee, how regularly
11 were those updates being provided?

12 STEVE KANELLAKOS: I believe it
13 fluctuated but we were meeting at least once a
14 month.

15 KATE McGRANN: And who was providing
16 those updates to the committee?

17 STEVE KANELLAKOS: It changed, it was
18 Mr. Cripps and then we started moving into Stage
19 2 where Chris Swail started getting involved.

20 But Steve Cripps, and when I arrived I
21 did a reorganization that summer in July and
22 appointed Mr. Manconi responsible for -- he was
23 already responsible for OC Transpo, but I
24 assigned the light rail project also to him, and
25 transportation planning and transportation

1 operations.

2 I wanted to create a centre of
3 expertise basically for all things mobility for
4 the City of Ottawa, which I believe is the best
5 practice. And Mr. Manconi took over
6 responsibility for the project, with Mr. Cripps
7 then reporting to him.

8 So John was a key person that would be
9 presenting to us, as would our legal counsel, as
10 would other experts, depending on what the
11 issues would be. The agenda would vary
12 depending on what the issues were.

13 KATE McGRANN: Other than the change
14 that you just described of bringing Mr. Manconi
15 and the reorganization there, did you make any
16 other changes to the City's approach to its
17 oversight of the project during construction?

18 STEVE KANELLAKOS: No.

19 KATE McGRANN: You described the
20 sinkhole as dominating your time in the time
21 that followed it, so how long approximately did
22 the sinkhole dominate your time?

23 STEVE KANELLAKOS: I don't know if
24 "dominate", but it certainly was a focus for at
25 least six months until we recovered it. There

1 was a major interruption to businesses in that
2 area of town, transportation routes, transit.
3 It was, you know, it made international media
4 initially. It was on CNN. It was a big deal.
5 It was quite dramatic in terms of the pictures.

6 And it also then led into the
7 investigation in terms of what caused the
8 sinkhole and bringing in experts. Well, the
9 first thing was to mitigate and to repair and
10 get it back on track and get that tunnel back on
11 track.

12 And our concern at the time was that,
13 you know, what impact would it have on the
14 construction schedule? That was a big concern,
15 whether east and west, because basically they
16 had to go through that area to continue with the
17 build. So we were very concerned about the
18 impact on that. And we had a lot of stakeholder
19 engagement with all the businesses, the BIAs,
20 and everyone else that was concerned about the
21 impact to their businesses.

22 And then we got into the investigative
23 part in terms of what was the cause? We hired
24 our own people, RTG hired theirs. And that
25 process was ongoing until it led to, obviously,

1 litigation and the settlement that just happened
2 last year. So it went on for several years, but
3 the focus, really, the first six months, until
4 the sinkhole was repaired, it was a pretty
5 dominant theme in our discussions.

6 -- [TECHNICAL ISSUES] --

7 KATE McGRANN: Who took charge of
8 managing the construction impacts of the
9 sinkhole on behalf of the City?

10 STEVE KANELLAKOS: Well, it was
11 Mr. Cripps and Mr. Manconi were the two leads.
12 There was -- the initial response was obviously
13 our emergency management team. We stood up our
14 emergency operations centre because of the
15 impact. But the lead in terms of working with
16 RTG and the process I described, Mr. Manconi was
17 the lead on that.

18 KATE McGRANN: Did the City seek any
19 assistance from external advisors in managing
20 its response, from a construction perspective,
21 to the sinkhole?

22 STEVE KANELLAKOS: Yes. We had our
23 own engineers, our own infrastructure people
24 internally, because we have an engineering
25 department, per se, that builds our

1 infrastructure. And I believe Mr. Manconi and
2 I -- I don't recall exactly who, there were
3 external advisors that were brought in to look
4 at it, other engineers.

5 And then we hired a firm, and I can't
6 remember the name of the firm, my apologies, but
7 we did hire a firm to do the investigation
8 almost immediately.

9 KATE McGRANN: During the six months
10 or so that the sinkhole was a focus for you, did
11 the frequency or nature of updates that you
12 received with respect to the construction of
13 Stage 1 of the OLRT change?

14 STEVE KANELLAKOS: No, it was probably
15 more frequent. We were more engaged. I was
16 probably more engaged in this file during that
17 period than I would normally have been, because
18 of the interplay with the sinkhole and the risks
19 that we were trying to determine with respect to
20 the construction schedule. And so it still
21 was -- we were still getting regular updates.

22 KATE McGRANN: But more frequently you
23 said?

24 STEVE KANELLAKOS: Yes. I don't have
25 my schedule in front of me, but, yes, it

1 certainly was a more regular topic of
2 conversation.

3 KATE McGRANN: And the increased
4 frequency of these updates, did they take the
5 form of more meetings of the Executive Steering
6 Committee, or more briefings directly to you as
7 City Manager by people working on the project?
8 What did that look like?

9 STEVE KANELLAKOS: Yeah. It'd be a
10 combination of both. There were meetings with
11 the Steering Committee and there would also
12 be -- because they -- I have one-on-one meetings
13 with my direct reports on a regular basis. So I
14 would have been meeting with John more
15 frequently and Steve Cripps. And, you know,
16 constant conversation by telephone, or in-person
17 meetings, to discuss where it's at, and with our
18 emergency operations people, our infrastructure
19 people because it was such an impact to pipes,
20 wires, you know, cabling. It affected public
21 utilities, it affected everybody so there was
22 quite a bit of discussion going on at that time.

23 KATE McGRANN: And in your view what
24 impact did the sinkhole have on the progress of
25 construction?

1 STEVE KANELLAKOS: Well, you know,
2 that's interesting because RTG at the time
3 didn't believe there would be an impact, and we
4 stated that publicly in one of our press
5 conferences.

6 So that was one of the first questions
7 I asked RTG, or we were asking them, what would
8 be the impact? They later claimed that there
9 was an impact, there was a six-month delay, or
10 more, in terms of the schedule as we got into
11 the schedule delays later.

12 They were quite responsive in
13 repairing it and getting almost -- they almost
14 drained the City of concrete, quite frankly, to
15 pour the concrete in there. There was almost no
16 concrete in the City for any other projects, it
17 was quite a remarkable time.

18 And at the beginning it was, you know,
19 their first response was, no, this isn't going
20 to affect it. Because they were still doing
21 work in the east and the west.

22 My view was that despite their claims
23 that they made later they had to focus on it.
24 And I understand that they had to divert
25 resources and attention to it because it was

1 obviously significant, but I never understood
2 why the east and the west, that had nothing to
3 do with the downtown core, couldn't proceed if
4 they had the work force there to do it. That
5 never made logical sense to me in terms of their
6 claims later on.

7 KATE McGRANN: Did you raise that view
8 with RTG, that the east and west could have
9 continued while the sinkhole was being resolved?

10 STEVE KANELLAKOS: Yeah. I don't
11 remember a specific conversation but I do
12 acknowledge that those conversations did happen
13 in terms of expressing our view on that.

14 KATE McGRANN: And do you recall what
15 response you received to that view?

16 STEVE KANELLAKOS: Well, as their --
17 as the -- as time evolved and as their schedule
18 slipped they put a lot of weight on the sinkhole
19 impacting their ability to maintain schedule.
20 They were quite adamant about that.

21 KATE McGRANN: And were they able to
22 address your specific assertions that work on
23 the east and west portions could continue while
24 they were working on resolving the sinkhole?

25 STEVE KANELLAKOS: Their -- my

1 recollection is that their -- generally their
2 view was -- their viewpoint was that the repair
3 of the sinkhole and the impact took a lot of
4 their, you know, executive and project
5 management focus away from other parts of the
6 line at the focus to repair that. That was
7 their perspective and they stuck to that, quite
8 frankly.

9 KATE McGRANN: And did you accept
10 that?

11 STEVE KANELLAKOS: I accept that there
12 would be some redirected focus on the sinkhole,
13 but I don't accept that their workers, who were
14 actually on the ground, east and west, have
15 anything to do with repairing the sinkhole if
16 they're doing track and other hard services out
17 in the other parts of the line that that would
18 have changed.

19 KATE McGRANN: What if any impact did
20 the sinkhole have on the partnership
21 relationship between the City and the RTG?

22 STEVE KANELLAKOS: I think that was
23 the start of some -- up to that point, and as I
24 said I entered it in May and then two weeks
25 later we have the sinkhole. I think there was a

1 lot of collaboration with RTG to repair this.
2 And it was -- the attitude that was taken by all
3 of us was, look, we have to fix this and let's
4 move forward. It's not about blame. Let's just
5 get this fixed because we need to move forward.

6 And it was a very co-operative
7 attitude with their executives. Everyone was, I
8 think, overwhelmed by the magnitude of what
9 happened and the impact. So everyone was moving
10 together.

11 And I think once the -- once the
12 impacts on the schedule started arising that's
13 when the first kind of, I'd say, cracks in the
14 relationship appeared with respect to the delays
15 that were being put forward.

16 And then as time went on, you know,
17 giving us deadlines or -- that they would meet
18 and then continually missing them, on multiple
19 occasions. And I think that strained the
20 relationship because it was about credibility.

21 They would give us a very specific
22 date with a lot of certainty they would deliver
23 substantial completion, then we'd be out there
24 telling the public, and our counsel, and
25 everybody about that and then they would miss

1 it. And the same thing happened I think about
2 three or four times, three times, I don't
3 remember exactly.

4 And so the sinkhole kind of led to
5 this, I think, stress in the relationship
6 because of the impact that they believed
7 happened on their schedule.

8 KATE McGRANN: The cracks in the
9 relationship that you described forming
10 following the sinkhole, how did those become
11 apparent? How did you start to form the view
12 that there were cracks forming in the
13 relationship?

14 STEVE KANELLAKOS: Well, it became --
15 what happened is you're working in what you
16 believe is a partnership, that doesn't mean I'm
17 inviting them over for dinner but we're trying
18 to work together collaboratively. And as they
19 start missing deadlines I think both parties
20 start looking to the contract in terms of
21 remedies, the Project Agreement in terms of how
22 do we deal with this? And what's the way to
23 motivate them to catch up on their schedule?

24 And as soon as you start going to the
25 Project Agreement obviously it becomes a little

1 bit more -- I don't know if the word is
2 "conflictual", because we never really had
3 conflictual personal relationships in that
4 sense, even though we've had our moments. But
5 it certainly changes how we approach problems
6 together, because we wanted them to keep on
7 schedule and to do something to mitigate the
8 schedule, and they kept telling us they would.
9 And they would give us dates and they would miss
10 the dates. And then we were looking to see how
11 can we get them back on track to rectify the
12 schedule? And that went on for 15 months
13 basically. And that put some strain in the
14 relationship for sure.

15 -- [TECHNICAL ISSUES] --

16 KATE McGRANN: In the work that the
17 City was doing to try to encourage RTG to stick
18 to the construction schedule and the project and
19 incentivize that, what -- did the City take any
20 analysis of whether --

21 -- [TECHNICAL ISSUES] --

22 KATE McGRANN: I'll start that
23 question again.

24 In the work that you and the City were
25 doing to try to get RTG to stick to the

1 construction schedule and incentivize their
2 compliance with that schedule, did the City do
3 any work to assess whether the schedule remained
4 realistic for RTG?

5 STEVE KANELLAKOS: Yes. I don't have
6 the details but we had external advisors and
7 scheduling experts, construction scheduling
8 experts that were reviewing the schedule on a
9 regular basis based on their submissions to us,
10 and making assessments.

11 And I was in briefings with our
12 owner-engineers, and experts in this area, who
13 were basically giving us advice on whether to
14 accept the date that they were providing us,
15 because they were giving us new milestone dates.

16 And I don't believe there was one
17 time, and this is my recollection, I don't have
18 it in front of me, but I don't recall a time
19 when our people actually agreed with their
20 assessment of when they could complete the
21 project to substantial completion on the
22 multiple dates that they gave us during that
23 15-month delay period.

24 But yes, we had a team looking at
25 their project schedule, just like we do now in

1 Stage 2 on a regular basis, analyzing all of the
2 components of the -- of their project plan and
3 all their assumptions, and feeding that back to
4 us on whether that's realistic or not.

5 KATE McGRANN: And you mentioned that
6 there was a team of people who were looking at
7 the schedule during the 15-month delay, when did
8 the City start to assess what was feasible with
9 respect to a construction schedule for the
10 project?

11 STEVE KANELLAKOS: There were a number
12 of dates. There was a November date -- I don't
13 remember them exactly but I seem to recall that
14 we had the best hope for a date in the Spring of
15 2019, was kind of our best estimate that they
16 might be able to make that, but they missed that
17 one too.

18 And so what was happening was that --
19 communicating, because we did a lot of
20 presentations to Council and Committee of
21 Council, and communicating this publicly started
22 to become quite the embarrassment, quite
23 frankly, reputationally, in terms of, you know,
24 people stopped believing us, in my sense, in
25 terms of when this thing would get launched.

1 And that was becoming very frustrating to all of
2 us. At one point in spring we thought they
3 might make it, but they still weren't there.

4 There was never really a solid
5 confidence that they would make it in any of the
6 dates they gave us. I never remember anyone
7 saying, Okay, we've got it. We're going to nail
8 it down. Other than the last one when we moved
9 into the late summer of 2019 and before we met
10 RSA.

11 KATE McGRANN: When you said that
12 there was a hope for a date in the spring of
13 2019, were you referring to a hope that revenue
14 service availability would be accomplished in
15 the spring of 2019?

16 STEVE KANELLAKOS: Yeah, the hope that
17 they might actually achieve substantial
18 completion. That's kind of what the first
19 milestone was, we wanted substantial completion.
20 And we thought they might make it but they never
21 did.

22 KATE McGRANN: I had asked you what
23 work the City did in assessing the realistic --
24 whether the schedule was realistic for RTG or
25 not. And I think you mentioned that the team

1 that was looking at this from the City did not
2 feel that the schedule that RTG was putting
3 forward was realistic, have I got that right?

4 STEVE KANELLAKOS: That's correct.

5 KATE McGRANN: And do you remember
6 when you first received that opinion, that the
7 RTG schedule is -- was not realistic?

8 STEVE KANELLAKOS: Well, I think it's
9 when they missed the first date, which I think
10 was in 2018. You know, they were -- they seemed
11 to be overly optimistic each time about when
12 they would actually achieve substantial
13 completion.

14 And the first few times, you know, our
15 advisors, our engineers were saying, there's no
16 way they're going to make it. And so it was so
17 puzzling to us, to me, in terms of why would
18 they put a date forward when they know they're
19 not going to make it? We couldn't understand
20 that, other than they were trying to avoid costs
21 or they were overestimating on their own part.
22 I really don't know.

23 I never did understand why they gave
24 us multiple dates when it was obvious to anyone
25 else from the outside looking in that there's no

1 way they could be in a place to get to trial
2 running.

3 KATE McGRANN: We've spoken about your
4 view on the sinkhole and its impact on the
5 construction schedule. Do you have a view of
6 what the material causes of the construction
7 delay were on this project?

8 STEVE KANELLAKOS: Overall, I mean, I
9 think generally they -- and I don't want to
10 speculate but generally at the time my
11 understanding was that they were running into
12 logistical delays, they were running into
13 problems with utilities. They made a whole
14 bunch of claims, it's all in the claims that
15 they filed against us. Ashwood (sic), there's a
16 whole list of issues that they gave about fare
17 gates, about why they think they were delayed.

18 We've -- as you may know, we've went
19 through the dispute resolution process in the
20 Project Agreement, and the independent certifier
21 basically agreed with the City on all the --
22 with the City's position on all the claims they
23 made against us. Now it's going into court,
24 which is part of the process.

25 But, you know, they threw out a whole

1 bunch of reasons about why they were late. And
2 my own personal view, and I will express it, I
3 just think they weren't very effective in terms
4 of constructing and managing a project.

5 KATE McGRANN: Can you be a bit more
6 specific about what you mean by that?

7 STEVE KANELLAKOS: I just think that
8 their leadership and their project management
9 was deficient. And they represented themselves
10 as being able to build this project on time and
11 operate it. And I think the thread throughout
12 the whole thing, the conclusion I came to is
13 that they misrepresented their experience, their
14 knowledge, their skill and their capacity. And
15 that's harsh but that's my view on them.

16 KATE McGRANN: With respect to the
17 City's relationship with RTG, who at the City
18 was tasked with managing that relationship
19 during the construction phase, from the point
20 that you joined onwards?

21 STEVE KANELLAKOS: Well, there were --
22 it's kind of at two levels. Steve Cripps was
23 the day-to-day dealing with the direct
24 relationship with the construction, and John
25 Manconi managed the executive relationship with

1 RTG, as did I if it got escalated. I wasn't
2 directly involved in the -- you know, the
3 technical meetings and the things they were
4 doing every day in terms of construction, that's
5 not my role. But I would meet with the
6 executives, when required, as when we had to
7 have meetings to get through issues or to
8 discuss issues.

