Ottawa Light Rail Commission

Bing Bing Wang on Monday, May 9, 2022



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| 2 | OTTAWA LIGHT RAIL COMMISSION |
| 3 | DELOITTE - BING BING WANG |
| 4 | May 9th, 2022 |
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| 10 | Held via Zoom Videoconferencing, with all |
| 11 | participants attending remotely, on the 9th day |
| 12 | of May, 2022, 9:00 a.m. to |
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| 1 | COMMISSION COUNSEL: |
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| 2 | Kate McGrann, Co-lead Counsel Member |
| 3 | Liz McLellan, Litigation Counsel Member |
| 4 | |
| 5 | PARTICIPANTS: |
| 6 | Bing Bing Wang: Deloitte |
| 7 | Jamie Yoon and Malina Simmalavong: Deloitte |
| 8 | Touche Tohmatsu Ltd. |
| 9 | |
| 10 | |
| 11 | ALSO PRESENT: |
| 12 | Helen Martineau, Stenographer/Transcriptionist, |
| 13 | Benjamin Bilgen, Virtual Technician |
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| 1 | INDEX OF EXHIBITS | |
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| 1 | Upon commencing at 9:00 a.m. |
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| 2 | BING BING WANG: AFFIRMED. |
| 3 | KATE McGRANN: Good morning, my name |
| 4 | is Kate McGrann, I'm one of the co-lead counsel |
| 5 | for Ottawa Light Rail Transit Public Inquiry. |
| 6 | I'm joined this morning by my colleague, Liz |
| 7 | McLellan, who's a member of the Commission's |
| 8 | counsel team. |
| 9 | The purpose of today's interview is to |
| 10 | obtain your evidence, under solemn declaration |
| 11 | or oath, for use of the Commission's public |
| 12 | hearings. This will be a collaborative |
| 13 | interview such that my cocounsel, Ms. McLellan, |
| 14 | may intervene to ask certain questions. If time |
| 15 | permits your counsel may also ask follow-up |
| 16 | questions at the end of the interview. |
| 17 | This interview is being transcribed |
| 18 | and the Commission intends to enter this |
| 19 | transcript into evidence at the Commission's |
| 20 | public hearings, either at the hearings or by |
| 21 | way of procedural order before the hearings |
| 22 | commence. The transcript will be posted to the |
| 23 | Commission's public website, along with any |
| 24 | corrections made to it, after it is entered into |
| 25 | evidence. |

1 The transcript, along with any 2 corrections later made to it, will be shared 3 with the Commission's participants and their 4 counsel on a confidential basis before being 5 entered into evidence. You will be given the б opportunity to review your transcript and 7 correct any typos or other errors before the 8 transcript is shared with the participant or 9 entered into evidence. 10 Any nontypographical corrections made 11 will be appended to the transcript. 12 Pursuant to section 33(6) of the 13 Public Inquiries Act 2009, a witness at an 14 inquiry shall be deemed to have objected to 15 answer any question asked of him or her upon the 16 ground that his or her answer may tend to 17 incriminate the witness, or tend to establish 18 his or her liability to civil proceedings at the 19 instance of the Crown or of any person. And no 20 answer given by a witness at an inquiry shall be 21 used or be receivable in evidence, against him 22 or her in any trial or other proceedings against 23 him or her thereafter taking place, other than a 24 prosecution for perjury in giving such evidence. 25 As required by section 33(7) of that

1 Act you are hereby advised that you have the 2 right to object to answer to any question under 3 section 5 of the Canada Evidence Act. 4 If at any point during our meeting 5 this morning you need to take a break please let 6 us know and we will pause. 7 To begin with, would you please 8 provide a brief description of your professional 9 experience as it relates to the work that you 10 did on Stage 1 of Ottawa's Light Rail Transit 11 project? 12 BING BING WANG: Sure. So for me, I 13 have more than 20 years of experience in 14 infrastructure sector, and I've been with 15 Deloitte since 2015, that allows me to provide 16 advice on this project. 17 Have you been involved KATE McGRANN: 18 in any light rail transit projects before this? 19 BING BING WANG: I have been involved 20 in light rail transit projects many years ago 21 around 2000. 22 KATE McGRANN: And which projects were 23 those? 24 That is the light BING BING WANG: 25 rail projects in China.

| 1 | KATE McGRANN: One or more? |
|----|---|
| 2 | BING BING WANG: One. |
| 3 | KATE McGRANN: Was it starting a |
| 4 | like introducing a whole new system like this |
| 5 | one or what was that project focused on? |
| 6 | BING BING WANG: It's design, build |
| 7 | and delivery of a light rail line, similar to |
| 8 | this project. |
| 9 | KATE McGRANN: And had you been |
| 10 | involved in any the delivery of any projects |
| 11 | by way of a P3 model before? |
| 12 | BING BING WANG: Yes. So I have been |
| 13 | involved in P3 projects since 2006 in Canada. |
| 14 | KATE McGRANN: In Canada? |
| 15 | BING BING WANG: Yeah. |
| 16 | KATE McGRANN: Were any of the |
| 17 | projects that you worked on that were delivered |
| 18 | by way of P3 done as design build, finance, |
| 19 | maintain? |
| 20 | BING BING WANG: Yes. Many projects |
| 21 | are done under this delivery model. |
| 22 | KATE McGRANN: And generally what kind |
| 23 | of projects were they? |
| 24 | BING BING WANG: Generally the |
| 25 | projects includes, for example, the hospitals, |

1 government buildings, special purpose 2 facilities, those type of projects. 3 KATE McGRANN: Had you ever been 4 involved in a DBFM used for a transit project 5 before? 6 BING BING WANG: Yes. So I have been 7 working on a bus transit project. 8 KATE McGRANN: And when did you start 9 working on that project? 10 BING BING WANG: I don't remember the 11 particular year. That was with the City of 12 Barrie transit project. 13 KATE McGRANN: Were you involved in 14 the Barrie bus transit project before you became 15 involved in Stage 1 of Ottawa's LRT project? 16 No. Sorry, can you BING BING WANG: 17 repeat that question? I just want to make sure 18 I've qot it. 19 KATE McGRANN: Were you involved in or 20 working on the Barrie bus transit project before 21 you began working on the Stage 1 Ottawa LRT 22 project? 23 BING BING WANG: Yes, that's before. 24 KATE McGRANN: And was that project 25 completed before you began working on the Ottawa