9 But John was the executive management
10 and Steve Cripps was managing the project and
11 the -- his counterparts on the project, the
12 project directors on the RTG side.

13 KATE McGRANN: As you proceed through
14 construction how would you describe the City's
15 approach to managing your relationship with RTG?
16 You've already spoken to the fact that you're
17 taking a look at the realisticness (sic) of
18 their schedule, but was there collaboration in
19 working towards trying to maintain that
20 schedule?

21 STEVE KANELLAKOS: It's not a simple
22 question to answer. Because there is
23 collaboration and they certainly want to get
24 back on schedule. I just think they were overly
25 optimistic in terms of their ability to execute

1 what they built into their schedule in terms of
2 their assumptions, and that's where the problems
3 arose.

4 So, yeah, they were working with us.
5 We were collaborating back-and-forth with the
6 engineers, our engineers and their project
7 people, and trying to work through the solutions
8 and trying to catch-up the schedule. That was
9 happening on a daily basis.

10 But they never seemed to be able to
11 execute the commitments that they made to us.
12 And that's the part that I think is -- was
13 underpinning the frustration.

14 KATE McGRANN: Were there any
15 suggested ways forward that the City suggested
16 to RTG that RTG rejected?

17 STEVE KANELLAKOS: I'm sorry, I missed
18 that part, Ms. McGrann. I didn't hear the
19 question.

20 KATE McGRANN: Were there any
21 suggestions that the City made to RTG, in
22 efforts to reclaim the schedule, that RTG
23 rejected?

24 STEVE KANELLAKOS: I know there were
25 but I wouldn't be able to tell you what they

1 are, because I know that was part of the
2 discussion in terms of bringing forward, you
3 know, solutions and discussion to problem solve
4 with them to get past some of the bottlenecks
5 that were happening on the ground, but I
6 wouldn't be able to identify what they were
7 specifically.

8 KATE McGRANN: To your knowledge was
9 there any requests that RTG made of the City, in
10 an attempt to recover or manage the schedule,
11 that the City did not agree to?

12 STEVE KANELLAKOS: I don't recall
13 that. I know there were things after we started
14 operating where we accommodated them once the
15 line went up, in terms of shutting the line down
16 to give them a chance to catch up on
17 maintenance. But I don't recall or I'm not -- I
18 don't want to speculate, I'm assuming there were
19 but I can't recall or be able to state them at
20 that time. And I would have been briefed on it,
21 I just don't remember.

22 KATE McGRANN: You spoke about the
23 importance of the schedule to the City, but in
24 its approach to working with RTG and overseeing
25 RTG's work through the construction piece of

1 this project, what were the City's goals? Were
2 there any guiding principles that were applied
3 to the City's approach to this project?

4 STEVE KANELLAKOS: Well, the guiding
5 principle was that, from my point of view, was
6 that we had a contract where they represented
7 themselves to be able to deliver a project on a
8 certain date and they weren't able to do that.
9 So we were very focused on trying to get them
10 back on schedule, and that was the focus leading
11 up to the summer of 2019, it was just one delay
12 after another.

13 There was always this hope that, you
14 know, maybe they're going to get there, but they
15 were never able to.

16 And so our guiding principle was, do
17 everything we can to try and get them to meet
18 the schedule, but regardless of the efforts they
19 were never able to do it.

20 At that point during the construction
21 period it was all about schedule for us. And
22 yeah, we knew there were claims and things were
23 coming in, but, you know, we accept under
24 construction projects, and our other
25 infrastructure projects we manage with the City,

1 those things happen all the time. There's going
2 to be delay claims, there's going to be other
3 things.

4 There were tolling agreements, there
5 were -- the dispute resolution process as
6 defined in the PA. So I wasn't too worried
7 about that. That was almost part of the course
8 of business in any construction project. I
9 don't think we've ever built anything in the
10 City, whether it's in-ground or above ground
11 where there haven't been some kind of claims by
12 the contractor against us. That's normal course
13 of business, or litigation, quite frankly.

14 So the focus really was about, okay,
15 when is this thing going to get done? When are
16 we going to get in service based on the
17 contract? Because the contract was the
18 overriding consideration in terms of what was
19 agreed to by them and what were we paying for.

20 KATE McGRANN: And in trying to meet
21 the schedule was there -- did the City give
22 consideration to what compromises would be
23 acceptable in order to recover, or partially
24 recover the schedule as compared to what
25 compromises would not be acceptable in order to

1 recover the schedule?

2 STEVE KANELLAKOS: I can't give you
3 specifics but I know there were discussions on
4 schedule, that was a regular part of the
5 discussions with the teams, in terms of what
6 they could do to get the schedule back on track,
7 just as there is now with the delays happening
8 on Stage 2; and I'm engaged in that. And
9 there's' all -- there's constant back-and-forth
10 in terms of how can we get that schedule back
11 and how can we help them and what can they do?

12 As I said earlier, it's not -- it
13 wasn't just, you know, black and white. There's
14 collaboration and people were working together.
15 Some things they don't agree on, fine. But the
16 main issue was, again, the overestimation of
17 their ability to execute on the dates they
18 provided us.

19 KATE McGRANN: And what, if any,
20 communications did you have with RTG about the
21 City's assessment of its schedule? The
22 overconfidence that you saw coming out of them,
23 and the implications that had for the City when
24 the City takes its schedule public and then has
25 to deal with the repercussions of that schedule

1 not being accurate?

2 STEVE KANELLAKOS: I met with the RTG
3 executive partners several times. But my main
4 contact at the time during construction was with
5 Geoff Smith, who was the CEO of EllisDon, and he
6 was kind of the conduit for that piece at the
7 time. We had met with the other executives as a
8 group to talk, but it was mostly talking to him
9 about how do we get the schedule? And of course
10 Mr. Lauch came into it after, Peter Lauch, who
11 was the CEO of RTG and RTM I think at the time;
12 I think he had both positions. But Geoff Smith
13 was probably my main point of contact during
14 that year period.

15 KATE McGRANN: And what response did
16 you get from him, or anyone on behalf of RTG,
17 when you raised the repercussions for the City
18 of relying on the schedule that they had given
19 you that proved to not be accurate?

20 STEVE KANELLAKOS: The executives -- I
21 go back to my earlier comment, the executives
22 were always very collaborative and, we'll fix
23 this. We'll get this done. What do you need us
24 to do? It was actually a very good
25 relationship. It was not conflictual at all.

1 And, you know, it was made very clear,
2 I mean, we had frank discussions about the
3 impact reputationally, the impact on the
4 project, the disruption to the City from the
5 perspective of -- you know, we had to make some
6 commitments from bus service about bus drivers,
7 about reducing our bus fleet. All these things
8 are huge logistics. Just getting ready to
9 launch, huge logistical planning issues to do
10 that.

11 And so we made it very clear to them
12 what the impacts are to us for all those things.
13 And running bus service longer than we
14 anticipated, what we had budgeted, all those
15 things. But they were always, when I met with
16 the executives, yes, they were very
17 co-operative. What are we going to do? What
18 can we do for you? But that never got
19 translated into the execution and delivery.

20 KATE McGRANN: I realize that you were
21 not directly involved in the project at the time
22 that the decision was made to have OC Transpo
23 operate the system, can you speak to that
24 decision at all?

25 STEVE KANELLAKOS: No -- well, I think

1 that the -- I wasn't there when that happened.
2 I think that the concept is that light rail and
3 bus service are an integrated service. Have to
4 be an integrated service because our model is
5 built on our buses feeding the system.

6 Unlike other cities, we only have one
7 line going east to west and the other one north
8 and south that was in existence, the Trillium
9 Line. So you can't have -- in my view, just
10 from an operational perspective, you can't have
11 trains running with one operator oversight and
12 then the buses running with different. The
13 left-hand and right-hand have to be totally
14 integrated in the complete service experience
15 for your customers so that the buses are aligned
16 logistically to serve and feed those trains.

17 And so I think the decision was the
18 right one, I still think it's the right one.
19 And I think in most systems in the world, or
20 certainly from what I know in Canada, bus and
21 train are integrated under one accountability
22 centre.

23 KATE McGRANN: You spoke about the
24 need of the left hand to know what the right
25 hand is doing with respect to the buses and the

1 trains. Thinking about the operation of the LRT
2 system, there's the operator and then there is
3 the maintainer. What consideration did the City
4 make of the need to have a strong interface
5 between those two groups in the operation of the
6 system?

7 STEVE KANELLAKOS: That's actually a
8 very good point. And I think that's been one of
9 the struggles, is the interface between the
10 maintainer and the operator, and that dialogue
11 and how that functions is critical to our
12 success. And that's about relationships. And
13 that's about -- of course the PA governs it, but
14 it really is about daily relationships and how
15 we're working. Like right now, for instance,
16 our new General Manager of Transit, Ms. Amilcar,
17 is having a daily call with RTM and the
18 executives, the operational people, I think
19 every morning at eight o'clock or seven o'clock
20 in terms of the performance of the system.

21 So that relationship was there and
22 John was having regular calls with them too, as
23 were the staff that reported to him.

24 But that is the critical linkage
25 point, in my view, in terms of the success of

1 the system, because we depend on them and they
2 depend on us.

3 KATE McGRANN: So stepping back in
4 time to when you first started working on this
5 project, what plans had been put in place to
6 account for, first of all, that OC Transpo will
7 be operating the system for the first time; RTM
8 would be maintaining the system for the first
9 time; and they would need to be able to interact
10 in real time throughout the operation of the
11 system. What was planned to account for that?

12 STEVE KANELLAKOS: Well, we have our
13 control centre, which is integrated with the RTM
14 staff and so there's a constant communication at
15 the operational level. There's constant
16 communication at the executive level through the
17 General Manager and our Director of Rail,
18 Mr. Charter. And that communication is
19 happening on -- multiple times a day. And they
20 have formal meetings and they discuss the
21 operations and problems or, you know, any
22 setbacks that are happening.

23 So there's a governance structure at
24 the executive and at the operational level where
25 they work together on a regular basis. And that

1 carried on even with the change of players and
2 probably has gotten even tighter and firmer.

3 But, yeah, so that -- and that all
4 evolved -- it wasn't a question of, you know, I
5 made changes when I arrived. As we transition
6 from construction into service that evolved in
7 terms of how we were going to maintain on a
8 daily basis. And the thrust of that was setting
9 up the control centre at OC Transpo, which
10 integrates the entire operation, special
11 constables, trains, all the monitoring systems
12 are all there and connected into RTM.

13 KATE McGRANN: Was there any plan to
14 allow for the operators and the maintainers to
15 try out the system, or work with the system in
16 an environment that was less than full passenger
17 service to allow for the learning curve of
18 learning the system and learning to work
19 together?

20 STEVE KANELLAKOS: Yes, in some
21 levels. Because there was all the training and
22 all the operational meetings, I think the
23 acronym was "RAMP", just ramping up to the
24 launch of the system there was a lot of
25 interplay between the two. But was there -- did

1 we trial run the relationships between
2 executives and the daily thing? I'd say no.
3 Those carried forward in terms of what we had.
4 But the operational part was very much tested
5 and very integrated between the two before the
6 launch, all those things had to be checked off.

7 KATE McGRANN: You spoke to
8 relationships between the executives. I'd like
9 to understand something slightly different.
10 There are people involved directly in the
11 operation of the system on a day-to-day basis,
12 operators, controllers, people on maintenance
13 staff. Was there a plan when you joined to
14 allow for those people, who are directly
15 involved in operating the system, to have a
16 chance to run the system together before opening
17 up to full passenger service, so that any
18 confusion or questions could be worked out, and
19 they could become familiar with their roles and
20 how to interact with each other before passenger
21 service?

22 STEVE KANELLAKOS: Well, that was the
23 lead-in in the summer of 2019 when the trains
24 first started running. Before we did trial
25 running our operators were on the trains going

1 up and down. There was a full -- I don't have
2 the specifics in front of me but they were
3 monitoring all the things even before they did
4 the trial running, running the trains. And
5 obviously during the trial running there were
6 daily briefs that were going on.

7 So there was integration with our
8 operators and our controllers, and all the
9 people in the control centre. All that stuff
10 was happening. To the extent and what was it
11 enough? I can't answer that question.

12 KATE McGRANN: And I guess another
13 question along those lines is, do you know if
14 there is any change to what was planned for
15 those opportunities versus what was actually
16 done?

17 STEVE KANELLAKOS: No, I don't know
18 that.

19 KATE McGRANN: I understand that the
20 plan from the outset of this project was to
21 accomplish a complete transition from the bus
22 rapid transit system to the light rapid transit
23 system immediately. And by that I mean, there's
24 no sort of gradual transfer of service from one
25 to the other, have I got that right?

1 STEVE KANELLAKOS: Yes.

2 KATE McGRANN: Do you know why that
3 decision was made?

4 STEVE KANELLAKOS: Well, again, it
5 goes back to what was promised in the contract.
6 And you're probably referring to the notion that
7 they floated a partial kind of launch, but they
8 wanted to partial launch with full payment, and
9 I certainly wasn't on for that.

10 The contract guided us. And they made
11 representations in the contract in terms of what
12 they were able to deliver.

13 The trial running and the testing and
14 everything leading up to that was part of that.
15 And the work that we did on our side to prepare
16 the system with the RAMP program, everything
17 from the red vest to the communications, to the
18 control centre, all those things were outlined
19 in terms of our plans. And there was never any
20 contemplation in the agreement that there be a
21 partial launch.

22 I had heard and I was advised that, I
23 don't remember exactly when, that they floated
24 that idea, and I certainly was not supportive of
25 that.

1 KATE McGRANN: What could you tell me
2 about that idea being floated?

3 STEVE KANELLAKOS: The only thing I
4 recall is John Manconi raised it with me. And
5 my understanding, my recollection is they wanted
6 to get their full payment starting right away,
7 even though it was partial service. And my
8 reaction was, what does the contract say? And
9 the contract was that they would have the system
10 ready after substantial completion in X number
11 of days and that they would launch the entire
12 system. And that's what the trial running was
13 for and all the other pieces, the components,
14 the independent safety certifier, the
15 independent certifier. All those pieces were
16 there to validate for us that the system was
17 ready to go, and all the planning leading up to
18 that so that the system was ready to go.

19 And the other thing, you know, that I
20 also reacted to is that we're not running a New
21 York subway with six thousand trains, or London,
22 England with six thousand trains, or whatever
23 their number is. We're talking about 13 trains
24 we're supposed to roll out.

25 And when you look at the scope of it

1 it was, to me, it was incredulous that they
2 can't get -- a world class organization like
3 Alstom, and the other people that are part of
4 the consortium, can't get 13 trains on one line?
5 It's not even a multi-spur line, it's one line,
6 east-west.

7 So for me the suggestion that not only
8 are we fifteen months late on the construction,
9 but, gee, I don't think we can put out all the
10 trains when I told you in the contract that this
11 is when I want to put it out. And, by the way,
12 I want all the money to be paid for a service
13 that isn't completely delivered.

14 I could not justify that from a
15 taxpayer perspective or just from a principle
16 perspective in terms of what they represented
17 they would deliver.

18 And I could not understand how they
19 couldn't put 13 trains out on a single track.
20 It -- to me it boggles -- and it still boggles
21 my mind to this day that they can't do that.
22 When you think about the scope of any -- look at
23 Toronto. How many trains do they have? I mean,
24 this is unbelievable to me that a firm like
25 Alstom, a global company, is telling us, just

1 before we launch, Oh, we need to go out partial
2 because we need to embed the system. There's no
3 embedding. There was no embedding in the
4 project requirement. That's what all the
5 testing was for leading up to it.

6 So from -- when I heard that I reacted
7 like I'm reacting now, are you kidding me?
8 That's what we're going to tell the public? By
9 the way, we're fifteen months late and we can't
10 put full service out because Alstom can't get 13
11 trains out on the line in the morning peak?
12 That -- there's no way I could accept that.

13 KATE McGRANN: When was this proposal
14 put forward?

15 STEVE KANELLAKOS: I don't recall the
16 exact date. It might have been after
17 substantial completion but I'm speculating. I
18 don't remember. I remember the conversation.

19 KATE McGRANN: Approximate dates would
20 be fine. So if you can help me relative to the
21 beginning of trial running, for example, did it
22 take place before that?

23 STEVE KANELLAKOS: I'm thinking
24 August, Ms. McGrann, but I can't be certain.

25 KATE McGRANN: And that would be

1 August of 2019?

2 STEVE KANELLAKOS: That's correct.

3 KATE McGRANN: To your knowledge is
4 that the first time that any suggestion was made
5 that there was a bedding-in period that was
6 required for the trains, or that something less
7 than full revenue service should be done for a
8 while before moving to full revenue service?

9 STEVE KANELLAKOS: It was the first
10 time I heard it. I don't know if it was
11 suggested to anyone else in the -- in our
12 organization.

13 KATE McGRANN: To your knowledge, had
14 the City considered any sort of bedding-in
15 period or ramping up to full passenger service
16 at any point before this suggestion was made?

17 STEVE KANELLAKOS: No. Not to my
18 knowledge, no.

19 KATE McGRANN: Who put forward the
20 proposal?

21 STEVE KANELLAKOS: I don't know who
22 put forward -- I'm not sure who put forward the
23 proposal, but John Manconi raised it with me
24 as -- in one of our discussions or briefings.
25 He said, this is what they're looking to do.

1 KATE McGRANN: Do you know whether the
2 proposal was put in writing or whether it was
3 communicated in a conversation?

4 STEVE KANELLAKOS: I don't know if it
5 was in writing, I only heard it verbally.

6 KATE McGRANN: And was this a decision
7 that was -- was it your decision to not pursue
8 further conversations on that particular topic?
9 Who made that choice?

10 STEVE KANELLAKOS: Well, it is --
11 ultimately it is my decision in terms of you
12 just heard my reaction to it is, but John
13 Manconi agreed with me. I mean, we both agreed
14 on that topic, but ultimately, yeah, it's my
15 decision about whether I would accept that, or
16 even bring that forward to Council to let them
17 know.

18 KATE McGRANN: You mentioned Alstom a
19 couple of times and I think you said
20 "embedding". What were you referring to many
21 you were referring to embedding the system?

22 STEVE KANELLAKOS: Basically working
23 out -- you do the trial run and, to me,
24 embedding means let it run for a while in
25 partial service and they can work out any

1 further bugs that they think might be in the
2 system, work out the kinks.

3 KATE McGRANN: Was it your
4 understanding that Alstom was saying it had
5 concerns that bugs would arise in the system as
6 you moved forward with running the system?

7 STEVE KANELLAKOS: I don't know if it
8 was Alstom who brought forward the suggestion.
9 I think it could have been the executive -- the
10 lead executive of RTM or RTG, one of them. I
11 don't remember who brought it forward to
12 Mr. Manconi.

13 KATE McGRANN: And you've shared your
14 response to that proposal, I'd like to dig into
15 that a little bit. I understand that the
16 concept that you would start with less than full
17 service while providing a full payment was not
18 palatable to you?

19 STEVE KANELLAKOS: No.

20 KATE McGRANN: Was there any
21 discussion about whether full payment was
22 necessary for a bedding-in like -- was there any
23 attempt made to negotiate? RTG, you think we
24 need this additional time? We can't give you
25 full payment. What's the way forward here to

1 address all of our concerns?

2 STEVE KANELLAKOS: No, because my view
3 was that regardless of the money -- it wasn't a
4 financially-driven decision. I raised that
5 because it's a consideration. The consideration
6 is, what did you promise to deliver to the City
7 in that Project Agreement? And the money part
8 was just kind of an example of my -- what kind
9 of triggered my reaction that they would want
10 the money, in addition to not fulfilling the
11 requirements of the Project Agreement, which
12 they already hadn't fulfilled for fifteen
13 months.

14 So that's the history. You have to
15 put it in the context of I was dealing with, you
16 know, this constant -- several times this
17 repetitive, here's the date, we missed the date.
18 Here's a date, we miss the date. Here is a
19 date, we miss the date. And now it's, here's a
20 date but, you know what? We're not going to
21 give you what we said we're going to give you,
22 after you told us you would.

23 So my reaction was, what's the
24 contract say? And the contract guided us and
25 guided me from the beginning when I entered this

1 file in 2016. It was always what was in the
2 contract. What do we legally have to pay them?
3 It wasn't about -- I wasn't prepared to venture
4 away from that, especially when I saw that they
5 couldn't deliver their commitments during the
6 construction period.

7 KATE McGRANN: Did you or anybody at
8 the City consult with any of the expert advisors
9 to the City about the merit of this proposal,
10 the risks of refusing to it, at least engaged to
11 negotiate potential options following on this
12 proposal? Anything like that?

13 STEVE KANELLAKOS: I remember a
14 conversation -- John might have, but I remember
15 a conversation with some external advisors that
16 were here, Tom Prendergast was one of them, Joe
17 North was another one, who have extensive
18 experience, 40-plus years experience in rail and
19 in the New York system, Boston, in different
20 areas, literally running the systems. And their
21 view was that you could keep going until
22 December and you're not going to take out the
23 normal issues that are going to happen in the
24 launch of a new rail system, and this was during
25 the trial running.

1 And that was sort of significant for
2 me, because it was the notion that there are
3 going to be issues with a new rail system
4 whether you start it all off at once or you try
5 to bring it in slowly, the issues will still
6 continue even if you have an embedding period.
7 That was the conclusion I came to based on what
8 I heard from them.

9 And then I go back to, again, the
10 notion that -- and I know maybe this isn't
11 resonating with you, but I still was having a
12 hard time understanding why 13 trains couldn't
13 get out on a line and what was so complicated
14 about that, quite frankly. And I was in
15 disbelief that they'd want to run less because
16 they couldn't put 13 trains out. I mean,
17 they're running systems all over the world a
18 hundred times bigger. So I couldn't -- I
19 couldn't get my head around that.

20 So the people that were advising us --
21 I mean, John probably had discussions, that's to
22 ask him, but I wasn't involved in that level of
23 detail. But, no, I didn't pursue that idea in
24 terms of is this a good idea? Should we be
25 doing it? What did they promise us? What was

1 the representation? And are they going to
2 deliver it? That was my principle.

3 KATE McGRANN: Did anybody at the City
4 do any sort of analysis of the risk associated
5 with proceeding to full revenue service when
6 your partner is asking for less than that and
7 suggesting that? Well, you've identified that
8 they couldn't get 13 trains on the line, so from
9 a reliability and service to the public
10 perspective information suggests that you may
11 not get what the Project Agreement contemplated
12 from the outset.

13 STEVE KANELLAKOS: Well, I think
14 the -- did anyone suggest that? The thing about
15 it that I think struck me was that -- and this
16 is with the benefit of hindsight, the problems
17 that arose on this system over the last two
18 years, and I've been told this by our external
19 advisors also, could not have been prevented
20 based on running a modified service and
21 embedding it in. You would not have worked out
22 the problems that have arisen, and I'm sure you
23 have the letters that we've sent them, maybe you
24 don't. I don't know if they're privileged. But
25 the letters we've sent them is part of the

1 litigation for default, and it outlines clearly
2 the multitude of issues that have arisen, that
3 there's no way that they would have come about
4 through the embedding.

5 In fact, Tom Prendergast, I asked him,
6 he was with STV at the time. I think he's moved
7 on to another company now. I asked him if he
8 had seen -- this is once we started running in
9 the fall of 2019 and we started running into
10 problems almost a month later. I asked him, I
11 said, Tom, have you ever seen a situation where
12 so many issue have arisen after the launch of a
13 train? And he said, Steve, I've seen all these
14 issues over a 40-plus year career, but I've
15 never seen them happen in the first six months
16 of a launch of a train. Which speaks to another
17 issue in terms of did they build the trains
18 right? What did they do? It leads to other
19 questions which I don't have the answers to.

20 But the other thing that came out on
21 that conversation was that these things here
22 would not have been necessarily -- not all of
23 them, maybe some, would not necessarily have
24 been rectified because we did a modified service
25 launch.

1 But going back to the decision, we
2 didn't have the benefit of that hindsight at the
3 time. But again, I go back to the notion
4 that -- the principle that I wasn't prepared to
5 move away from that contract at the time in
6 terms of what they said they would deliver.

7 And I didn't believe that when I heard
8 this, again I'm repeating myself, but I did not
9 believe that running a modified service would
10 make any difference based on where the IC --
11 where the testing was going and what eventually
12 happened with the IC certifying it.

13 KATE McGRANN: Did anybody at the City
14 do any analysis of the risk of proceeding to
15 full revenue service when the private partner
16 was asking to do less than full revenue service?

17 STEVE KANELLAKOS: I'm not aware of
18 that. May have but I don't know.

19 KATE McGRANN: The advisors who told
20 you that a soft start, or ramped-up service
21 would not have identified the issues that the
22 system encountered after it went into revenue
23 service, who gave that view?

24 STEVE KANELLAKOS: The person I recall
25 who I was talking to was Tom Prendergast, he was

1 a senior executive with STV at the time. And I
2 don't know if he's with AECOM now, I'm not sure
3 where he is. He left the company and went to
4 another company.

5 KATE McGRANN: And did he put that
6 opinion into writing or is that something he
7 shared with you in conversation?

8 STEVE KANELLAKOS: That was shared in
9 a meeting we were having during the trial
10 running period. And I don't remember the date
11 but I remember the conversation. I remember in
12 this boardroom and I remember where he was
13 sitting in this boardroom at the time.

14 KATE McGRANN: So during the trial
15 running period, prior to RSA, what opinion did
16 he give you?

17 STEVE KANELLAKOS: The opinion he gave
18 me was that we could run these trains to
19 December and that you're never going to achieve
20 perfection. You're not going to get 100 percent
21 on these trains, or any trains.

22 KATE McGRANN: Did he give you a view
23 on the issues that were encountered during trial
24 running? Did you consult with him on the
25 decision to proceed to revenue service

1 availability?

2 STEVE KANELLAKOS: Yeah. There was a
3 team that was in discussing trial running and
4 the discussion centered around what were we
5 encountering? Was it normal? What is something
6 that could be rectified? And that was kind of
7 the ongoing discussion about how serious? Were
8 they total failures or were they kind of part of
9 a course of what you would encounter in 12 days?
10 And it was weighted more to, this is what you're
11 going to encounter during the trial running and
12 it's not unusual.

13 I think what he found unusual is after
14 we launched was the number of issues that arose
15 during the fall, and then heading into the
16 winter, which I think surprised everyone in
17 terms of the frequency of the issues in such a
18 short time of period. In their professional
19 view, in their experience over time these things
20 happen over multiple years. You see them on any
21 train system, they come up, doors, things,
22 catenaries, that comes up. But to have them all
23 condensed in such a short period of time -- the
24 view, and I'm not -- these aren't quotes, but
25 the view, and what I took from the conversation,

1 was this was very unusual to see them all happen
2 at the same time.

3 And then I also had other experts tell
4 me that, you know, you can have -- these things
5 happen but the real issue is how effective is
6 the maintainer in being able to rectify these
7 issues? And that was the other issue that we
8 encountered, is their inability to rectify these
9 issues in a timely manner and drag out the
10 service disruptions to the public, versus having
11 a capable team to be able to fix these things in
12 a much quicker time than what -- in terms of how
13 they were performing.

14 KATE McGRANN: We have started on this
15 conversation talking about the conversion from
16 the BRT to the LRT and the plan to do an
17 immediate conversion. You said that that was a
18 requirement in the Project Agreement, but I take
19 it that it was something that the City asked for
20 at the outset of the project and that was
21 translated into the Project Agreement, is that
22 fair?

23 STEVE KANELLAKOS: Yes.

24 KATE McGRANN: Do you know if the City
25 consulted any advisors in coming to the decision

1 that that was the way to approach the transition
2 from the BRT to the LRT?

3 STEVE KANELLAKOS: I wasn't involved
4 in the procurement of those decisions at all.

5 KATE McGRANN: During the time that
6 you worked on the project was that decision ever
7 revisited for any reason?

8 STEVE KANELLAKOS: No, not that I
9 recall.

10 KATE McGRANN: We talked about the
11 changes to the schedule a little bit. With
12 respect to the training provided to OC Transpo
13 staff, the operators and the controllers, do you
14 know if the scheduled changes had any impact on
15 the training that was planned for them?

16 STEVE KANELLAKOS: No. Well, it did
17 impact a whole bunch of things every time they
18 delayed because we'd be getting ready to go.
19 But, no, the training, I would say that the
20 training was completed, as required, and people
21 accommodated. There were impacts to the
22 organization obviously in terms of keeping staff
23 on longer than we thought. We did let go of
24 some staff obviously and reduced the bus fleet,
25 and all the rest of it, but we had to hang on to

1 that much longer. So there was a cost to the
2 City because of the delay.

3 KATE McGRANN: Do you know if there
4 was any changes to the approach taken to their
5 training due to changes in expected track
6 availability or anything like that?

7 STEVE KANELLAKOS: No.

8 KATE McGRANN: Do you know if it was
9 originally planned for the operation team to run
10 full system during winter conditions before
11 opening to revenue service?

12 STEVE KANELLAKOS: Can you repeat the
13 first part, Ms. McGrann?

14 KATE McGRANN: Do you know if it was
15 originally planned that the operations team
16 would have the opportunity to run the full
17 system in winter conditions before fully opening
18 to revenue service?

19 STEVE KANELLAKOS: I'm not sure, to
20 tell you the truth, because after the schedule
21 moved we ended up where we ended up in terms of
22 their substantial completion, which was in the
23 summer and fall. So that opportunity was missed
24 in terms of our operators running in the winter,
25 because they didn't deliver on the date, which

1 was I think November 2018, if I recall.

2 KATE McGRANN: Are you aware of any
3 other impacts on operator -- or control system
4 training as a result of changes to the schedule?

5 STEVE KANELLAKOS: No.

6 KATE McGRANN: Can you speak to what
7 steps were taken to accommodate or work the
8 training around the delivery that was ultimately
9 given to the City of the system, from a training
10 perspective?

11 STEVE KANELLAKOS: I was aware at a
12 general level in terms of the briefings that
13 were provided, in terms of the readiness plan to
14 get ready, but I can't speak to it specifically.
15 I wasn't involved at that level of detail, at
16 the operator level.

17 KATE McGRANN: With respect to the
18 City stepping in to the financial arrangements
19 between RTG and its lenders and guaranteeing
20 RTG's debt, were you involved in the
21 consideration of that decision?

22 STEVE KANELLAKOS: Yes.

23 KATE McGRANN: Who else was involved
24 in making that decision?

25 STEVE KANELLAKOS: That would have

1 been our City treasurer at the time, Marian
2 Simulik, our legal counsel; City solicitor,
3 also -- I forget his last name but our external
4 legal counsel, Jeff -- I just don't remember the
5 last name, I can get you that, our external
6 legal counsel; KPMG, Remo Bucci was involved;
7 and Brian Guest would have been the other person
8 advising us; John Manconi; myself; my Chief of
9 Staff Steve Box, would have been the --
10 effectively the Steering Committee that looked
11 at that -- the Executive Steering Committee
12 looked at that option as a consideration.

13 KATE McGRANN: You mentioned legal
14 counsel, we're not looking for any asks that you
15 made for legal advice or any legal advice
16 provided to you, just to make that clear before
17 we go any further.

18 Brian Guest is a consultant with the
19 company Boxfish, is that right?

20 STEVE KANELLAKOS: That's correct.

21 KATE McGRANN: And Remo Bucci, who is
22 that person?

23 STEVE KANELLAKOS: He's with Deloitte,
24 he's a consultant that specializes in these kind
25 of financial arrangements. And he's been on the

1 project as an advisor for years.

2 KATE McGRANN: I understand that the
3 option of the City stepping in to guarantee
4 RTG's debt came out of a need to amend the
5 Project Agreement to account for the needs of
6 Stage 2 of the project, is that right?

7 STEVE KANELLAKOS: The last part --
8 sorry, you broke up. To account for?

9 KATE McGRANN: To account for
10 amendments to the Project Agreement required to
11 account for Stage 2.

12 STEVE KANELLAKOS: Yes.

13 KATE McGRANN: Was any value for money
14 analysis done on the guarantee that was
15 provided?

16 STEVE KANELLAKOS: There was analysis
17 that -- I don't remember. I don't have it if
18 front of me obviously, but there was a lot of
19 discussion that Deloitte presented to us about
20 the strategy to take over the financial vehicle,
21 financial tool.

22 KATE McGRANN: That financial analysis
23 was done by Remo Bucci and their team?

24 STEVE KANELLAKOS: I believe so, yes.

25 KATE McGRANN: What was Brian Guest's

1 role in this decision?

2 STEVE KANELLAKOS: Brian was -- he
3 basically -- I would say him and Remo would have
4 been the people that brought forward -- they
5 were discussing how the City could further
6 enhance its position with respect to the
7 contract in the future, in the event that this
8 contract doesn't go well as we go down.