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| 1 | light rail transit project? |
| 2 | BING BING WANG: Yes. |
| 3 | KATE McGRANN: When did you first |
| 4 | become involved in working on Stage 1 of the |
| 5 | Ottawa LRT project? |
| 6 | BING BING WANG: So this project, the |
| 7 | QPR part, started in October of 2019, although I |
| 8 | was not that much actively involved in the QPR1. |
| 9 | My involvement became more active starting in |
| 10 | QPR2, which the actual work started in September |
| 11 | 2020. |
| 12 | KATE McGRANN: A couple of questions. |
| 13 | It looks like you may be referencing documents |
| 14 | either in front of you on your screen or |
| 15 | otherwise, is that the case? |
| 16 | BING BING WANG: It's just more like a |
| 17 | quick notes for myself writing down the dates. |
| 18 | KATE McGRANN: Could we get a copy of |
| 19 | those notes after this interview is over? |
| 20 | JAMIE YOON: Just out of curiosity, |
| 21 | Kate, Ms. Wang these are notes that she made |
| 22 | for herself in preparation for this. I haven't |
| 23 | had an opportunity to discuss them with her. |
| 24 | Are they required to be produced to |
| 25 | you pursuant to the inquiry itself or are you |

1 asking for a copy for reference? 2 We're asking for a copy KATE McGRANN: 3 to understand the evidence she's giving us 4 today. 5 JAMIE YOON: We'll take that under U/A 6 advisement. 7 KATE McGRANN: Ms. Wang, your 8 involvement in this project began in 2019, have 9 I got that right? 10 BING BING WANG: Yes. 11 KATE McGRANN: What work did you do 12 with respect to Stage 1 of the project? 13 BING BING WANG: Stage 1 I was just 14 being involved -- it's more like being copied on 15 the correspondence and be aware of, like, 16 roughly, in general the work being done, that is 17 during the QPR1. 18 KATE McGRANN: What does "OPR" stand 19 for? 20 BING BING WANG: Quarterly performance 21 review. 22 KATE McGRANN: What is a quarterly 23 perform review? 24 BING BING WANG: That is the report 25 that we produce.

1 KATE McGRANN: And what is the report 2 on? 3 BING BING WANG: The report includes a 4 number of areas that we review, and the approach 5 and the fundings are specified in the reports so 6 we submit it to the City. 7 KATE McGRANN: So is it the case that 8 Deloitte has been retained to provide quarterly 9 performance reports for a certain period of time 10 on Stage 1? 11 BING BING WANG: Yes. Stage 1 is the 12 Stage 1 project, right? 13 KATE McGRANN: Yes. 14 BING BING WANG: Yeah. 15 KATE McGRANN: And other than being 16 copied on emails, with respect to the quality 17 performance reports, did you have any 18 involvement in the work that Deloitte did on 19 Stage 1 of this project? 20 BING BING WANG: Maybe a little bit 21 discussions and -- yeah, not that many 22 activities. 23 Who from Deloitte was KATE McGRANN: 24 predominantly involved in working on Stage 1 of 25 the project?

1 BING BING WANG: Sam Pickering is 2 another partner, he's more active in QPR 1 of 3 the engagement. 4 KATE McGRANN: So he was more involved 5 in the drafting of OPR1? 6 BING BING WANG: Yeah. 7 KATE McGRANN: What about the work 8 that Deloitte did in assessing and advising the 9 City on which procurement delivery method to use 10 for Stage 1? 11 That one I don't BING BING WANG: 12 know. I was not involved in that stage. 13 Who from Deloitte was KATE McGRANN: 14 involved in assisting in the oversight of the 15 construction of the project? 16 BING BING WANG: I don't know. 17 KATE McGRANN: Who from Deloitte was 18 involved in monitoring the trial running of the 19 system that was conducted prior to the public 20 launch of revenue service? 21 BING BING WANG: I don't know, and I 22 don't even know if Deloitte is involved. 23 KATE McGRANN: What do you know about 24 Deloitte's involvement in the project from, 25 let's say 2011 to 2019?

1 BING BING WANG: I don't know because 2 I was not involved in that part of the work. 3 KATE McGRANN: Did you have any 4 involvement in the drafting of a 2015 "Lessons" 5 Learned " report? 6 BING BING WANG: No. 7 KATE McGRANN: Are you aware of the 8 existence of that report? 9 BING BING WANG: No. 10 KATE McGRANN: Is there someone named 11 Remo Bucci still working at Deloitte? 12 BING BING WANG: Yes. 13 KATE McGRANN: And do you know 14 anything about their involvement in the project? 15 BING BING WANG: I know he has been 16 working on that project but I don't know the 17 details about his involvement? 18 KATE McGRANN: What role have you played in the project since you became involved 19 20 in 2019? 21 My role is mainly to BING BING WANG: 22 manage the team to complete the QPR reports. 23 And how many QPR KATE McGRANN: 24 reports have been completed so far? 25 BING BING WANG: Five.

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1 KATE McGRANN: How many people are on 2 the team? 3 JAMIE YOON: Do you mean currently or 4 at any given -- just on average? Because I'm 5 sure the team may have switched from 6 time-to-time. 7 KATE McGRANN: Has the composition of 8 the team switched since you began working with 9 the team? 10 BING BING WANG: Yes. 11 KATE McGRANN: Who was on the team 12 when you first began working with the team in 13 2019?14 BING BING WANG: That was Sam 15 Pickering and Gibril, I forget the family name, 16 he has left the firm, and Swarnima and Gavin Li. 17 There may be a few other team members I'm not 18 aware of. 19 KATE McGRANN: And why wouldn't you be 20 aware of other members of the team? 21 BING BING WANG: Because there may be 22 minor things like, for a short period of time 23 someone work on a particular detail, I may not 24 know all of the details. 25 KATE McGRANN: And tell me how the

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1 membership of the team has changed since you 2 began working with it? 3 BING BING WANG: So that team was for 4 QPR1, and then after that was mainly myself, Sam 5 Pickering, Swarnima, Gavin Li, maybe a few other 6 I'm not aware of those. And that's supports. 7 for QPR2 and 3, 4 and 5. And now we have three 8 more junior team members working on that as 9 well. 10 KATE McGRANN: And what are their 11 names? 12 BING BING WANG: Their name is Danny, 13 Megan, and Alimah. 14 KATE McGRANN: The last name was? 15 BING BING WANG: I don't remember the 16 last names. 17 KATE McGRANN: Sorry, so it was three 18 people. Danny, Megan and? 19 Alimah. BING BING WANG: 20 KATE McGRANN: Is the scope of each 21 quarterly performance report the same, or are 22 you looking at different aspects of the system 23 in different reports? 24 BING BING WANG: The general approach 25 are quite consistent from QPR to QPR.

1 KATE McGRANN: And what is the general 2 approach? 3 BING BING WANG: In the report there 4 are different areas, different sectors that we 5 have been looking at. They are all laid out in 6 the report. 7 KATE McGRANN: Okay. Tell me about 8 the general approach that's taken? 9 BING BING WANG: So for each quarter 10 we obtain the monthly performance -- the PMR, 11 performance monitoring reports, the PAR, the 12 payment adjustment reports, and also the daily 13 operating reports, and some other documents as 14 well. And also we had discussions with the City 15 to get their feedback on the general 16 performance, and also the help desk performance. 17 And also we got the Project Agreement, that 18 become the inputs of our OPR review. 19 KATE McGRANN: So the performance 20 monitoring reports, what -- how are those 21 generated? 22 BING BING WANG: They are generated by 23 the private partner. 24 KATE McGRANN: And do you know how 25 they're generated by the private partner?

1 BING BING WANG: I don't know. 2 KATE McGRANN: Do you know if they're 3 automatically generated or if the private 4 partner includes commentary, notes, feedback, et 5 cetera? 6 BING BING WANG: I don't know. 7 KATE McGRANN: And then you mentioned 8 a "PAR" report, what did that stand for? 9 BING BING WANG: A payment adjustment 10 report. 11 KATE McGRANN: And what's that? 12 BING BING WANG: That is based on the 13 performance monitoring report, and also the 14 application of the payment mechanisms specified 15 in the Project Agreement. And that is turned 16 into the payment deduction, payment calculation. 17 KATE McGRANN: The payment adjustment 18 report, how is that created? 19 BING BING WANG: That's also generated 20 by the private partner. 21 How is it different KATE McGRANN: 22 from the performance monitoring report? 23 BING BING WANG: The contents are 24 different. 25 How are they different? KATE McGRANN:

1 BING BING WANG: One is more for the 2 performance data, the other one is the payment 3 adjustments and application -- based on the 4 application of the payment mechanism. 5 KATE McGRANN: Do you know how the 6 payment adjustment report is created? 7 BING BING WANG: It's created by the 8 private partner. I don't know. I don't know if 9 they are automatically generated from a system 10 with or without adjustment. I don't know. 11 What is it that your KATE McGRANN: 12 team does with these two reports? 13 So we look at it and BING BING WANG: 14 we compare it to the requirements in the Project 15 Agreement. 16 KATE McGRANN: And what are you 17 looking for when you compare those two documents 18 to the requirements in the Project Agreement? 19 BING BING WANG: So there are a number 20 of requirements in the -- there are a number of 21 requirements in the Project Agreement. For 22 example, there are thirteen requirements for the 23 PMR -- for the PMR reporting submission and also 24 the contents. 25 And also from the private sector side

1 there is an online system called "IMRIS", it's 2 keeping the entries of events reported to the 3 help desk. 4 And we took a sample of those events 5 and look at whether or not the records, the 6 time, the contents in turn align with the 7 Project Agreement requirements. 8 And also for the PAR, payment 9 adjustment reports, we look at based on the PMR 10 and when we're calculating the deductions, how 11 the deductions are calculated. So that's what 12 we review. 13 KATE McGRANN: With respect to IMIRS, 14 do you have access to that system? 15 BING BING WANG: We have access. 16 How do you determine --KATE McGRANN: 17 how do you select the sample of IMIRS entries 18 that you use to compare? 19 Just randomly select. BING BING WANG: 20 KATE McGRANN: And if I understand 21 correctly then, you are looking at the IMIRS 22 entries and you're comparing them to the 23 corresponding entries in the PMR, is that right? 24 BING BING WANG: Not really. So the 25 event entered in the IMIRS, because we only look Τ

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| | at a sample. And also the PMR is capturing all |
| 2 | of the performance during that quarter or during |
| 3 | that month. So we're not really comparing |
| 4 | individual entries in the IMIRS to the PMR, it's |
| 5 | more about we are reviewing the entries in the |
| 6 | IMIRS. It's more looking at, okay, does the |
| 7 | event description include all the details? And |
| 8 | the application of the performance indicator |
| 9 | specified in the Project agreement |
| 10 | KATE McGRANN: I'm sorry, I'm going to |
| 11 | stop you because it's getting difficult to |
| 12 | understand what you're saying. There is an echo |
| 13 | in your audio. |
| 14 | RECESSED AT 9:24 A.M |
| 15 | RESUMED AT 9:25 A.M |
| 16 | KATE McGRANN: Before we took a break |
| 17 | you were describing what it is that you're |
| 18 | reviewing when you're looking at the random |
| 19 | selection of entries in the IMIRS. So do you |
| 20 | mind picking up that answer again? |
| 21 | BING BING WANG: Yeah. So basically |
| 22 | we're looking through different areas in that |
| 23 | online entry in order to look at if the |
| 24 | information describing the events includes |
| 25 | details? What about the starting time? The |
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| 1 | response time and rectification time records? |
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| 2 | And also when they're saying the event |
| 3 | is "closed" we looked at the close remarks, and |
| 4 | also the application of the performance |
| 5 | indicators. |
| 6 | KATE McGRANN: When you say you look |
| 7 | at the "application of the performance |
| 8 | indicators", what do you mean by that? |
| 9 | BING BING WANG: So there are |
| 10 | performance indicators specified in the Project |
| 11 | Agreement. And for events if it breached any |
| 12 | of the performance indicator it need to be |
| 13 | specified in the system, and that will |
| 14 | subsequently trigger payment deduction |
| 15 | calculation, for example, depending on the |
| 16 | particular situation, not necessarily. |
| 17 | And we look at, okay, what is the |
| 18 | application of the performance indicator given |
| 19 | the particular circumstance of a particular |
| 20 | event? |
| 21 | KATE McGRANN: When you say you're |
| 22 | asking yourself what is the application? Are |
| 23 | you looking to see whether the correct |
| 24 | performance indicator has been identified in |
| 25 | IMIRS? |