9 So they strategized and brought
10 forward the idea to the Steering Committee when
11 that opportunity came up about a possibility to
12 do that. So that was a concept that we hadn't
13 considered internally. And then there was
14 discussion that went on with respect to fleshing
15 out what that means, and what the benefits and
16 disadvantages were and did we bring that to
17 Council? And how did we deal with that? And
18 what would happen? What was the process to make
19 that happen?

20 KATE McGRANN: So the notion of
21 stepping in to guarantee RTG's debt was an
22 option that was created by Mr. Guest and Remo
23 Bucci as a way for the City to further enhance
24 its position with respect to the Stage 1 Project
25 Agreement?

1 STEVE KANELLAKOS: That's right.

2 KATE McGRANN: And when you say
3 "enhance the City's position", what do you mean?

4 STEVE KANELLAKOS: Well, it gave us
5 further tools, as part of the credit agreement,
6 to further enforce, you know, our ability to get
7 action from RTG.

8 At the time when this came up we were
9 still -- there was a lot of frustration around
10 the performance of the system, a lot of
11 frustration around the history of how this
12 system evolved. And I think we all knew that
13 this was going to go through the dispute
14 resolution process of the PA and ultimately to
15 litigation; I mean, it was clearly heading that
16 way.

17 There was a lot of money involved that
18 they were claiming. And the credit agreement
19 was a way to give the City further leverage in
20 the event -- we were obviously receiving legal
21 advice from Jeff too, that in the event that
22 there was a default, or other things were
23 happening, the litigation, that we could
24 exercise our authority, which gave us a clear --
25 a more direct path to impact what we needed

1 through the credit agreement. It was just
2 another tool to give us.

3 KATE McGRANN: When you mention that
4 guaranteeing this debt gave the City further
5 tools, what tools were you referring to?

6 STEVE KANELLAKOS: Well, under the
7 credit agreement, from what I understand, under
8 the credit agreement we basically become the
9 bank, and then start having the same rights or
10 authorities as the bank to be able to hold them
11 accountable to deliver what we need with respect
12 to -- I'll put it this way, one of the options
13 is, you know, and it was being discussed, are we
14 going to get to a point where we have to replace
15 RTG and replace the maintainer? And what tools
16 do we need to be able to do that and is the
17 Project Agreement enough?

18 And the credit agreement gave us this
19 other tool in terms of stepping in, in
20 conjunction with the PA. If we get Notice of
21 Default confirmed it gives us another avenue,
22 because I believe we would need that, from what
23 I recall -- I don't know if I'm stepping into
24 privileged legal now. But my understanding is
25 if we are successful with our default notice

1 that then we could take the route of the credit
2 agreement to deal with the Board of RTG, and all
3 the various options that were described to us,
4 with respect to how we might rectify the
5 situation if we can't resolve this with RTG.

6 KATE McGRANN: And to the extent that
7 you've already answered this question you'll let
8 me know, but what leverage did you see the City
9 acquiring over RTG when it guaranteed RTG debt?

10 R/F PETER WARDLE: I've been -- you know,
11 I've allowed you to explore this a little bit
12 but you're now getting directly into legal
13 advice about the City's options so I'm going to
14 have to instruct the witness not to answer that
15 question.

16 KATE McGRANN: Peter, is there a way
17 to rephrase that question that would get around
18 your concerns? What I want to understand is
19 what Mr. Kanellakos believed the City was
20 achieving with respect to its role in the
21 partnership by guaranteeing the debt?

22 PETER WARDLE: Well, as I understand
23 it he's indicated to you that he believed it
24 would give the City additional rights. The
25 extent of those rights and when the City would

1 exercise it is a matter that directly flows from
2 privileged advice, so I don't think I can let
3 the witness go any further.

4 And I think the witness did advise you
5 at the outset that there were other reasons for
6 this as well, connected to Stage 2.

7 KATE McGRANN: I'm coming back to
8 that.

9 When did Mr. Guest begin working on
10 whatever project led him to bring this option
11 forward with Mr. Bucci? Is Mr. Bucci a man or a
12 woman?

13 STEVE KANELLAKOS: A man.

14 KATE McGRANN: What project was
15 Mr. Guest working on that led to him bringing
16 this option forward with Mr. Bucci?

17 STEVE KANELLAKOS: He wasn't working
18 on the project. He was retained as an advisor
19 on Stage 2. But he was also -- he had also been
20 engaged in Stage 1, previous to me, I didn't
21 engage him for that, through an RFP that he was
22 engaged by the City. So he would attend
23 Steering Committee meetings as required.

24 And -- but he hadn't attended for the
25 last -- over two years now, two and a half years

1 he hasn't been retained. So his retainer was on
2 an as-needed basis for advice.

3 And we had -- we basically were
4 involved with our legal counsel, Sharon Vogel
5 later, and Jeff, and our Deloitte consultant.
6 And they came in at that time when we had to
7 deal with the issue of -- as you say, with Stage
8 2 and the Project Agreement changes, but also
9 the recognition that we were probably headed
10 into litigation with -- it was imminent with
11 RTG.

12 KATE McGRANN: So he wasn't working on
13 a specific project but he is working as an
14 advisor to the City, is that right?

15 STEVE KANELLAKOS: That's correct, on
16 this project but not with a specific -- he was
17 not given a project to go off and do.

18 KATE McGRANN: What was his area of
19 expertise that he was drawing on to advise the
20 City?

21 STEVE KANELLAKOS: He was contracted
22 at the time, before me, but he was contracted
23 based on his area of expertise on P3s, on
24 design-build-finance-maintain, on that whole
25 realm of knowledge and expertise;

1 infrastructure, his experience dealing with
2 Metrolinx. That was his practice, that's what
3 his consulting firm did.

4 KATE McGRANN: So what advise had he
5 been asked to provide that led to him bringing
6 the guarantee of debt option?

7 STEVE KANELLAKOS: He wasn't brought
8 in -- the way -- that kind of evolved as a
9 conversation when we were looking at options.
10 It didn't -- he wasn't tasked with doing that in
11 advance. My recollection is that we were
12 discussing our legal options and that idea came
13 out of from almost like a brainstorming
14 discussion in the meeting.

15 And I think that, you know, I can't be
16 certain, but I think that he had previously
17 discussed it with Mr. Bucci in anticipation of
18 the meeting. But I never tasked him to bring
19 back, I wasn't aware of it to bring back a
20 specific option on the credit agreement. It
21 came up as part of the legal discussions in
22 terms of -- I remember asking the question, What
23 are our options to be able to protect the City
24 and give us further leverage in the event we
25 head into litigation? And so they were

1 brainstorming ideas around the PA. And I was
2 asking, you know, what rights do we have under
3 the PA? What would happen if it went past
4 the -- what happens after it gets past the IC?
5 And all those questions. So it was a kind of an
6 open discussion about options, and that one then
7 got -- was raised.

8 And then we pursued that and said,
9 What does that mean exactly? And I don't
10 remember all the specifics of the meeting, but
11 there was a meeting where that was raised as
12 part of the discussion.

13 KATE McGRANN: Do you recall if this
14 concept was introduced before the need to change
15 the Project Agreement to account for Stage 2
16 became apparent?

17 STEVE KANELLAKOS: I don't remember.
18 I actually don't remember if that was true or
19 not.

20 KATE McGRANN: Did the City consult
21 with Infrastructure Ontario about taking this
22 step?

23 STEVE KANELLAKOS: Infrastructure
24 Ontario -- I don't remember if they were on the
25 call. They used to be on all our calls, they

1 continued to be on Stage 1 and then they dropped
2 off when we moved into Stage 2. But I don't
3 remember if -- and I don't remember the person's
4 name but they had a senior representative that
5 was on our calls, would conference in for all
6 our calls, and I don't remember if he was there
7 for that particular discussion.

8 KATE McGRANN: But to your knowledge,
9 the City didn't reach out to Infrastructure
10 Ontario for advice on this potential step that
11 was being considered?

12 STEVE KANELLAKOS: We may have, I
13 don't remember. I don't remember if one of the
14 people -- if John or Brian, or anybody, did
15 that. I don't remember.

16 KATE McGRANN: Did this City discuss
17 this potential step with its funding partners,
18 the provincial or federal government?

19 STEVE KANELLAKOS: Yes.

20 KATE McGRANN: And what can you tell
21 me about those discussions?

22 STEVE KANELLAKOS: I don't recall but
23 I know that we reached out to our funding
24 partners.

25 KATE McGRANN: Do you know what form

1 that reach-out took? Did you call them? Was a
2 letter sent?

3 STEVE KANELLAKOS: Again, I believe it
4 was a conversation. I don't recall sending a
5 letter. I just don't have the details -- the
6 recollection of that.

7 KATE McGRANN: Do you know who was
8 involved in that communication?

9 STEVE KANELLAKOS: No.

10 KATE McGRANN: Were you involved in
11 that communication?

12 STEVE KANELLAKOS: No.

13 KATE McGRANN: Do you know what the
14 purpose of that communication was?

15 STEVE KANELLAKOS: I think we --
16 again, I don't recall, but I think the
17 discussion was that we were going to let them
18 know what steps we were taking. But I just
19 don't remember who made the call, or how that
20 call happened, or what was discussed.

21 KATE McGRANN: Do you recall whether
22 the City was seeking agreement with its proposed
23 plan from either the provincial or federal
24 government?

25 STEVE KANELLAKOS: I don't think we

1 needed agreement from then, but that's my
2 recollection.

3 KATE McGRANN: After the City stepped
4 in and guaranteed RTG's debt, did you see an
5 impact of that change in -- on the relationship
6 that the City had with RTG?

7 STEVE KANELLAKOS: Not that I'm aware
8 of, no, it was never brought to my attention and
9 I didn't feel that.

10 KATE McGRANN: Did RTG communicate any
11 views on the City's decision to step in and
12 guarantee its debt, or raise any concerns about
13 that?

14 STEVE KANELLAKOS: I don't recall any
15 of that, no.

16 KATE McGRANN: Did the City's
17 guarantee of RTG's debt have any impact on the
18 project's progress that you could see?

19 STEVE KANELLAKOS: No. It wasn't seen
20 that way. It was seen as -- it was seen as a
21 strategic move and it wasn't material to what
22 was happening at the project level with our
23 project teams.

24 KATE McGRANN: When you say that it
25 was seen as a strategic move, who was it seen

1 that way by?

2 STEVE KANELLAKOS: By me.

3 KATE McGRANN: My question was whether
4 you saw any change in the process of the
5 project? And I think your answer was "no" but I
6 just want to be clear.

7 STEVE KANELLAKOS: No. I can't link
8 that decision to something that happened in the
9 project. I can't make that linkage.

10 KATE McGRANN: Was there any change in
11 the nature of the information that was available
12 to the City about the progress of the project as
13 a result of you stepping in to guarantee RTG's
14 debt?

15 STEVE KANELLAKOS: Not that I'm aware
16 of.

17 KATE McGRANN: So no additional
18 information flowing from the City being the
19 guarantor?

20 STEVE KANELLAKOS: Oh, I thought you
21 meant in terms of the status of the project.
22 Sorry, I misinterpreted it.

23 KATE McGRANN: No, my fault. But did
24 the City start receiving more or different kinds
25 of information about the project by virtue of it

1 guaranteeing --

2 STEVE KANELLAKOS: Oh, by virtue of
3 having the credit agreement?

4 KATE McGRANN: Yes.

5 STEVE KANELLAKOS: No, but we had to
6 speak to the banks, we had to speak to the
7 short-term lenders, the long-term lenders, they
8 were part of it. They obviously communicated
9 with the finance officials of the consortium.
10 So all those discussions were happening when the
11 thing was being executed. But, no, I didn't see
12 any more information.

13 We didn't utilize or exercise that
14 other than -- maybe our finance people did but
15 not for me. If you're asking me I didn't
16 receive any more information because of it.

17 KATE McGRANN: What assessment was
18 made of any changes to the risk profile of this
19 project for the City or its transfer risk before
20 making this decision?

21 STEVE KANELLAKOS: I can't answer that
22 question in terms of whether there was a change
23 in risk profile for the City. And I'm not sure
24 what you're getting at, and maybe that's why I
25 can't answer.

1 KATE McGRANN: My understanding is
2 that the City stepped in to guarantee RTG's
3 debt, did that result in a change in the
4 relationship under the Project Agreement? Did
5 the City look at whether that change in
6 relationship changed the risk profile of the
7 project for the City before it made the decision
8 to guarantee the debt?

9 STEVE KANELLAKOS: I don't know. I
10 can't answer that question.

11 KATE McGRANN: Is it that you can't
12 answer it because my question is confusing to
13 you or do you just not know if that exercise was
14 undertaken?

15 STEVE KANELLAKOS: Well, I don't know
16 if that exercise was undertaken in a formal way.
17 We discussed risk obviously as part of the legal
18 and financial risk and that was a very
19 comprehensive discussion.

20 But I can't answer if somebody did a
21 legal -- or formal risk assessment, like
22 Deloitte or someone like that. But in the
23 meeting obviously we went through pros, cons,
24 from a legal, financial -- we went through the
25 whole thing. It was a very in-depth, multiple

1 meetings over this, it wasn't just a five-minute
2 conversation. It was trying to understand what
3 were we taking on and how would we explain this
4 to Council, or anyone else that asked, because
5 it was so -- because we're publicly accountable.

6 So, yeah, the risk profile and what
7 does that mean for the City was discussed but I
8 don't know if it was a formal document.

9
10 KATE McGRANN: So if we can go off the
11 record and take a break.

12 -- RECESSED AT 10:40 A.M. --

13 -- RESUMED AT 10:49 A.M. --

14 KATE McGRANN: With respect to the
15 testing and commissioning of Stage 1 of the
16 Ottawa Light Rail Transit system, what was your
17 involvement in the testing and commissioning
18 process?

19 STEVE KANELLAKOS: I was getting
20 briefed on a regular basis in terms of how the
21 testing was going. And that was the extent of
22 it in terms of assessing whether we were going
23 to meet the revenue service availability date.
24 It was just getting updates on a regular basis,
25 either verbal -- we had some formal meetings but

1 most of them it was just John Manconi updating
2 me on where we were at, verbally.

3 KATE McGRANN: And what challenges, if
4 any, did you understand were posed to the
5 testing and commissioning was that originally
6 planned?

7 STEVE KANELLAKOS: Well, it wasn't
8 really anything that I didn't expect, quite
9 frankly. We expected that we were going to have
10 some issues testing and commissioning, our
11 advisors were telling us to expect that.

12 I didn't expect -- none of us expected
13 it to go -- to be perfect, and there were going
14 to be issues daily with the trains, that's part
15 of putting a new system on.

16 So there were things that were
17 happening in terms of their -- just the rhythm
18 of how you get the trains out and run it, and
19 our operators were new on the trains. So all
20 those things were -- they weren't unexpected, in
21 my view.

22 KATE McGRANN: I think we may be
23 talking about two different things here. I
24 think you might be talking about the trial
25 running period.

1 STEVE KANELLAKOS: Yeah.

2 KATE McGRANN: And I'd like to ask you
3 some questions about the testing and
4 commissioning of the vehicles and systems that
5 took place before substantial completion.

6 STEVE KANELLAKOS: Oh, you're talking
7 about earlier on that. So, no, I wasn't -- my
8 apologies, I misunderstood. I thought you meant
9 the trial running.

10 No, I wasn't engaged in the -- I mean,
11 other than our Steering Committee updates, but I
12 wasn't engaged on a daily basis -- I want to
13 correct the record, on testing and commissioning
14 of the trains. That's very technical and there
15 were staff that were looking after that. And we
16 were getting updates in terms of how things were
17 going, at the Executive Steering Committee at
18 a -- you know, at a higher level not at a detail
19 level.

20 KATE McGRANN: And other than the
21 briefings that were delivered to the Executive
22 Steering Committee on the progress of testing
23 and commissioning, were you receiving any other
24 updates?

25 STEVE KANELLAKOS: No. Other than

1 conversations I would be having with John. You
2 know, I talked to my direct reports on a regular
3 basis but it wasn't -- they weren't like formal
4 briefings, per se. We used the steering
5 committee as kind of the avenue for that.

6 KATE McGRANN: Did you understand that
7 the validation testing that was originally
8 planned to take place on two LRVs before
9 manufacture of the rest of the trains whether
10 that plan had changed? Were you aware of that?

11 STEVE KANELLAKOS: That what had
12 changed?

13 KATE McGRANN: That the plan to
14 conduct validation testing on the trains had
15 changed?

16 STEVE KANELLAKOS: No.

17 KATE McGRANN: Were you aware of the
18 challenges to the availability of the full
19 testing track that had originally been planned?

20 STEVE KANELLAKOS: Yes. I was but I
21 don't remember the details right now. I haven't
22 pulled those documents but, yes, I was. There
23 was a shortened track apparently but I don't
24 remember the details.