| 1 | BING BING WANG: Yeah. |
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| 2 | KATE McGRANN: Are you looking at |
| 3 | anything else are you asking yourself any |
| 4 | other questions when you're looking at the |
| 5 | application of the performance indicators in |
| 6 | IMIRS? |
| 7 | BING BING WANG: So it's basically you |
| 8 | look at description of the event and then look |
| 9 | at the performance indicator to see which one is |
| 10 | more applicable to that circumstance. |
| 11 | KATE McGRANN: And are there |
| 12 | circumstances in which no performance indicator |
| 13 | is applicable? |
| 14 | BING BING WANG: Yes, there could be |
| 15 | the case. |
| 16 | KATE McGRANN: Is it fair so say that |
| 17 | when you're looking at the random selection of |
| 18 | events you're looking, first of all, to see if a |
| 19 | performance indicator has been applied? |
| 20 | BING BING WANG: We look at generally |
| 21 | the application of the performance indicator. |
| 22 | KATE McGRANN: And if you find that |
| 23 | there is no performance indicator applied where |
| 24 | there should have been one, or the wrong |
| 25 | performance indicator has been applied, what do |

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| 1 | you do? |
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| 2 | BING BING WANG: We identify it in our |
| 3 | report. |
| 4 | KATE McGRANN: How many IMIRS entries |
| 5 | do you generally look at? |
| б | BING BING WANG: Speaking from memory |
| 7 | it's about 200. |
| 8 | KATE McGRANN: And do you have a sense |
| 9 | of what percentage of the total IMIRS entries |
| 10 | for a quarter that might represent? |
| 11 | BING BING WANG: I don't remember. |
| 12 | KATE McGRANN: Can you give me a rough |
| 13 | idea? |
| 14 | BING BING WANG: I don't know. |
| 15 | KATE McGRANN: Do you know how the 200 |
| 16 | number is selected? |
| 17 | BING BING WANG: That is randomly |
| 18 | like random pick. |
| 19 | KATE McGRANN: I mean, how did you |
| 20 | how did Deloitte choose 200 as the number that |
| 21 | it looks at? |
| 22 | BING BING WANG: That is agreed with |
| 23 | the City. |
| 24 | KATE McGRANN: And where is that |
| 25 | agreement set out? |

1 BING BING WANG: That was in the 2 proposal. And those numbers are also identified 3 in the report as well. Like, how many work 4 orders that we selected as a sample. 5 KATE McGRANN: Other than assessing б whether the correct performance indicator has 7 been applied, you mentioned that you're looking at the details of each work order, so the start 8 9 time, the response time, the rectification 10 needs, the closing comments. What is the 11 purpose of that review? 12 BING BING WANG: Because the IMIRS, 13 that record, is the set of event records that 14 will be used by the parties. So the accuracy 15 and also the details included in the record is 16 very important. 17 So when we're looking at it, for 18 example, if a description of event doesn't 19 include necessary details we will point it out 20 in the report. And also if the closing remarks 21 doesn't include any details, for example, if 22 it's left empty, or simply say "closed", and it 23 actually didn't provide enough information on 24 whether or not the event it's actually resolved, 25 or if it refers to another work order. So those

1 type of findings we identify it in the report. 2 KATE McGRANN: And the benchmark or 3 the standard for what is enough information, 4 where does that come from? 5 BING BING WANG: It's from our б experience. It's typically you'd see in the 7 system and how people will -- at least will make 8 whoever reads the record understand the 9 situation. 10 KATE McGRANN: And any reference to 11 requirements in the Project Agreement, or is it 12 simply Deloitte's experience that guides this 13 analysis? 14 BING BING WANG: There are 15 requirements in the PA requesting the record of 16 the events reported to the help desk. 17 Particularly, for example, like how detailed a 18 description should be, or whether or not it 19 includes enough detailed information about the 20 closing. For those type of things it's based on 21 our industry experience. 22 KATE McGRANN: And I guess I'm just 23 wondering, how is the project company to know 24 what will be sufficient in your analysis? So 25 how do they find out what it is they need to do

1 in order to meet the requirements that you're 2 applying? Where would they are look for that? 3 BING BING WANG: So for that one it's 4 our report, we provide findings. And if the 5 private partner reads the report and they see 6 there are examples, for example, when we're 7 saying there's not enough information included 8 in the closing remarks, and they can see we 9 actually have a screenshot for a particular work 10 order to see what that means, and they can use 11 their industry judgment as well. 12 KATE McGRANN: Are your quarterly 13 performance reports delivered to RTG, the 14 private partner? 15 BING BING WANG: I don't know. We 16 submit our reports to the City. 17 KATE McGRANN: Is Deloitte involved in 18 any interactions with the private partner as it 19 prepares the quarterly performance reports? 20 BING BING WANG: No. 21 KATE McGRANN: Is Deloitte involved in 22 any interactions with the private partner 23 following the delivery of the quarterly 24 performance reports about Deloitte's findings in 25 those reports, or otherwise?

1 BING BING WANG: No. 2 KATE McGRANN: Is Deloitte ever 3 provided with feedback or responses from the 4 private partner and asked to revisit its 5 assessment of the topics that are reviewed in 6 the quarterly performance reports? 7 BING BING WANG: No. 8 So you mentioned that KATE McGRANN: 9 in preparing these reports you get the PMRs, 10 the PARs, daily operating reports and then 11 other documents. What other documents are used 12 as inputs for the quarterly performance reports? 13 BING BING WANG: We also get invoices 14 as well. And also there are a number of term 15 sheets signed by the parties, or in discussion 16 by parties about the service level. And there 17 are also random documents provided by the City. 18 KATE McGRANN: Could you tell me a bit 19 more about the term sheets that you receive? 20 So at a different BING BING WANG: 21 point in time the City and private partner they 22 reach agreements on certain changes, especially 23 on the service levels, which become amendments 24 to the Project Agreement. 25 KATE McGRANN: And just for the sake