25 KATE McGRANN: And do you have -- did

1 you have any understanding of the implications
2 of that shortened track on the testing and
3 commissioning that could be completed?

4 STEVE KANELLAKOS: They were discussed
5 but I can't recall them right now, to be able to
6 state them with any authority, but they were --
7 there was discussion about the impact of a
8 shortened track on the testing and
9 commissioning.

10 KATE McGRANN: So you know there were
11 discussions but you can't recall what the
12 discussions were?

13 STEVE KANELLAKOS: No.

14 KATE McGRANN: It's my understanding
15 is that full integration testing on the entire
16 line was not an option until very late in the
17 project, is that your understanding as well?

18 STEVE KANELLAKOS: Yes.

19 KATE McGRANN: And when did you --
20 when was full integration testing available to
21 the system, do you know?

22 STEVE KANELLAKOS: I don't remember
23 the month. Again it goes back to the
24 construction delays and all the systems that had
25 to be in place, particularly the control systems

1 that had to be in place for those trains to be
2 able to run. And that was later in the year, I
3 believe, in 2019. But I just can't remember
4 that far back specifically.

5 KATE McGRANN: Were you involved in
6 any discussions about the implications of the
7 late availability of the full system for
8 integration testing?

9 STEVE KANELLAKOS: We would have been
10 updated on that but I don't remember the
11 details.

12 KATE McGRANN: Do you recall anyone
13 raising concerns that the late full integration
14 testing may have implications for the safety or
15 reliability of the system proceeding into
16 revenue service?

17 STEVE KANELLAKOS: No. I would
18 discount that because, again, there were
19 provisions in the process to move into revenue
20 service availability where there was sign-offs
21 by the IC, and the independent safety certifier.
22 So, you know, I wasn't concerned about those
23 things. All those things were part of the
24 process to get the trains up and running for
25 service. And there were checks and balances to

1 make sure those trains were ready and they were
2 safe, that everyone was signing off on.

3 So at the time I didn't get worked up
4 about that, because the trains would not go into
5 service until we were satisfied they were safe
6 to do so. That was the principle that we had.
7 So that wasn't -- that was never a
8 consideration.

9 Even now with the recent derailments
10 that we had last year, you know, I was clear in
11 the media that I'm never compromising public
12 safety. Those trains aren't going into service
13 until a safety officer signs off on it.

14 KATE McGRANN: You mentioned the IC,
15 the independent certifier, is that right?

16 STEVE KANELLAKOS: Yeah.

17 KATE McGRANN: What did you understand
18 the independent certifier's role was on the
19 project?

20 STEVE KANELLAKOS: The independent
21 certifier was to review what was in the Project
22 Agreement with respect to meeting the criteria
23 for revenue service availability, and sign-off
24 that all the criteria had been met, which
25 enabled that system to operate.

1 And that the independent safety
2 certifier signed off that the system was safe
3 for public transportation, for the public to get
4 on it. And those were the two signatures we
5 were waiting for before we announced the date of
6 launch.

7 KATE McGRANN: So the IC is certifying
8 compliance with the Project Agreement
9 requirements?

10 STEVE KANELLAKOS: That's right.

11 KATE McGRANN: Was anybody looking at
12 whether the system was effectively ready for
13 revenue service?

14 STEVE KANELLAKOS: Well, that's the
15 whole team. All of our engineers were all over
16 that in terms of monitoring. I forget the
17 acronym but there was a train testing team that
18 was pulled together, engineers and experts, that
19 looked specifically at whether the train was
20 ready to go. And they were part of the process
21 by the IC signed off. So there was a group that
22 was reviewing the entire system and whether the
23 system would be functional and able to go into
24 service.

25 KATE McGRANN: Are you referring to

1 the trial running review team?

2 STEVE KANELLAKOS: Yeah.

3 KATE McGRANN: So my understanding of
4 the trial running review team's role was that
5 they were to assess the results of trial running
6 based on criteria and scored by a scorecard, is
7 that correct?

8 STEVE KANELLAKOS: Yes.

9 KATE McGRANN: Beyond that were they
10 doing a wholesale assessment of the readiness of
11 the system for revenue service?

12 STEVE KANELLAKOS: That I don't know
13 if they were going that far, but my -- from the
14 briefings we were getting, the consultants and
15 our team, and Michael Morgan at the time, they
16 were looking at the entire system of whether the
17 system was going to be ready and doing their own
18 assessment of whether that system was ready;
19 that was my understanding.

20 KATE McGRANN: Did anyone raise any
21 concerns that the testing and commissioning
22 period, so not the trial running period, the
23 testing and commissioning period was less than
24 what the City would want to see due to
25 compressions in the schedule or otherwise?

1 STEVE KANELLAKOS: No. I don't have
2 that recollection.

3 KATE McGRANN: No concerns that the
4 tests weren't conclusive or were not effective
5 tests of what was being tested?

6 STEVE KANELLAKOS: Not that I'm aware
7 of.

8 KATE McGRANN: Do you know what the
9 minor deficiencies list is?

10 STEVE KANELLAKOS: Generally I do, not
11 the specifics of it. Again, I wasn't working at
12 that level in terms of what minor -- but,
13 generally, yes.

14 KATE McGRANN: And what is your
15 general understanding what the minor
16 deficiencies list is?

17 STEVE KANELLAKOS: My understanding is
18 that there were issues, that were minor, that
19 needed to be corrected on the operation of the
20 actual train system, that weren't major failures
21 but they were things that had to be addressed,
22 and they could be addressed over time.

23 KATE McGRANN: And what did you
24 understand the difference between major and
25 minor to be?

1 STEVE KANELLAKOS: Well, major was
2 that the train would have to be pulled. And my
3 understanding on minor is that the trains would
4 still operate but they had to eventually do the
5 maintenance on the minor ones.

6 KATE McGRANN: Were you involved in
7 reviewing or commenting on the entries in the
8 list?

9 STEVE KANELLAKOS: No. Just in terms
10 of role here I wasn't -- I wasn't in that level
11 of detail. In terms of -- as I told you at the
12 beginning, I'm not a trained expert, that's not
13 what my background is. I'm not in a position to
14 make a judgment about a minor deficiency list or
15 how to correct them. That's why we've hired --
16 we paid millions to hire external engineers and
17 trained experts to do that work.

18 KATE McGRANN: Were you receiving
19 updates on the status of the minor deficiencies
20 list or the number of minor deficiencies that
21 were listed?

22 STEVE KANELLAKOS: Again I'd have to
23 go back to the steering committee meetings. The
24 steering committee meetings would have -- and
25 again I'm making assumption, but would have

1 basically covered that topic in a high-level,
2 general way at an executive level. I was
3 getting executive-level briefings on these
4 things, not details about, you know, one
5 specific thing that's wrong on a train. That's
6 not where I was working.

7 KATE McGRANN: In those briefings, or
8 otherwise, heading into the substantial
9 completion part of the project, did anyone raise
10 any concerns that there was a significant number
11 of items on the list, or that any of those items
12 alone or cumulatively would pose a problem for
13 the operation of the system?

14 STEVE KANELLAKOS: No. I don't recall
15 that.

16 KATE McGRANN: You made reference to
17 Tom Prendergast a couple of times in our
18 discussion, my understanding is that he was part
19 of an independent assessment team that the City
20 formed, is that right?

21 STEVE KANELLAKOS: That's correct.

22 KATE McGRANN: And was part of that
23 team's work to give input and advice on
24 operations and maintenance readiness?

25 STEVE KANELLAKOS: Yes. They were

1 working very closely with -- see, they were
2 working very closely with John Manconi and his
3 team. That's the level where those discussions
4 were happening.

5 And I had the opportunity -- Tom came
6 in to some meetings when -- with me and so I had
7 the opportunity to get the benefit of his
8 perspective on where we were when John would
9 arrange update meetings. But I wasn't working
10 directly with Tom in terms of in the field and
11 what assessments. So I wasn't involved in that.

12 KATE McGRANN: Following the
13 achievement of substantial completion and
14 heading into the trial running period, what
15 views did the independent assessment team
16 express about the operational readiness of the
17 system? So the vehicles and the line?

18 STEVE KANELLAKOS: Well, I don't
19 remember them expressing that we weren't ready
20 to go into trial running. That wasn't something
21 that I recall in terms of them saying, We
22 shouldn't be going to trial running because the
23 vehicles aren't ready.

24 The discussion centred more around,
25 you know, the percentage scores that those

1 trains could achieve, based on what was
2 originally in the Project Agreement. And that
3 there was a belief, or expressed that the score
4 was too high based on any system for something
5 that was just starting as a trial running. So I
6 recall that conversation but I don't recall
7 anyone expressing to me the view that we
8 shouldn't be doing trial running because the
9 train or the system wasn't ready. I don't
10 remember that being expressed to me.

11 KATE McGRANN: Were there any views
12 expressed about the degree of readiness of the
13 system?

14 STEVE KANELLAKOS: I don't recall that
15 either, no. When we got to the point where we
16 were ready to go for trial running I didn't -- I
17 don't remember anybody expressing to me a
18 contrary view that we shouldn't be doing it. If
19 that conversation happened it didn't happen with
20 me.

21 KATE McGRANN: Sorry, you -- I just
22 wanted to clear up your answer. You said you
23 didn't recall anybody expressing a view that we
24 shouldn't be doing? Shouldn't be doing what?

25 STEVE KANELLAKOS: The trial running,

1 that we should delay it.

2 KATE McGRANN: You had mentioned the
3 rail activation management program, RAMP,
4 before?

5 STEVE KANELLAKOS: Yes.

6 KATE McGRANN: What was that program?

7 STEVE KANELLAKOS: That was the
8 internal operational readiness plan for OC
9 Transpo to integrate their operations into the
10 launch of light rail. And there were
11 multiple -- I don't have it in front of me but
12 there were multiple components, and we received
13 many briefings at the time on the readiness of
14 OC Transpo to convert into a light rail system
15 with the impact on the buses.

16 So it included, from what I recall,
17 everything from the communications, signage, the
18 video production, the training, the -- like it
19 went through the whole -- you probably have a
20 copy. I don't have it in front of me but it was
21 a comprehensive document in terms of -- in terms
22 of how they would implement or support the
23 transition into rail.

24 KATE McGRANN: I understand that as
25 part of the RAMP program activities a go/no-go

1 list was established for the light rail transit
2 system, is that right?

3 STEVE KANELLAKOS: I believe so, yes.
4 I don't remember the details of it, no.

5 KATE McGRANN: And if you don't
6 remember the answer to any of these questions
7 just let me know. But do you remember what the
8 purpose of the no/no-go list was?

9 STEVE KANELLAKOS: I think John and I
10 think his team, I think they had a checklist
11 because they were very much -- it was, you know,
12 a lot of times the reporting, it was almost on a
13 score card basis on much of the reporting with
14 respect to -- not only the project schedule but
15 everything.

16 So it was kind of system that John
17 used of red, yellow, green with respect to where
18 we were anywhere on the project and any of the
19 issues. So we were getting regular updates at
20 the steering committee, whether it was
21 construction schedule or on the RAMP program or
22 anything else. He used the colour-coded system
23 generally of whether it's stalled, it's almost
24 there or it's not going. But I don't remember
25 which ones were identified, but that was the

1 methodology that was used as part of the project
2 management system.

3 KATE McGRANN: Did you ever see a
4 version of the go/no-go list where all of the
5 entries were coded green, in advance of heading
6 into revenue service?

7 STEVE KANELLAKOS: Again, I can't
8 remember -- just too much -- the details there.
9 I know I saw them in presentations but I can't
10 remember what was on them.

11 KATE McGRANN: I believe there was a
12 period of practice running, or pre-trial running
13 in advance of the trial running period. Do you
14 know what I'm talking about?

15 STEVE KANELLAKOS: Yup.

16 KATE McGRANN: And what was the
17 purpose of the practice or pre-trial running?

18 STEVE KANELLAKOS: Well, I think
19 exactly what you say. It was just a practice to
20 get ready before we actually went to -- to
21 smooth out any bumps before we went into trial
22 running, which was a critical period with
23 respect to the sign-offs that would have to
24 happen before we went to revenue service
25 availability.

1 Again, the context, you know, we'd
2 been waiting fifteen months, so I think they
3 were trying to be prudent to run those trains
4 before the official scorecard happened; to make
5 sure that people who are involved in the process
6 get into a rhythm so that they could do well on
7 the -- they could execute for the actual trial
8 running. That was my understanding of it.

9 KATE McGRANN: Despite the challenges
10 I've had with technology so far today I'm going
11 to try and show you a document. Bear with me
12 for a second. The document I'm showing you is
13 entitled "Ottawa Light Trail Transit Project,
14 Trial Running Test Procedure", and it's dated
15 July 31st, 2019. Have you seen this document
16 before?

17 STEVE KANELLAKOS: No, I don't recall.

18 KATE McGRANN: I'm going to take you
19 to page 8. So this was a trial running plan
20 that was prepared, and it's dated July 2019, so
21 right before the trial running period started.
22 What I want to ask you about is this note. Can
23 you read that or do you need me to read it?

24 STEVE KANELLAKOS: Yes, yes.

25 [Witness reading the document.]

1 KATE McGRANN: So looking at this
2 note, does this refresh your memory about the
3 purpose of the pre-trial running period? Do you
4 know whether it was to --

5 STEVE KANELLAKOS: Again, I wasn't
6 working at that level. I've never seen that
7 note. I don't recall ever seeing this document.
8 I may have but I don't recall having it. And
9 that wasn't something that I would have answered
10 the question to in terms of what's on there.

11 KATE McGRANN: Did you expect to be
12 briefed on all compliance requirements with the
13 Project Agreement heading into revenue service
14 availability?

15 STEVE KANELLAKOS: Yes. There was
16 a -- the trial running, as I said earlier in my
17 answers, you know, was a daily discussion in
18 terms of where we are -- where we were with the
19 trial running.

20 What I didn't get, again, I didn't go
21 into the -- I was being made aware. I wasn't
22 solving problems with the actual engineering or
23 the issues that were there. That wasn't my
24 role.

25 KATE McGRANN: Do you recall receiving

1 a briefing on any evaluations that were done of
2 the system outside of the trial running process
3 required by the PA?

4 STEVE KANELLAKOS: Could you be more
5 specific in terms of what you're referring to?
6 Just so I make sure before I answer.

7 KATE McGRANN: I'm referring to the
8 note that we just looked at that said that
9 aspects of the Project Agreement requirements
10 were being carried out outside of the trial
11 running period in a pre-trial running or
12 demonstration approach?

13 STEVE KANELLAKOS: No. The answer is
14 no.

15 KATE McGRANN: Now, with respect to
16 trial running, what were the nature of the
17 updates that you were receiving while the trial
18 running process was in place?

19 STEVE KANELLAKOS: It was just how we
20 were doing each day, generally. Where were we
21 at. What were they -- I don't remember all the
22 specific issues, but what issues were happening.
23 How it was going.

24 So it was basically a check-in call
25 every day in terms of, How are we progressing?

1 I think there was one -- I think there was one
2 formal meeting in that time period where we did
3 an update, in terms of where we were at, that
4 John held -- the steering committee held, I
5 believe. But it was basically John and some of
6 his people keeping me informed in terms of
7 generally how we were doing.

8 It wasn't -- I wasn't into the -- the
9 details of the problem solving. Because, as I
10 said, it was more -- okay, we did well today,
11 or, we have a few problems on this today. We're
12 fixing this. It was that kind of a
13 conversation, verbal. He would either come down
14 here or call me. But it was generally a
15 verbal -- hey, catch me up every day how we're
16 doing at the end of the day.

17 KATE McGRANN: Did he tell you what
18 the ultimate result was? And by that I mean, it
19 was pass day, it was a pause day, it was a
20 restart day?

21 STEVE KANELLAKOS: Yeah, he would
22 generally tell me how we were doing.

23 KATE McGRANN: And were you in turn
24 briefing others based on the information that
25 was being provided to you?

1 STEVE KANELLAKOS: No. You know, if
2 the question is implying was I briefing
3 politicians; I wasn't. I don't think -- I think
4 I might have -- there might have been one time
5 where I told the Mayor where we were at. He was
6 curious when I'd run into him. But I never did
7 any formal briefings with the Mayor, that I
8 recall or that I have on my schedule, briefing
9 him on where we were in the trial running. It's
10 more if I saw him in our office. You're not
11 aware of our offices but he's on the other side
12 of the lobby here, and if I ran into him he
13 would say, How's it going? I'd say I think
14 we're doing okay today. But I didn't -- I
15 wasn't giving him a formal, detailed briefing
16 every day.

17 KATE McGRANN: Were you involved at
18 all in the creation of the trial running
19 criteria?

20 STEVE KANELLAKOS: No. That's not
21 my -- that's not my expertise to do that. It
22 would be pretty scary if I was doing that,
23 wouldn't it?

24 KATE McGRANN: Were you aware of what
25 the trial running criteria was at the outset of

1 the trial running period?

2 STEVE KANELLAKOS: Yeah. Can I recite
3 them now? No. But, yes, I was informed of what
4 they were.

5 KATE McGRANN: Were you provided with
6 a paper copy of the criteria with a scorecard?

7 STEVE KANELLAKOS: I believe -- I
8 believe so. Again, I don't have it in front of
9 me but I believe I was, but I can't be sure.

10 KATE McGRANN: So there's a change
11 made to the trial running criteria part of the
12 way through the trial running period, is that
13 right?

14 STEVE KANELLAKOS: That's right.

15 KATE McGRANN: When did you become
16 aware that a change to the criteria was being
17 considered?

18 STEVE KANELLAKOS: I think it was
19 actually during the --

20 -- [TECHNICAL ISSUES] --

21 EMILY YOUNG: I'm wondering if you
22 want to read out the doc ID of the document you
23 put up earlier?

24 KATE McGRANN: Good idea. OTC3177178.
25 We were talking about a change that

1 was made to the trial running criteria, when did
2 you become aware that a change to the criteria
3 was being considered?

4 STEVE KANELLAKOS: I believe it was in
5 that period of July to mid-August, in there
6 somewhere is when I first was made aware that
7 there was a discrepancy or something in the
8 criteria, in the scoring percentages, and that
9 there was a correction made. That's when I was
10 first made aware of it, I believe. Again, it's
11 testing me but that's what I believe.

12 KATE McGRANN: Are you able to say
13 whether you became aware that a change was being
14 considered before or after the trial running had
15 started?

16 STEVE KANELLAKOS: I believe it was
17 after the trial running had started, I believe.

18 KATE McGRANN: And when you say that
19 there was a discrepancy in scoring, what are you
20 referring to?

21 STEVE KANELLAKOS: My understanding
22 was that what was in the PA was revised earlier
23 in time, I don't know when, but it never got
24 reflected in the actual scoring criteria
25 methodology for when the trial running happened.

1 And I think someone -- or I remember someone
2 picked up on it and they made the correction,
3 that was my understanding of it in terms of the
4 agreement between RTG and the City at the staff
5 level.

6 KATE McGRANN: When you say that
7 something in the PA was revised, what are you
8 talking about?

9 STEVE KANELLAKOS: I believe it had to
10 do with the number of days and what the
11 percentage -- again, you're testing my memory,
12 but the percentage score I think. I seem to
13 have a number, 98 percent in my head, and
14 whether that was changed to something lower.
15 And it was -- instead of 12 of 12 days, 9 of 12
16 days, I believe, and then it was -- I think
17 that's what it was but I can't be certain right
18 now.

19 KATE McGRANN: Do you remember who
20 provided you with that information?

21 STEVE KANELLAKOS: Yes, John Manconi.

22 KATE McGRANN: So was it your
23 understanding that the trial running
24 requirements set out in the Project Agreement
25 had been changed in the agreement?

1 STEVE KANELLAKOS: My understanding is
2 that the trial running percentage and number of
3 days was agreed to in advance and got missed
4 when they started, I believe, and then there was
5 a -- there was a correction made and -- when the
6 trial running had started and they had to make a
7 correction to reflect what was agreed to.
8 That's what I think it is.

9 KATE McGRANN: And I just want to
10 understand what you understood was changed in
11 the Project Agreement?

12 STEVE KANELLAKOS: As I said earlier,
13 originally it was 12 out of 12 days, 98 percent.
14 That's what I think it was. And I think it went
15 down to 96 percent, 9 of 12 days is what the
16 change was.

17 KATE McGRANN: In the Project
18 Agreement?

19 STEVE KANELLAKOS: Not in the
20 actual -- or in a -- it could be a separate
21 agreement but it was agreed to by both parties,
22 is what I understand.

23 KATE McGRANN: And what led to that
24 agreement? What were you told?

25 STEVE KANELLAKOS: I think that there

1 was a -- there was a -- there was a discussion
2 between the parties that the criteria that
3 was -- what I recall -- my discussions with John
4 was that the criteria that was initially set,
5 which I believe RTG was the sponsor of in terms
6 of putting that in the agreement, was the
7 criteria that went beyond what was reasonable in
8 terms of being able to achieve for that 12 day
9 period.

10 And I believe that's where the
11 external advisors, the independent assessment
12 team, had weighed in on that, I believe, in
13 terms of capturing what's more reflective of a
14 new system being run on a trial period and what
15 that criteria should be, versus what RTG wanted
16 to have in the contract. That's what I was
17 told.

18 KATE McGRANN: So your understanding
19 was that the criteria changed from a 98 percent
20 reliability to a 96 percent reliability, is that
21 right?

22 STEVE KANELLAKOS: That's what I
23 thought, yes.

24 KATE McGRANN: And have I got it right
25 that you understood that the independent

1 assessment team was in favour of that change?

2 STEVE KANELLAKOS: My understanding is
3 yes.

4 KATE McGRANN: And do you know what
5 the basis of their advice to decrease the
6 reliability requirements for trial running was?

7 STEVE KANELLAKOS: Again, my
8 recollection is that the criteria that was put
9 in, 12 out of 12, and 98 percent, was -- and
10 this goes back to an earlier comment I made
11 where I remember Tom Prendergast saying, you
12 could be going until Christmas to be -- and you
13 won't achieve that on any rail system.

14 And so there was a belief that -- from
15 what I understand there was a belief that RTG
16 has set a too stringent criteria, which wasn't
17 realistic in terms of being able to meet the
18 trial running period.

19 So there was a discussion about what's
20 a realistic best practice approach to it? And
21 there were changes made earlier that were, I
22 think, missed. There was an omission, I
23 believe, that's what I believe I was told.

24 There was an omission and it got picked up and
25 then got reflected in the actual testing and

1 trial period.

2 KATE McGRANN: And to help me
3 understand Mr. Prendergast's comment, he said
4 you could go until Christmas and you would not
5 achieve that on any rail system? Was he talking
6 about the 98 percent --

7 STEVE KANELLAKOS: Twelve days in a
8 row, yeah.

9 KATE McGRANN: Twelve days in a row of
10 98 percent?

11 STEVE KANELLAKOS: Yes. That's the
12 context I have. Again, I'm trying to capture a
13 conversation that happened three years ago,
14 more. That's how I framed the concept in my
15 mind.

16 KATE McGRANN: And did you have any
17 concerns about proceeding into passenger revenue
18 service with a system that could not operate at
19 98 percent reliability 12 days in a row?

20 STEVE KANELLAKOS: No. Again, as I
21 said, because the independent certifier and our
22 own team was reviewing it all, as did the final
23 independent safety officer. And to me those
24 reviews, and the experts who were looking at it,
25 were signing off with respect to the safety and

1 reliability of that system.

2 So I wasn't concerned if the
3 contractual arrangements were met and the
4 experts that were reviewing it were satisfied
5 that the train could go into service, that
6 didn't concern me. There was no indication that
7 there was any safety issue or any reliability
8 issue that would carry on into service at the
9 time we launched, in my mind.

10 KATE McGRANN: You referenced the IC's
11 review. Did you think that the IC was looking
12 at the question of whether the trial running
13 criteria was a good measure of the readiness of
14 the system for service?

15 STEVE KANELLAKOS: I believe that.

16 KATE McGRANN: And what was the basis
17 for that belief?

18 STEVE KANELLAKOS: Because the IC was
19 also reviewing every day whether it was a pass,
20 repeat, fail, and was looking at the entire
21 system and all the criteria with respect to the
22 trial running test procedure.

23 So you have to rely on someone's
24 expertise in terms of making an assessment of
25 whether that train is ready, and that's what the

1 role of that person was, including the safety
2 certifier.

3 So those are the people who ultimately
4 have to put their names on whether this system
5 is safe and reliable to go. And I know people
6 are making, you know, a -- are raising the issue
7 about the 12 days and how this led to all the
8 problems that came later. As I said earlier in
9 my answers, I don't think those two things are
10 related. I think there's a different issue
11 that's happening here that has resulted in the
12 poor performance in this system over the last
13 almost two years.

14 KATE McGRANN: And what is that issue?

15 STEVE KANELLAKOS: The issue is -- and
16 I was on a call with -- we were all on a call
17 with the president of Alstom North America, and
18 I have a letter from him, who basically stated
19 that after the first derailment he came to
20 Ottawa, unbeknownst to us, to tour the site, he
21 was newly appointed. And he effectively told
22 us -- not effectively, he specifically told us
23 that they -- Alstom did not have their A team
24 here in Ottawa to maintain those trains. And he
25 told us that the organizational structure that

1 they had, and their processes and systems, were
2 not reflective of the standard that Alstom
3 maintains worldwide.

4 So effectively he told us, the way I'm
5 interpreting it is, that they didn't have their
6 A team here, they had a B or C team here, and
7 they didn't have the right people to be able to
8 deal with all the maintenance problems we'd been
9 having over the last two years.

10 And so people are linking this all
11 back to -- people are speculating and saying,
12 Oh, if the 12-day running period was more
13 stringent we wouldn't have all these problems.
14 To me that's absolutely false.

15 The problems are because the people
16 that are maintaining the trains are not the most
17 effective, experienced, knowledgeable, skilled,
18 capable people to maintain those trains and they
19 haven't been able to do it. And there's
20 countless example of that in terms of their
21 performance since they launched the train.

22 And the 12 days running, quite
23 frankly, even if we would have went 20 day, 30
24 days, I don't really believe that, if you can't
25 maintain them and if you don't have the skills

1 on site, it would make any difference to what
2 happened down the road.

3 So the focus is -- it's a red herring
4 to me because those trains were launched safely
5 and they met all the criteria. The problems
6 came when they did not have the maintenance
7 regime and expertise to deliver what they
8 promised they would deliver going into the
9 future, and that is a firm belief of mine.

10 KATE McGRANN: The call that you
11 reference with the president of Alstom North
12 America, when did that call take place?

13 STEVE KANELLAKOS: It happened in
14 between the first derailment in August and the
15 second derailment in September, so somewhere
16 mid-August, late August of 2021.

17 KATE McGRANN: Who initiated the call?

18 STEVE KANELLAKOS: The Mayor initiated
19 the call with the executives of RTG because of
20 the -- because of what happened on the first
21 derailment, and asked to speak to them all to
22 see what they're going to do to get us back into
23 service and to the fix the problems.

24 KATE McGRANN: Mr. Wardle, do you know
25 if the letter that Mr. Kanellakos has referenced

1 has been produced to the Commission?

2 PETER WARDLE: I don't know the answer
3 to that.

4 KATE McGRANN: If it hasn't been
5 produced would you please produce a copy?

6 U/T PETER WARDLE: Yes, we'll do that.

7 STEVE KANELLAKOS: And in the letter
8 he put in writing what I just told you about,
9 the quality of his team and the organizational
10 changes he feels he needs to make in that
11 maintenance facility to meet the standards that
12 they expect of Alstom. It's in writing.

13 KATE McGRANN: Now, we've been talking
14 about the trial running period and we've been
15 talking about 12 days. My understanding is that
16 the trial running ran from July 29th through to
17 August 22nd, 2019, is that what you understood
18 happened?

19 STEVE KANELLAKOS: Yes.

20 KATE McGRANN: And did the length of
21 that trial running period, or the need to run
22 for that long, cause you any concerns about the
23 readiness of the system for revenue service?

24 STEVE KANELLAKOS: No.

25 KATE McGRANN: Why not?

1 STEVE KANELLAKOS: Again, because
2 there were checks and balances to ensure that
3 those trains went into service safely and that
4 they met the criteria, and they were signed off
5 by the people that were supposed to sign them
6 off. I have to rely on the experts to tell me
7 that the trains are ready to go.

8 KATE McGRANN: Well, if it takes 21
9 days to get to 9 or 12 days of replicable
10 results, did you any concern that over the next
11 21 days you may see similar issues?

12 STEVE KANELLAKOS: No.

13 KATE McGRANN: And why not on that
14 front?

15 STEVE KANELLAKOS: Because they
16 were -- as part of the trial running, as I said
17 earlier, I expected that there would be issues,
18 we all expected, and they were rectifying the
19 issues as they went along.

20 And I had no reason to believe that
21 those same issues would repeat themselves, or
22 possibly repeat themselves when we actually went
23 into service. And we did well the first month
24 and then things started to fall apart. And they
25 weren't able to turn around the maintenance and

1 make the repairs that were necessary to keep
2 those trains reliable for the following six
3 months from November, I believe, right into
4 February, March.

5 KATE McGRANN: Now, I understand that
6 an agreement was made that the trains required
7 for peak service, originally 15, was dropped to
8 13 for a period of time. Can you speak to that
9 decision?

10 STEVE KANELLAKOS: Yeah. That
11 decision was based on what we believed the
12 ridership levels were going to be and what the
13 capacity of the trains were. So it didn't make
14 sense to put 15 trains out initially, and have
15 to do all the maintenance and wear and tear on
16 those trains, when we believed we only needed 13
17 to handle the loads that were going to be on the
18 trains.

19 So it's a question of preserving our
20 assets and ensuring that our supply and demand
21 are basically matched in what we believed would
22 be the ridership.

23 KATE McGRANN: When you say it was
24 made based on the "capacity of the trains", what
25 are you referring to?

1 STEVE KANELLAKOS: Well, what we
2 believed the 13 trains could handle, the loads
3 at peak that we were expecting in terms of
4 ridership.

5 KATE McGRANN: So your understanding
6 is that the only reason for the decision to drop
7 the number of trains from 15 to 13 was because
8 of the needs of the passengers on the system?

9 STEVE KANELLAKOS: We were -- we would
10 have been oversupplied with 15 initially is what
11 we believed, yes.

12 KATE McGRANN: Was City Council
13 advised of the change in the trial running
14 requirements that were made during trial
15 running?

16 STEVE KANELLAKOS: No. Well,
17 actually --

18 KATE McGRANN: Why not?

19 STEVE KANELLAKOS: Actually I
20 shouldn't say that. John did advise Council, I
21 believe -- I'm trying to remember what day it
22 was. I know he was in a presentation in front
23 of Council where it was -- I think it was in
24 late August. John did advise Council that there
25 was a change in the -- it was at the conclusion

1 of the trial running, he did advise them on the
2 change in the criteria and that it was 9 of 12
3 days, and he went on record for that on the
4 presentation. They were advised at that time at
5 the end of it, when he went to Council and
6 basically said, They've completed their test
7 plans and here's where we're going to revenue
8 service availability. But during -- to answer
9 your question specifically, during the actual
10 process I'm trying to remember if John sent a
11 memo to Council or something in that period; he
12 may have.

13 KATE McGRANN: You don't know whether
14 Council was advised of the change at the time
15 that it was made?

16 STEVE KANELLAKOS: I don't remember
17 that. I know they were advised right at the end
18 but I don't know when it was happening if they
19 were advised.

20 KATE McGRANN: Do you know if the
21 Mayor was advised at the time that the change
22 was made?

23 STEVE KANELLAKOS: I don't remember
24 advising the Mayor of that.

25 KATE McGRANN: Do you know if anybody

1 else advised him?

2 STEVE KANELLAKOS: I don't know.

3 KATE McGRANN: I understand that the
4 trial running period for Phase 2 is longer than
5 what was provided for in Phase 1, is that right?

6 STEVE KANELLAKOS: That's correct.

7 KATE McGRANN: Do you know why that
8 change has been made?

9 STEVE KANELLAKOS: I think lessons
10 learned. At the time we thought that was the
11 right thing to do, based on all the advice we
12 had. And after the -- part of the process --
13 and we were also directed by Council to do a
14 lessons learned review. And we were audited.
15 There's been all kinds of reviews on this.

16 And the view was that we had -- for
17 Stage 2 we had to rethink how we're going to do
18 the trial running and not be so stringent in
19 terms of setting a 12 out of 12 days, 98 percent
20 pass or fail and allow the system to be -- to be
21 tested with some flexibility.

22 And so that was built in to the next
23 stage so that we don't end up in this place
24 we're at now, based on your questions and based
25 on where some of our Councillors have been in

1 the public media, that this all goes back to
2 something that went wrong on the 12 days of
3 testing and all the problems after were because
4 we didn't do a proper testing on the 12 days,
5 which I completely reject as an assumption.
6 It's completely not true.

7 KATE McGRANN: The advice that you
8 relied on to accept the trial running results
9 and proceed to revenue service, I just want to
10 make sure that I know what that advice is. So
11 you've made specific reference to
12 Mr. Prendergast, what other advice did you
13 receive that supported the decision to proceed
14 to revenue service following the trial running
15 results.