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| 1 | of the record, and by that I mean people who |
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| 2 | will be reading this after our conversation is |
| 3 | over, when you refer to the "private partner" |
| 4 | are you referring to Rideau Transit Group, RTG? |
| 5 | BING BING WANG: Yes. |
| 6 | KATE McGRANN: How many term sheets |
| 7 | have been entered into, to your knowledge? |
| 8 | BING BING WANG: I'm speaking from |
| 9 | memory. |
| 10 | KATE McGRANN: Uhm-hmm. |
| 11 | BING BING WANG: Two or three. |
| 12 | KATE McGRANN: In terms of inputs to |
| 13 | the quarterly performance reports, we've spoken |
| 14 | about the documents that you've referred to, you |
| 15 | said also discussions with the City. What kinds |
| 16 | of discussions with the City are had that are |
| 17 | included in the analysis and the quarterly |
| 18 | performance reports? |
| 19 | BING BING WANG: So there is a section |
| 20 | in the City there is a section in the report |
| 21 | talking about the help desk performance, and in |
| 22 | that one there is a list of tracking items. So |
| 23 | that's the major topic we discussed with the |
| 24 | City. |
| 25 | KATE McGRANN: What is the nature of |

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| 1 | the discussion? What are you talking about? |
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| 2 | BING BING WANG: Based on our |
| 3 | experience with this project and what about |
| 4 | these items. |
| 5 | KATE McGRANN: I don't follow that |
| 6 | answer. I'm a little farther away from this |
| 7 | than you are so help me understand what kind of |
| 8 | things you're talking about? |
| 9 | BING BING WANG: I'm just basically |
| 10 | speaking from memory so that's why it's very |
| 11 | hard for me to refer to any details. |
| 12 | So it's basically in the Project |
| 13 | Agreement talking about the help desk services, |
| 14 | there are a number of requirements. And then we |
| 15 | just discuss those one by one with the City and |
| 16 | get their feedback. And that's basically based |
| 17 | on their experience with the project. |
| 18 | KATE McGRANN: So are you basically |
| 19 | asking the City about whether the help desk |
| 20 | requirements have been met? |
| 21 | BING BING WANG: Yes. |
| 22 | KATE McGRANN: And what kind of |
| 23 | evidence did they give you in response to your |
| 24 | questions about the help desk requirements and |
| 25 | whether they've been met? |

18

1 BING BING WANG: They -- because the 2 help desk performance is also linked to the 3 records and IMIRS, so especially when talking about records, the application of the 4 5 performance indicators and also some of those б items, it's actually, as I recall, our finding 7 from review of the work orders. But other 8 things, things like okay, What help desk 9 services have been provided? What has not? And 10 that's something -- we rely on the City's 11 inputs.

KATE McGRANN: And do they bring documentation to back-up the responses they're providing to you? So notes, or emails, or records to show, this is a service that we engage with from the help desk and, here, we can show you this is how it went?

BING BING WANG: No.

KATE McGRANN: And is the purpose of those conversations with the City to assess whether the help desk services have been provided, in compliance with the Project Agreement for that quarter?

BING BING WANG: Sorry, would you mind
repeating?

1 KATE McGRANN: Yes, no problem. What I'd like to know is what is the 2 3 purpose of the conversations with the City about 4 the help desk? Are you trying to determine 5 whether the help desk requirements in the 6 Project Agreement have been met? 7 BING BING WANG: Yes. And also to 8 identify the findings in that tracking section 9 in the report. 10 KATE McGRANN: When you say "identify 11 the findings in that tracking section of the 12 report", what do you mean by that? 13 BING BING WANG: So, for example, in 14 the report you would see, according to the City, 15 for example, the private partner has adjusted 16 their help desk protocol, for example. And, for 17 example, no training or no written updates were 18 provided. Don't quote me on this detail, but 19 these type of comments. 20 KATE McGRANN: It's my understanding 21 that the help desk was initially run by the 22 City, OC Transpo, and relatively early on in 23 revenue service a change was made such that the 24 help desk was then run by RTM, are you aware of 25 that?

1 BING BING WANG: I was not aware of 2 this change. 3 KATE McGRANN: So to your knowledge 4 the help desk has always been run by who? 5 BING BING WANG: Private partner. 6 And that is RTG? KATE McGRANN: 7 BING BING WANG: Sorry, the 8 project-co. 9 KATE McGRANN: After the quarterly 10 performance report is completed by you and the 11 members of your team is it delivered to the 12 City? 13 BING BING WANG: Yes. 14 KATE McGRANN: And who specifically at 15 the City is it delivered to? 16 BING BING WANG: The City key contact 17 person for us her, name is Connie? 18 KATE McGRANN: Do you know what 19 Connie's last name? 20 BING BING WANG: No. 21 KATE McGRANN: It's okay. 22 And do you receive any questions, 23 comments or feedback from the City on your 24 quarterly performance reports? 25 BING BING WANG: Yes. So we issue a

1 draft report to her and she will provide 2 additional inputs back to us, and then we 3 incorporate -- we address those additional 4 inputs and issue her a revised version of the 5 report. 6 KATE McGRANN: And does the -- is this 7 report presented to anybody at the City by 8 Deloitte? 9 BING BING WANG: No. 10 KATE McGRANN: Does Deloitte engage in 11 any communication with the City about the 12 report, other than receiving feedback on the 13 draft from Connie? 14 BING BING WANG: Not really. 15 KATE McGRANN: And is Deloitte 16 involved at all in what the City does with the 17 quarterly performance reports? 18 BING BING WANG: No. 19 KATE McGRANN: So once you've sent the 20 final version over that's it as far as your work 21 on that report is done? You don't do anything 22 further with it? 23 BING BING WANG: Yeah. Because once 24 we finish the report it becomes the inputs to 25 the City, and how they use it we're not involved

| 1 | in. |
|----|--|
| 2 | KATE McGRANN: You're not involved in |
| 3 | the City's use of the report at all? |
| 4 | BING BING WANG: No. |
| 5 | KATE McGRANN: Is one of the purposes |
| 6 | of the quarterly performance reports to |
| 7 | calculate the deductions to the payment the |
| 8 | monthly maintenance payments that the City is to |
| 9 | make to RTG? |
| 10 | BING BING WANG: That one is based on |
| 11 | the performance monitoring report, that we have |
| 12 | seen the things on the record; and also the |
| 13 | calculation in the payment adjustment report; |
| 14 | and then eventually reflected in the invoice. |
| 15 | So our review is more like among these different |
| 16 | sets of documents. |
| 17 | KATE McGRANN: So are you looking at |
| 18 | the calculation that's been done by somebody |
| 19 | else to verify it, or is Deloitte performing the |
| 20 | calculation of the deductions to be made to the |
| 21 | monthly maintenance payments for the first time? |
| 22 | BING BING WANG: No. We didn't |
| 23 | calculate the deduction for the first time. |
| 24 | It's more looking at the payment adjustment |
| 25 | report, which is project-co's calculation, and |

9

10

1 also the payment amount and deductions included 2 in the invoice, which is also issued by the 3 project-co, and then referring back to the 4 performance monitoring reports, which includes 5 the performance information to do our review. б Our role is more of a review, we're not the 7 first-hand calculation of the payments or the 8 deductions.