16 STEVE KANELLAKOS: When they finished
17 the trial running we met and they received
18 the -- we received the signatures, as I say, of
19 the two certifiers, safety and independent
20 certifier, the two of them, and went through
21 that. And the decision was made to move forward
22 because they met the criteria. And we felt that
23 they met the criteria for safety and for the
24 ability for the train to go into service.

25 KATE McGRANN: And what advice were

1 you relying on in proceeding into revenue
2 service? You said you relied on advice and I
3 want to understand --

4 STEVE KANELLAKOS: The advice I relied
5 on is that they met the requirements of the
6 Project Agreement to go into revenue service,
7 that was the milestone. Everyone was focused on
8 substantial completion and revenue service
9 availability. And everyone was focused on what
10 would it take to meet those two things, to
11 satisfy those two criteria in the Project
12 Agreement. And it was determined that after the
13 signatures were received in the process that the
14 criteria in the Project Agreement were met to be
15 able to launch train service.

16 KATE McGRANN: When you say it was
17 "determined", who made that determination?

18 STEVE KANELLAKOS: Well, the
19 independent certifier, and then we also had a --
20 we received a certificate or something from the
21 IC that they had achieved revenue service
22 availability.

23 So we had all the documentation. So
24 we had our legal, everybody there saying, They
25 met the criteria, they can go. So there was no

1 issues about, are we worried now that the train
2 shouldn't be put in service? It was, Have they
3 met it? They met it. Okay, let's move on to
4 the next stage.

5 KATE McGRANN: Was any review done of
6 the results of the 21 days of trial running as
7 part of the assessment of whether to proceed to
8 revenue service.

9 STEVE KANELLAKOS: Well, my
10 understanding is that the IC did that review on
11 a daily basis, reviewed every day in terms of
12 what happened before she signed off. That was
13 my understanding.

14 KATE McGRANN: Other than the IC's
15 review of the scoring?

16 STEVE KANELLAKOS: This is the IC,
17 yeah.

18 KATE McGRANN: Anybody looking at the
19 results of trial running from start to finish --
20 was anybody considering readiness for operation
21 based on the results of all of the data of trial
22 running on behalf of the City?

23 STEVE KANELLAKOS: Yeah. That was the
24 Manconi team, was obviously integrating to that
25 and getting ready, because then they had to kick

1 into high gear once we achieved that
2 certification on -- I think it was the end of
3 August we received it from the IC. And then we
4 had two weeks to basically transition into
5 operations.

6 But that had been planned -- that had
7 been planned through most of the year, that plan
8 was on going. And then they had to turn it on
9 in terms of activating the operations to be able
10 to launch the train system on September 14th.

11 KATE McGRANN: And to your knowledge
12 did anybody on Mr. Manconi's team, or anybody
13 who was advising that team raise any concerns
14 about proceeding to revenue service when the
15 City did?

16 STEVE KANELLAKOS: I was not aware of
17 anybody raising those concerns and it certainly
18 wasn't raised to me.

19 But I do remember that the safety
20 issue was obviously a big part of the
21 discussion. And we did, I think the day before
22 launch, receive a further report from the
23 independent certifier -- the safety auditor that
24 the system was safe. Because that was --
25 reliability is one thing but safety was an

1 overriding concern. And our independent safety
2 auditor gave us that final report saying, this
3 system is safe to go for passengers. That's
4 what I needed to be able to go. I had no other
5 basis, that I was aware of, to hold back the
6 system going, unlike the last derailment, which
7 I had never got -- until I got the green light
8 from our independent reviewer, TRA, I wasn't
9 prepared to sign-off as a regulator for that
10 train to go back in service. I had reason to
11 hold it. In this case I did not, in my mind.

12 KATE McGRANN: In the two-week period
13 between the achievement of the revenue service
14 availability and the launch of the system to
15 public service, who decided that that two-week
16 period would be put in between revenue service
17 availability and the public launch?

18 STEVE KANELLAKOS: That was John
19 Manconi's recommendation and his team's
20 recommendation.

21 We always said, and we were always
22 public about it, that just because we got
23 revenue service availability doesn't mean we're
24 going to launch the next day; we need time to
25 prepare. And we were going to pick the day that

1 we wanted to launch so that we wouldn't end up
2 on a perfect storm of, you know, a Monday
3 morning when everyone's pouring into the train
4 stations from the buses. Maybe do it on a
5 Saturday where we have lower volume and we can
6 do the celebratory launch and everything.

7 So the two weeks was a recommendation
8 to me by John Manconi in that he wanted two
9 weeks to do the final preparation of staffing,
10 and all the other things that have to happen to
11 put everything in place to go, scheduling, all
12 that stuff.

13 KATE McGRANN: And when did he make
14 that recommendation?

15 STEVE KANELLAKOS: I don't remember
16 when he made it, but it was part of the
17 executive steering committee discussions we had
18 about if we achieve when would we launch and how
19 much time would we need?

20 I don't remember exactly when he told
21 me but it got locked down formally.

22 KATE McGRANN: Do you recall whether
23 he made that recommendation before trial running
24 started?

25 STEVE KANELLAKOS: No, I don't believe

1 so. I think that -- I think we were having
2 discussions about what a possible date might be.
3 We were talking about it should be a weekend.
4 We were talking about -- I was talking to him
5 about, how much time do you need after revenue
6 service availability? Because he was clear to
7 publicly add to Council that -- the Transit
8 Commission, that it wouldn't be the day after.

9 Because there was a belief in
10 community and in the media that once you receive
11 RSA, people didn't understand it, that the train
12 would launch the next day. And we were very
13 conscious of ensuring that the public
14 understands that that would not happen.

15 And John felt he needed two weeks
16 before he could launch, because they had been
17 doing the prep months ahead of leading into the
18 actual transition into train service.

19 So that's how it came about, but I
20 don't believe it was -- it wasn't predetermined,
21 it was something that was evolving.

22 KATE McGRANN: Was the performance of
23 the system evaluated through the course of that
24 two-week period that preceded the public launch?

25 STEVE KANELLAKOS: I'm going to say

1 yes, because they were still obviously running
2 trains and they were still paying attention to
3 the trains and what was happening, but I don't
4 recall receiving a formal report on it. It
5 would just been just How are things going? Are
6 we ready to go on the 14th?

7 The discussion really switched in all
8 our meetings and discussions then turned to, you
9 know, getting ready to launch on the 14th and
10 the logistics, and are we ready to go? And all
11 those things.

12 Because until we actually knew we were
13 ready to go we set the date and we were driving
14 towards that date, but unless we were ready to
15 go we weren't going to go.

16 KATE McGRANN: What information were
17 you getting during that two-week period about
18 the performance of the vehicles and the system
19 as a whole?

20 STEVE KANELLAKOS: I don't recall
21 getting anything formal, I just remember asking
22 how we're progressing and are we going to be --
23 it was more focused around, are we ready to go
24 on the 14th? Are the trains ready? Are people
25 ready? Is that RAMP program ready to go?

1 There was a discussion more around the
2 go/no-go issues you asked about, it was more
3 about that. Are we green? Are we ready to go?
4 And the advice obviously, because we did launch
5 on the 14th, was we were ready to go. There
6 were no issues that we saw, that I was being
7 told that would prevent us from going.

8 KATE McGRANN: Whose advice was it
9 that the City was ready to go?

10 STEVE KANELLAKOS: John Manconi's.

11 KATE McGRANN: Once you had into --
12 and by "you" I mean the City. Once the City
13 launches the system and it's open to revenue
14 service for the public, a number of issues are
15 encountered, starting with the door fault.

16 STEVE KANELLAKOS: Yes.

17 KATE McGRANN: Have you any awareness
18 of door faults like this occurring before they
19 appeared at revenue service?

20 STEVE KANELLAKOS: Yes. I understood
21 there were some door faults during the testing
22 period. But the extent that they started
23 happening, because of the software issues, once
24 we launched I think surprised all of us once
25 passengers started getting on there. I mean,

1 they were testing with -- we had -- what's the
2 word, on the trial run we had test passengers,
3 people were recruited to ride the trains. But
4 the software, I mean, this is what I was
5 referring to earlier. The number of issues that
6 surfaced, from a software perspective on the
7 platforms and the rest, after they launched
8 really surprised us, and the doors being one of
9 them.

10 KATE McGRANN: What did you know about
11 the door issue before heading into revenue
12 service?

13 STEVE KANELLAKOS: Well, I'd heard
14 that there was some door issues when they were
15 doing the testing but that it wasn't -- the door
16 issues, when I was speaking to our advisors, I
17 mean they will tell you, and I'm in the subways
18 myself in many parts of the world, it's not
19 uncommon for doors to get stuck, or doors not to
20 close, or something to happen, or someone to
21 force doors open.

22 And in Ottawa, interestingly enough --
23 so during the trial running I didn't react to
24 that from the perspective of, okay, you're going
25 to have door issues.

1 What we didn't anticipate is some of
2 the people that were riding the trains here in
3 Ottawa aren't -- didn't have a lot of experience
4 with boarding trains. And people were forcing
5 doors open, or running last minute and pulling
6 them apart and jamming them and were creating
7 issues with the doors. And there were other
8 software glitches too.

9 But during the trial running issues
10 with the doors, to me, were not -- we
11 considered -- or I considered were adjustments
12 that were a normal part of any train system in
13 the world. Every train system in the world, our
14 advisors were telling us, have issues with
15 doors.

16 The extent of the door problems that
17 happened after was a surprise to everybody.

18 KATE McGRANN: Did you understand that
19 there was a software issue with respect to the
20 door faults that needed to be addressed before
21 heading into revenue service?

22 STEVE KANELLAKOS: No. I understood
23 there was a software problem after we ran into
24 revenue service.

25 KATE McGRANN: And just in terms of

1 contributing factors to the door issues, so
2 we've talked about software, we've talked about
3 passenger activity and behaviour. Any other
4 contributing factors to the door faults, in your
5 view?

6 STEVE KANELLAKOS: Those are the two
7 main ones. And there were some issues I think
8 with the controllers and where the train exactly
9 stopped at the station, but I'm not sure about
10 that. But it was mostly software and passenger
11 inappropriate interference with the doors that
12 seemed to be the most common issue.

13 And for a while that was a very common
14 issue. In fact, other passengers were yelling
15 at people who were trying to run down the
16 platform and wanted to catch the train and were
17 putting their hands in and jamming the doors
18 apart and then the train was stuck.

19 KATE McGRANN: With respect to the
20 winter switch and sensor issues that were
21 encountered.

22 STEVE KANELLAKOS: Yes.

23 KATE McGRANN: Had those switches and
24 sensors been tested before entering into revenue
25 service?

1 STEVE KANELLAKOS: No. Well, not in
2 winter conditions, no, obviously.

3 KATE McGRANN: And to your knowledge
4 have those issues been resolved now?

5 STEVE KANELLAKOS: Yes. Because we
6 went to natural gas versus what they had before,
7 electric.

8 The other thing about it is that it's
9 not uncommon what they used as switchers and the
10 heaters for the switches, it is used in other
11 parts of the world. But the better solution is
12 natural gas, which is more costly. They
13 retrofitted them all now and we've had very few
14 problems since.

15 But the solution that was selected
16 initially when the contract was let turned out
17 to be not the best solution here in Ottawa.

18 And -- but it's not uncommon to have
19 that particular solution in winter climates.

20 KATE McGRANN: And with respect to the
21 wheel flats that were encountered, what's your
22 understanding of contributing factors to the
23 wheel flats?

24 STEVE KANELLAKOS: There's a whole
25 bunch of things. There were issues around

1 sensors in terms of emergency braking, the
2 trains thinking that they have to stop. That
3 the -- so the actual steel would slide and
4 flatten out part of the wheels. So, again, it
5 was software issues that contributed to that,
6 which did not come up during any of the
7 pre-running or the trial running, as far as I'm
8 aware that we have flat wheels.

9 But again, when I listen to people who
10 have been in the rail business for a long time,
11 including JBA, James Boyle and Associates,
12 people that came over from the U.K. that we sent
13 in, this is just like -- there are -- wheel
14 flats are part of the nature of trains. Every
15 train gets a wheel flat at some point because
16 they have to brake in an emergency, that's
17 normal, and you lathe it.

18 But it goes back to the problem that
19 we were having them so frequently and RTM didn't
20 have any lathing equipment here at their
21 maintenance yard to be able to turn the wheels
22 to correct them and get them back in service;
23 which took out a whole bunch of our trains
24 because we couldn't get them back in service.

25 Which goes back to my point about

1 their competency and their representation about
2 being able to maintain those trains. They
3 didn't even have a wheel lathe. They had one
4 and apparently it was outside frozen in the
5 winter because they left it outside. They had
6 to thaw it out and then they had to bring
7 another one in from somewhere else, from what I
8 recall.

9 So you have a problem that should be
10 turned around in an evening, because they have a
11 lathe, and the train goes back into service.
12 During the maintenance hours they should fix it,
13 but instead the train is out of service for days
14 because we couldn't put the wheel back out
15 there.

16 And then they couldn't find the -- in
17 my recollection, again, sorry I keep saying that
18 but it's hard to remember things from two or
19 three years ago. But they were having trouble
20 figuring out why were the brakes having all
21 these "EBs" they were calling them, emergency
22 braking? It seemed to be happening on a
23 frequent basis. Sensors, stuff was tripping it,
24 software problems, controller problems. I was
25 not aware of any of those things up until those

1 things started happening when we first saw the
2 wheel flats.

3 KATE McGRANN: Are you aware of any
4 requests from RTG to change the speed or
5 acceleration/deceleration profiles of the
6 trains?

7 STEVE KANELLAKOS: I was aware of that
8 topic but I think that was also part of our
9 independent -- our advisors were working with
10 them in terms of what a possible solution would
11 be to mitigate the problems they were having.
12 And so that they could reduce the number of
13 incidents of flat wheels and emergency braking.

14 So they did reduce speed and did other
15 mitigation measures, which I don't remember
16 specifically, but there was a discussion about
17 how do we stop this from happening until they
18 can get their equipment in place so that they
19 can fix the wheels? They couldn't fix them.

20 KATE McGRANN: Are you aware of any
21 delay in time between a request to change speed
22 acceleration/deceleration and the City's
23 ultimate agreement to do so?

24 STEVE KANELLAKOS: I'm not aware of
25 that. They might be claiming that but I'm not

1 aware of that. That would be at the operational
2 level.

3 KATE McGRANN: We've talked about the
4 fact that the system is new, the operators are
5 new, they haven't been operating a light rail
6 system for years, is that fair?

7 STEVE KANELLAKOS: Yes.

8 KATE McGRANN: And the maintainers are
9 new to the system as well, is that fair?

10 STEVE KANELLAKOS: Right.

11 KATE McGRANN: And the advice that you
12 have said you were getting was that it's a new
13 system so you've got to expect some hiccups
14 along the way?

15 STEVE KANELLAKOS: Exactly.

16 KATE McGRANN: In a contract
17 administration perspective, did the City take
18 into account the newness of the systems, the
19 operators, the maintainers in applying the
20 contract once revenue service was started?

21 STEVE KANELLAKOS: I'm not sure what
22 you're getting at when you say, if I took into
23 account the contract. Can you please clarify
24 what you're asking me?

25 KATE McGRANN: Yeah. I'm asking if

1 the newness of all of the factors that we've
2 just discussed was considered by the City in its
3 application of the contracts once revenue
4 service started?

5 STEVE KANELLAKOS: Oh. Again, I go
6 back to, we all understood it was new, we all
7 understood that there would be some -- a period
8 of time where we have to all adjust and everyone
9 has to smooth out their systems and their
10 operations, we all understood that. Our
11 advisors were telling us that.

12 The whole issue around percentage
13 reliability and benchmarking against other world
14 class systems. What is a world class system
15 supposed to be? Well, the best train systems in
16 world are running at 98.8, 99 percent
17 reliability. And we were achieving that, and we
18 have achieved that at certain points, but
19 there's still 1, 1.5 percent of unreliable
20 trains even in a mature system. As you know in
21 Toronto, I don't know if you live in Toronto, I
22 used to live there and I couldn't get on the
23 train every day. But anyways, put that aside.
24 Things happen. And the reality is when a
25 train's stopped it might be one train out of

1 5,000 trips that day but everyone focuses on the
2 one train that stopped and says, The whole
3 system is unreliable, even though you're
4 99 percent. So we understood that.

5 But I go back to the inability to
6 repair and correct and deal with deferred
7 maintenance, and deal with all the software
8 problems, sanding systems in the winter,
9 incorrect sand being put in the sanders, the
10 door jams, the brakes. They still don't have
11 the heating and air conditioning corrected in
12 the cabs. Spare parts, at one time I remember
13 going to the thing -- to the maintenance
14 facility, they couldn't get spare parts and they
15 were cannibalizing other trains. All these
16 things occurred well into the period that they
17 were running that they couldn't turn around.

18 So of course we expected some issues
19 to happen, but I didn't expect an -- and I go
20 back to the failure points which we're basing
21 our default on. I mean, in the first six months
22 of -- once things started going south, I think
23 it was from -- if I remember -- oh, from
24 September to -- February '19 to end of September
25 (sic) to February 2020 (sic), and I know this

1 because we're dealing with the legal issues.
2 They effectively were -- could maximize in
3 twelve months 2,000 failure points, what's in
4 the agreement, they did 300 percent higher than
5 that in a six month period. They blew past all
6 their failure points that they agreed to in a
7 short period of the time. So the thing was
8 totally unreliable to the public and they
9 couldn't turn it around.

10 So you ended up with this situation
11 where they kept trying to work with them to get
12 their maintenance. We brought in JBA, other
13 people to come help them. But then the penny
14 dropped for me when we received that -- when we
15 had that phone call with the Alstom President,
16 it kind of validated what I suspected all along;
17 they don't have the right people there to be
18 able to do the job.

19 So their failure points speak to their
20 ability to maintain those trains and maintain
21 that system, in my view.

22 KATE McGRANN: With respect to the
23 application of deductions to the maintenance
24 payments, did the City speak to IO about the
25 deduction approach or the deductions being made

1 at all?

2 STEVE KANELLAKOS: I didn't, no.

3 KATE McGRANN: To your knowledge did
4 anybody at the City speak to the Infrastructure
5 Ontario about the deductions being made?

6 STEVE KANELLAKOS: I'm not aware and I
7 don't see why we would. I don't think there's
8 any reason to talk to IO about the deduction
9 payments.

10 KATE McGRANN: In your view were the
11 deductions applied rationally tied to the
12 severity of the issues that they -- that
13 triggered them?

14 STEVE KANELLAKOS: Absolutely. The
15 issues were basically in, you know, the system
16 and the vehicle availability. I mean, it was a
17 complete fail. I mean, when you look at the
18 charts that we have on their performance,
19 graphed day-by-day, they had some good periods,
20 but that first year it was a total fail.

21 For us to move into a default
22 approach, to go and try to seek default on them
23 wasn't taken lightly. I mean, these are serious
24 consequences for a long-term relationship,
25 contractual agreement. But how can you go

1 anywhere else when they're blowing past their
2 annual failure points in several months on a
3 regular basis, on a rolling average?

4 You can't come to any other conclusion
5 than, quite frankly, they are struggling,
6 they're doing better now, but they were
7 struggling to maintain that system as they
8 committed to do and that we're paying them to
9 do.

10 My view, from the beginning, was that
11 we bought expertise to be able to maintain those
12 and run those trains and keep them -- and run
13 our infrastructure, and maintain our stations.
14 That is their expertise. The City isn't in that
15 business. And it's like getting a bad
16 contractor for your kitchen, you think they're
17 good and then they don't show up, they don't fix
18 it and you're stuck with a bad contractor. And
19 it's not about a bad relationship any more it's
20 about what contract did you sign, in my view.

21 KATE McGRANN: With respect to
22 derailment 1.

23 STEVE KANELLAKOS: Yes.

24 KATE McGRANN: Can you speak to your
25 understanding of the causes and your view of the

1 response?

2 STEVE KANELLAKOS: The response of
3 who? Them or us?

4 KATE McGRANN: Overall. The
5 partnership's response.

6 STEVE KANELLAKOS: Well, the first one
7 was the wheel bearing issue, which again was
8 another complete surprise. They still were into
9 what had happened in August, we're eight months
10 out we still don't have a root cause. TSB was
11 involved, Transport Canada was involved. We had
12 our own experts brought in to look at it after
13 the second one. And their whole wheel bearing
14 issue -- the response overall from both parties
15 was how do we mitigate it? What is the
16 practical way so that the whole fleet isn't
17 grounded?

18 In terms of best practices in the rail
19 system and what we were advised and what we
20 agreed to, and TSB was also aware of the
21 decision, and they basically said it is an
22 operational decision. What mitigation measures
23 do you put in place to ensure that this doesn't
24 occur, that it's preventative?

25 So the mitigation measure was that the

1 wheels -- the wheel bearings would all be
2 inspected for tolerance, because you're talking
3 a millimeter, or something, difference, would be
4 inspected every 7,500 kilometres to ensure that
5 they weren't loosening up and we wouldn't have a
6 repeat.

7 So they put an enhanced inspection
8 regime in place, which basically satisfied all
9 the safety people, for the trains to go back
10 into service, but then we had the second
11 derailment in September.

12 KATE McGRANN: Now I'd like you to
13 speak to the second derailment, the same
14 question.

15 STEVE KANELLAKOS: Well, the second
16 derailment can only be characterized as complete
17 incompetence. You have 12 bolts that are
18 supposed to screw on the -- they're supposed to
19 go on the drive train. And they don't screw on
20 the 12 bolts because there's a shift change and
21 they don't have any processes in place to ensure
22 that the follow-up was done and that they
23 signed-off the paperwork and their continuity,
24 in terms of their own safety management system
25 to ensure that those bolts were put in place.

1 So they weren't put in place. The
2 thing falls off, drags down the track, destroys
3 a whole bunch of infrastructure, derails a
4 train, and thank God no one was seriously hurt.
5 But that one there, you know, you go back to
6 trial running or anything, that's pure human
7 error incompetence. There's no other way to
8 characterize that. You don't bolt on a
9 transmission on -- the drive train on the train
10 and you let it leave the yard without any
11 quality control process in place?

12 And the response to that is they're
13 upset that we wouldn't let them put their trains
14 back in service for several months until we were
15 satisfied they were safe.

16 The issue is that when you have a
17 situation like that and there's a breakdown in
18 your quality control system, you have to suspect
19 that, what other things have broken down? And
20 have all those boxes been screwed on? All the
21 other safety systems and critical safety systems
22 in those trains, according to our experts, TRA
23 who we brought in, have to be checked. Because
24 if you have -- it's actually more insidious if
25 it was something else. The wheel bearing is

1 actually simpler than this because this is a
2 quality control process issue.

3 And what they advised us was that if
4 they missed this what else has been missed? And
5 what else is going to fall off that train? And
6 what other problems would there be? So there
7 had to be a complete end-to-end review of all
8 those trains to make sure they were safe and all
9 the paperwork was done. And they audited the
10 whole thing before those trains could go back in
11 service.

12 You have RTG saying, You held us back.
13 We should have gone out earlier, We could've had
14 mitigation measures. How can we trust those
15 trains to go back out when we're not sure if
16 you're screwing in all the bolts and you don't
17 have processes to make sure that happens, or the
18 paperwork to do it?

19 KATE McGRANN: And what were the
20 findings of the end-to-end review that was done
21 to ensure that there was nothing else wrong with
22 the trains?

23 STEVE KANELLAKOS: Well, one of the
24 findings is that their safety management system
25 was lacking, their controls and quality

1 assurance was lacking. So they worked hard, to
2 their credit. They worked very hard with TRA to
3 put those systems in place.

4 But they had issues in their
5 assurance -- quality assurance processes that
6 were identified by TRA. And so the findings
7 were that they needed to do better documentation
8 and they needed to put in better processes to
9 ensure that the work done on those trains was
10 meeting the standards of a railway system.

11 KATE McGRANN: Mr. Kanellakos, are you
12 reading off of a document? It looks like you're
13 reading off of a document.

14 STEVE KANELLAKOS: No, I'm not. I'm
15 just looking down. I'm thinking.

16 KATE McGRANN: Were there any findings
17 that there had been other human errors in the
18 work done on the trains?

19 STEVE KANELLAKOS: Well, we had
20 another recent incident, which you may not be
21 aware of, where they didn't put the oil in the
22 transmission of the train. So they took the oil
23 out and they only filled it up partially, which
24 could have seized the transmission and caused
25 another significant derailment or a problem.

1 And this is after they put in place improvements
2 to their safety management system, at the
3 recommendation of the consulting firm, TRA
4 consulting firm.

5 And so, you know, when I hear that --
6 that happened a couple of months ago. When I
7 hear that I think, you can't be serious? I
8 mean, another human error where you don't put
9 the oil -- it's like you going to your car for
10 an oil change and they don't put all the oil in
11 your car and they leave you drive off. Or me
12 doing that, on a train.

13 KATE McGRANN: Were there any
14 findings -- like, any other human error findings
15 that came out of the front-to-back review of the
16 trains after derailment 2?

17 STEVE KANELLAKOS: I'm not aware of
18 any human errors but I am aware of gaps in their
19 quality control systems and their safety
20 management systems, which is the bread and
21 butter issue of running a railway.

22 KATE McGRANN: With respect to the
23 failure to properly fill the oil in the
24 transmission of the train that you just
25 referenced, how was that discovered?

1 STEVE KANELLAKOS: The operator heard
2 a whole bunch of loud noises and stopped the
3 train, as they were supposed to, and they got
4 the train back to the yard. And they inspected
5 the train and found that the transmission oil
6 was not -- was not filled after repair was done,
7 or maintenance was done. So that's human error.
8 That should not be happening ever.

9 KATE McGRANN: Other than the
10 transmission incident that you just identified,
11 how has the service been since the return to
12 service following derailment 2?

13 STEVE KANELLAKOS: Well, they've
14 actually improved and have been putting in the
15 processes. We've had a few incidents since
16 then, but the latest understanding I have is
17 that they have been making progress in
18 correcting deficiencies.

19 They still have a whole bunch of
20 deferred maintenance they can't get to. There's
21 a lot of maintenance on those trains that -- and
22 we have been clear with Council about it, as has
23 TRA, that they have not been able to get to
24 because of resources. So that's very concerning
25 to me in that eventually -- so they put a full

1 court press when TRA was there to get themselves
2 back up to a level to put the trains back in
3 service and meet the safety requirements. The
4 issue is that, can they maintain that when they
5 have all this deferred maintenance?

6 Because eventually, if you don't deal
7 with the deferred maintenance, they're going to
8 be back in the same place, in my opinion, that
9 they were before where trains start breaking
10 down. Because if you don't take care of the
11 maintenance pro-actively you're going to have
12 problems with your trains in the future.

13 They're running fine now but -- and
14 we've been doing pretty good. I saw our
15 performance figures the other day from our
16 General Manager, and they've been up there in
17 the high 90s, 90th percentile in terms of
18 performance. But there are still a lot of
19 outstanding issues that they haven't taken care
20 of.

21 We still have people on the platform
22 blowing whistles to clear the train because the
23 camera system is still not working. We still
24 have the public information display boards that
25 aren't in sync. We still have cab problems. We

1 still have issues that we've been on to them for
2 years, for literally two years that they have
3 not been able to fix since the problems arose.

4 KATE McGRANN: With respect to your
5 role in the regulation of the system.

6 STEVE KANELLAKOS: Yes.

7 KATE McGRANN: Just briefly describe
8 to me your role as part of the regulatory
9 framework.

10 STEVE KANELLAKOS: Well, I have
11 delegated authority, it's an agreement with
12 Transport Canada that we're self-regulated. And
13 I've been designated as a regulator by Council
14 and I have an agreement with Transport Canada
15 that I am.

16 And I've hired a compliance officer,
17 Mr. Berrada is his name, Sam Berrada, who's
18 independent from OC Transpo and the rail and
19 reports to me. And basically he has to do a
20 work plan annually. He's broken down -- he's a
21 rail expert, he's been in it his whole career
22 and has broken out the safety systems,
23 processes, training, all those things and
24 components of what he's going to do over a
25 period of time, and a work plan.

1 And he has to report to Council
2 annually on the results of his work plan, and he
3 meets with me ever quarter to give me an update
4 on the progress of his review.

5 So he doesn't engage in the contract
6 management or the -- you know, advising the
7 contract, RTM and RTG. He basically reports out
8 on the safety regime, effectively, and quality
9 assurance, quality control regime for OC Transpo
10 in terms of their management oversight of the
11 contract, oversight of RTG and RTM, and its
12 affiliates.

13 And he also does reviews of RTG and
14 RTM in terms of are they meeting the standards
15 that are required for the -- for those
16 components.

17 So I see him every three months and he
18 gives me an update of where we're at. And he
19 doesn't report in to the General Manager or any
20 other staff.

21 KATE McGRANN: And other than working
22 with and receiving reports from the regulatory
23 manager and compliance officer, any other -- do
24 you have any other responsibilities in the
25 regulatory framework in the system?

1 STEVE KANELLAKOS: Well, my
2 responsibilities are if there's an accident or
3 an incident I signed an agreement with TSB to
4 basically come in and investigate anything that
5 happens.

6 And there was some legal dispute about
7 whether TSB has authority, but I made a decision
8 that I want TSB here. Based on the problems we
9 were having I felt that TSB has the expertise,
10 the legitimacy, they're the right -- the
11 independence to be able to come and look at any
12 safety incident that happens and report out on
13 it properly and make sure that we correct it.

14 So I got advice from lawyers, No, TSB
15 doesn't have direct jurisdiction and blah, blah,
16 blah. But when I spoke to the Director of TSB
17 and the Chair of their Board, I made the
18 decision that we're going to the best standard
19 we can and they'll be the investigative body.
20 I'm not hiring other independent investigative
21 body.

22 KATE McGRANN: Jumping back in time,
23 very quickly, there's an independent safety
24 auditor, you've spoken about him in the context
25 of trial running and heading into revenue

1 service. My understanding is that his final
2 report was provided the day before the system
3 went into service. Does that ring a bell with
4 you?

5 STEVE KANELLAKOS: That's correct.

6 KATE McGRANN: Do you know why the
7 report was delivered at that time?

8 STEVE KANELLAKOS: Well, my
9 understanding -- as I said earlier, the
10 September 14th date we said we would go, but we
11 weren't going until we knew that the safety of
12 the system was reviewed and signed-off on.

13 And so for me, for me we knew that
14 report -- the timing, I'm not sure why the
15 timing, but that was the report that -- not only
16 in addition to the signature but that was the
17 overriding concern for me, and all of, us in
18 terms of that train going into service before
19 passengers got into that train.

20 The reliability issue, I know you're
21 focusing on that but that was less of an issue
22 compared to safety, safety was the number one
23 thing.

24 KATE McGRANN: I'm curious about the
25 timing of the delivery of the safety certificate

1 because it appears to be happening on the eve of
2 revenue service. Can you speak to that?

3 STEVE KANELLAKOS: No.

4 KATE McGRANN: I have two final
5 questions for you. The Commission has been
6 asked to look into the commercial and technical
7 circumstances leading to the breakdowns and
8 derailments on Stage 1. Are there any areas
9 that you feel the Commission should be looking
10 into that we haven't discussed this morning?

11 STEVE KANELLAKOS: You know, I think
12 that one of the issues that affected -- you were
13 focusing very much on the relationship at the
14 start of our interview, and one of the things
15 that I think is not -- has not been discussed
16 and certainly hasn't been discussed publicly,
17 but there certainly was a lot of conflict
18 between the partners at RTG and the commercial
19 relationship between Alstom, ACS, Dragados,
20 EllisDon, SNC-Lavalin and many others of their
21 subcontractors. Significant disagreements,
22 commercial disagreements, particularly with
23 Alstom and RTM in terms of payments and all the
24 things that are happening. And I think that is
25 a factor in some of the things that have been

1 happening over the last couple of years with
2 respect to their ability to respond
3 appropriately to the issues that are happening.

4 And I think they got bogged down over
5 money and disagreements on a whole range of
6 things. And I think that's a factor in their
7 ability to perform, quite frankly, because the
8 dysfunctionality that I believe has been
9 happening in their partnership.

10 KATE McGRANN: And any other issues
11 that you want to bring to our attention today?

12 STEVE KANELLAKOS: No.

13 KATE McGRANN: The Commissioner has
14 been asked to make recommendation to try to
15 avoid issues like this from happening in the
16 future, are there any specific recommendations
17 or areas of recommendations that you would
18 suggest be considered in that work?

19 STEVE KANELLAKOS: No, I don't have
20 any right now, Ms. McGrann.

21 KATE McGRANN: Thank you very much for
22 your time and your patience this morning. That
23 brings our interview to an end.

24 STEVE KANELLAKOS: Thank you very
25 much.

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REPORTER'S CERTIFICATE

I, HELEN MARTINEAU, CSR, Certified
Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and date therein set
forth;

That the statements of the presenters
and all comments made at the time of the meeting
were recorded stenographically by me;

That the foregoing is a certified
transcript of my shorthand notes so taken.

Dated this 29th day of April, 2022.



PER: HELEN MARTINEAU
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