KATE McGRANN: So is it the case that -- what are you doing in your review then?

¹¹ BING BING WANG: We look at the ¹² performance data included in the performance ¹³ monitoring reports and apply payment mechanism ¹⁴ calculation. And then we look at the payment ¹⁵ amount and also the deductions, and then look at ¹⁶ the invoice. So it's really a review process.

KATE McGRANN: And if you form the
conclusion that the calculations done by RTG are
incorrect, what -- do you then perform what you
believe to be the correct calculation?

BING BING WANG: So we specify the difference in our report. If we don't know the reason we would say, the reason behind this discrepancy is unclear. But for us we just point out the difference.

1 KATE McGRANN: The difference between 2 what and what? 3 BING BING WANG: The difference 4 between -- for example, it could be the 5 difference between different sets of the 6 products, of the documents. For example, for 7 availability ratio, in one set of the documents 8 it may show this number but when it's turning 9 into, for example, the payment adjustment report it becomes another number. So there may be some 10 11 manual adjustments in it. We just point out the 12 discrepancies, but we may not know all of the 13 reasons behind that, but we point out that in 14 our report; it's part of our finding. 15 KATE McGRANN: So using the average 16 kilometre ratio example, is it the case that you 17 are looking at numbers reported in the 18 performance monitoring reports, comparing that 19 to the PAR and identifying where there's been a 20 change? 21 BING BING WANG: That's only one part 22 of the review. Of course when you're looking at 23 different sets of documents you will also look 24 at things like escalation, the base payment 25 calculation and the deductions as well.

1 KATE McGRANN: But sticking with the 2 average kilometre ratio example for a second, 3 just to understand what you're doing on that 4 part, is it the case that you're looking at 5 what's shown in the performance monitoring 6 report, comparing that to the PAR, and when you 7 find a discrepancy, pointing that out? 8 BING BING WANG: I'm not sure if we 9 particularly have that as a discrepancy, but we 10 do look at the performance monitoring reports 11 and the calculations in the payment adjustment 12 reports. 13 KATE McGRANN: And are you comparing 14 the two of them? 15 BING BING WANG: Because one is the 16 inputs of the calculation of the other. 17 KATE McGRANN: T see. 18 BING BING WANG: So it's not a 19 line-by-line comparison, but -- because this set 20 of documents are all linked. 21 The performance monitoring reports 22 first, because that's the record or the summary 23 of the performance. And then you go into the 24 payment adjustment based on the payment 25 mechanism regime. And then whatever -- it's

Τ

| 1 | eventually turned into the official invoice. So |
|----|--|
| 2 | this three sets of documents, one inform in the |
| 3 | production of the other one. |
| 4 | KATE McGRANN: I see. As part of your |
| 5 | work. Or the work that your team does more |
| 6 | generally, are you recalculating the deductions |
| 7 | that ought to be made to the monthly maintenance |
| 8 | payments based on the conclusions you've reached |
| 9 | in your review? |
| 10 | BING BING WANG: So we did calculation |
| 11 | but it's all based on the records on the |
| 12 | documents and what the payment deductions would |
| 13 | be. So but we also understand that there may |
| 14 | be disputes between the City and project-co in |
| 15 | terms of, for example, interpretation of payment |
| 16 | mechanism terms or application of performance |
| 17 | indicators. |
| 18 | So for those type of disputes our |
| 19 | review, or our tracking list is based more on |
| 20 | the documents produced, knowing that there may |
| 21 | be disputes going on separately between the City |
| 22 | and project-co. |
| 23 | KATE McGRANN: Where there is a |
| 24 | potential dispute between the City and |

²⁵ project-co does that change the approach to the

1 work that Deloitte is doing? 2 BING BING WANG: No. 3 So when you say, "where KATE McGRANN: 4 there are disputes between the City", I think I 5 have this right, your work is based more on the б documents. Do I have that right? 7 BING BING WANG: Yeah, exactly. 8 KATE McGRANN: So how is that 9 different from the work you do when there isn't 10 a potential dispute? 11 BING BING WANG: So we look at in 12 their document when there is a dispute, and 13 depending on the dispute sometimes the deduction 14 amount is included, sometimes it could be 15 resolved. So we really just base it on the 16 particular document and the record in the 17 document to do our review. 18 KATE McGRANN: Is it the case that 19 Deloitte is advised where there is a dispute or 20 a potential dispute as part of the work that 21 it's doing? 22 BING BING WANG: Our team is not 23 involved in the advice. 24 KATE McGRANN: I understand. How do 25 you know, when you're doing the work for the

1 quarterly performance report, whether something 2 is the subject of a dispute between the City and 3 the private partner, RTG? 4 BING BING WANG: So for events that 5 have disputes there is a mark it's under 6 dispute. 7 KATE McGRANN: So it's indicated to 8 you in the documentation you receive where there 9 is a dispute? 10 BING BING WANG: Yeah. 11 KATE McGRANN: Other than the language 12 of the Project Agreement and Deloitte's own 13 experience, which you've referenced, has 14 Deloitte been provided with any other 15 information to inform its interpretation of the 16 Project Agreement requirements as they relate to 17 the work done on the quarterly performance 18 report? 19 BING BING WANG: We refer to the 20 Project Agreement itself. 21 KATE McGRANN: Other than the Project 22 Agreement, have you been provided with any other 23 information to inform your interpretation of the 24 Project Agreement requirements? 25 BING BING WANG: No.

| 1 | KATE McGRANN: Does the City ever |
|----|--|
| 2 | advise you its view of how the Project Agreement |
| 3 | requirements should be interpreted? |
| 4 | BING BING WANG: Sorry? |
| 5 | KATE McGRANN: Does the City ever |
| 6 | advise you its view as to how the Project |
| 7 | Agreement requirements should be interpreted? |
| 8 | BING BING WANG: No. At least during |
| 9 | the QPR 2 and later we didn't have that |
| 10 | discussion. |
| 11 | KATE McGRANN: And with respect to QPR |
| 12 | 1 I'm just wondering why you define this as |
| 13 | "QPR 2 and onwards"? Is it because of the |
| 14 | timing of your involvement? |
| 15 | BING BING WANG: Exactly. It's |
| 16 | because I was not that actively involved in |
| 17 | QPR 1. I can't be sure whether or not a |
| 18 | conversation took place. |
| 19 | KATE McGRANN: Now, have I got it |
| 20 | right that you and your team don't have any |
| 21 | involvement in the disputes, in any disputes |
| 22 | between the City and the private partner? |
| 23 | BING BING WANG: No. At least our |
| 24 | team didn't provide we were not involved in |
| 25 | the dispute process. |

1 KATE McGRANN: And I think you said 2 that your team did not provide any advice to the 3 City with respect to the disputes? 4 BING BING WANG: Yeah, When I was 5 saying "our team", means the QPR team, the 6 quarterly review report team. 7 KATE McGRANN: Are there other 8 individuals or teams at Deloitte that are 9 working on Stage 1 now that aren't part of the 10 OPR team? 11 T believe Gavin Li BING BING WANG: 12 may provide some basic analysis work for Remo, 13 other than that I don't know. 14 KATE McGRANN: And when you say "for 15 Remo", is that Remo Bucci? 16 BING BING WANG: Yes. 17 KATE McGRANN: And what is -- to the 18 extent that you can describe it, what is Remo 19 Bucci's work on Stage 1 at this point in time? 20 I don't know. BING BING WANG: 21 KATE McGRANN: Are you involved in any 22 work on Stage 2 of Ottawa's Light Rail Transit 23 project? 24 BING BING WANG: No. 25 To your knowledge, is KATE McGRANN:

1 anybody at Deloitte involved in work on Stage 2? 2 I don't know. BING BING WANG: Maybe. 3 I don't know. 4 KATE McGRANN: Let's take a ten minute 5 break now. It's 9:58. 6 RECESSED AT 9:58 A.M. 7 RESUMED AT 10:09 A.M. _ _ 8 KATE McGRANN: You had mentioned 9 before that if there was a dispute between the 10 City and RTG it would be indicated on the 11 records that you received. To your knowledge, 12 has there ever been an amendment or a change to 13 the interpretation of any of the provisions in 14 the Project Agreement that you're looking at 15 when you're working on the guarterly performance 16 reports? 17 BING BING WANG: So my understanding 18 is that whatever have been agreed upon by the 19 City and project-co will be reflected in the 20 actual document. 21 KATE McGRANN: What actual document? 22 The documents that we BING BING WANG: 23 mentioned, the PMR, the PAR and the invoice. 24 Although many items they are in dispute, they 25 haven't achieved a conclusion and they just mark

| 1 | it. |
|----|--|
| 2 | KATE McGRANN: But to the extent that |
| 3 | there has been a conclusion to the dispute that |
| 4 | resulted in a change, for example, to the |
| 5 | interpretation of a requirement, like a KPI, |
| 6 | that change is indicated directly in the source |
| 7 | documents that are delivered to Deloitte? |
| 8 | BING BING WANG: It won't say that |
| 9 | it's dispute resolved if the like some, for |
| 10 | example, disagreement between the parties they |
| 11 | reach conclusion, then it's just that they |
| 12 | remove that mark. |
| 13 | KATE McGRANN: They just remove the |
| 14 | dispute mark? |
| 15 | BING BING WANG: Yeah. So basically |
| 16 | the documents that we received is the foundation |
| 17 | of our review. |
| 18 | KATE McGRANN: And I'm just wondering, |
| 19 | first of all, to your knowledge have the parties |
| 20 | come to any agreement to change the |
| 21 | interpretation of any of the requirements for |
| 22 | that you are looking at? So the KPIs, for |
| 23 | example? |
| 24 | BING BING WANG: Not the KPI not |
| 25 | the document Project Agreement itself, the |

1 Project Agreement changes are only captured in 2 those term sheets. 3 KATE McGRANN: And in terms of the 4 application of the payment deduction mechanism, 5 to your knowledge have the parties reached any 6 agreement about any changes to how that 7 mechanism is applied? 8 BING BING WANG: For that one I may 9 not be the best person to advise on the status 10 of that, but my understanding is that it's still 11 in discussion. 12 I only got a couple of KATE McGRANN: 13 words, do you mind repeating that answer? 14 BING BING WANG: No problem. What I 15 was saying is that I may not be the best person 16 to comment or to advise on the status of the 17 City's and project-co's discussion, but my 18 understanding is it's still ongoing. 19 KATE McGRANN: So as far as you know, 20 for the work that you and your team are doing, 21 there have been no changes to the requirements 22 to be applied to the documents that you're 23 reviewing? 24 BING BING WANG: No. 25 KATE McGRANN: And if there were any

1 changes agreed how would you expect to be 2 notified of that? 3 BING BING WANG: If there would be a 4 change -- so our review is based on Project 5 Agreement. So if there's any change to the б Project Agreements we will know, which basically 7 so far is through those term sheets. Other than 8 that -- because we really refer to the Project 9 Agreement requirements. 10 Who do you report to, KATE McGRANN: 11 if anybody, with respect the work that you're 12 doing on this project? 13 BING BING WANG: You mean -- within 14 Deloitte we have the practice leader, but the 15 leader is not involved in the daily delivery of 16 our services. 17 So for particular issues typically I 18 would discuss with my team members and that's 19 pretty much it. 20 KATE McGRANN: And for all intents and 21 purposes you are in charge of the work done to 22 prepare the quarterly performance reports? Τf 23 there are any issues they come to you and you 24 deal with them? 25 And in addition BING BING WANG: Yes.

1 to me we have the quality assurance process 2 within the Deloitte team, and Sam Pickering is 3 the OA partner on the deliverables. 4 KATE McGRANN: And what would that 5 involve? What does he do? 6 BING BING WANG: So he basically will 7 review the report before it's finalized. 8 KATE McGRANN: And what does he review 9 it against? 10 BING BING WANG: He just reads through 11 the entire document and sees anything that --12 like if they see -- if he sees any issue or if 13 he has any comments. 14 KATE McGRANN: And in terms of 15 directions for your work, I take it you're 16 following what was agreed to in a proposal that 17 Deloitte provided to the City for this work? 18 BING BING WANG: Yeah. 19 KATE McGRANN: And does the City ever 20 issue any changes in its directions for the work 21 that it wants Deloitte to do? 22 BING BING WANG: No. 23 KATE McGRANN: Ms. McLellan, do you 24 have any follow-up questions based on what we 25 discussed this morning?

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| 1 | LIZ MCLEELAN: No. |
|----|---|
| 2 | KATE McGRANN: And, counsel, do you |
| 3 | have any follow-up questions that you wanted to |
| 4 | ask? |
| 5 | JAMIE YOON: I don't, thank you. |
| 6 | KATE McGRANN: That ends our questions |
| 7 | for you for now. Thank you very much for your |
| 8 | time. We can go off the record. |
| 9 | Completed at 10:15 a.m. |
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| 1 | REPORTER'S CERTIFICATE |
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| 2 | |
| 3 | I, HELEN MARTINEAU, CSR, Certified |
| 4 | Shorthand Reporter, certify; |
| 5 | That the foregoing proceedings were |
| 6 | taken before me at the time and date therein set |
| 7 | forth; |
| 8 | That the statements of the presenters |
| 9 | and all comments made at the time of the meeting |
| 10 | were recorded stenographically by me; |
| 11 | That the foregoing is a certified |
| 12 | transcript of my shorthand notes so taken. |
| 13 | |
| 14 | Dated this 9th day of May, 2022. |
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| 16 | AMartines |
| 17 | |
| 18 | PER: HELEN MARTINEAU |
| 19 | CERTIFIED SHORTHAND REPORTER |
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| | achieved 42:05 | | haaa 00:04 | 40.4.40.40.05 |
|---|--|--|---|----------------------------------|
| WORD INDEX | achieved 43:25 | amendments | base 36:24 | 40:4, 10, 19, 25 |
| | Act 5:13 6:1, 3 | 27:23 | 39:15 | 41:4, 8, 15, 23 |
| <1> | active 9:9 12:2 | amount 35:1, 15 | based 17:12 | 42:4, 11, 16, 20, |
| 1 6:10 8:15, 21 | actively 9:8 | 39:14 | 18:3 19:9 | 24 43:2, 17, 22 |
| 9:4 10:12, 13 | 41:16 | analysis 25:13, | 25:20 29:2, 16 | 44:8, 15, 24 |
| 11:10, 11, 12, 19, | activities 11:22 | 24 28:17 42:12 | 34:10 37:24 | 45:8, 14, 24 |
| 24 12:2, 10 | actual 9:10 | anybody 33:7 | 38:8, 11, 19 | 46:3, 13, 25 |
| 41:12, 17 42:9, | 43:20, 21 | 43:1 46:11 | 39:5 46:4 47:24 | 47:6, 10, 18, 22 |
| 19 | addition 46:25 | appended 5:11 | basic 42:12 | bit 11:20 27:18 |
| 10:09 43:7 | additional 33:2, | applicable | basically 20:21 | breached 21:11 |
| 10:15 48: <i>9</i> | 3 | 22:10, 13 | 22:7 29:9, 12, | break 6:5 |
| <2> | address 33:3 | application 17: <i>14</i> 18: <i>3</i> , <i>4</i> | 16, 18 44:15 46:6 47:6 | 20: <i>16</i> 43:5 brief 6:8 |
| 2 41:9, <i>1</i> 3 | adjusted 31: <i>15</i> adjustment | 20:8 21: <i>4</i> , 7, <i>18</i> , | basis 5:4 | bring 30:12 |
| 42:22 43:1 | 16: <i>12</i> 17: <i>9</i> , <i>17</i> | 20.0 21.4, 7, 70, 22 22:5, 21 | began 8:21, 25 | Bucci 13:11 |
| 20 6:13 | 18:6, 10 19:9 | 30:4 38:16 45:4 | 10:8 14:8, <i>1</i> 2 | 42:15 |
| 200 23:7, 15, 20 | 34:13, 24 36:9 | applied 22:19, | 15:2 | Bucci's 42:19 |
| 2000 23.7, 73, 20 2000 6:21 | 37:11, 24 | 23, 25 24:7 | believe 35:20 | build 7:6, 18 |
| 2006 7:13 | adjustments | 45:7, 22 | 42:11 | buildings 8:1 |
| 2009 5:13 | 18:3 36:11 | apply 35:13 | benchmark 25:2 | bus 8:7, 14, 20 |
| 2011 12:25 | advice 6:16 | applying 26:2 | Benjamin 2:13 | |
| 2015 6:15 13:4 | 39:23 42:2 | approach 11:4 | best 45:9, 15 | <c></c> |
| 2019 9:7 10:8 | advise 41:2, 6 | 15:24 16:2, 8 | Bilgen 2:13 | calculate 34:7, |
| 12:25 13:20 | 45:9, 16 | 38:25 | BING 1:3 2:6 | 23 |
| 14: <i>13</i> | advised 6:1 | areas 11:4 | 4:2 6:12, 19, 24 | calculated 19:11 |
| 2020 9:11 | 39:19 | 16: <i>4</i> 20:22 | 7:2, 6, 12, 15, 20, | calculating |
| 2022 1: <i>4</i> , <i>1</i> 2 | advisement 10:6 | asked 5:15 | 24 8:6, 10, 16, | 19: <i>10</i> |
| 49: <i>14</i> | advising 12:8 | 27:4 | 23 9:2, 6, 16 | calculation |
| | AFFIRMED 4:2 | asking 10:1,2 | 10: <i>10</i> , <i>13</i> , <i>20</i> , <i>24</i> | 17:16 21:15 |
| < 3 > | after 4:24 9:19 | 21:22 22:3 | 11: <i>3, 11, 14, 20</i> | 34:13, 18, 20, 25 |
| 3 15:7 | 15:4 28:2 32:9 | 29: <i>19</i> | 12:1, 6, 11, 16, | 35:7, 14, 20 |
| 33(6 5:12 | ago 6:20 | aspects 15:22 | 21 13:1, 6, 9, 12, | 36:25 37:16 |
| 33(7 5:25 | agreed 23:22 | assess 30:20 | <i>15</i> , <i>21</i> , <i>25</i> 14: <i>10</i> , | 38:10 |
| | 43:18 46:1 | assessing 12:8 | 14, 21 15:3, 12, | calculations |
| < 4 > | 47:16 | 24:5 | <i>15</i> , <i>19</i> , <i>24</i> , 16:3, | 35:18 37:11 |
| 4 15:7 | Agreement | assessment | 9, 22 17:1, 6, 9, | called 19:1 |
| . F . | 16:17 17:15 | 27:5 | 12, 19, 23 18:1, | Canada 6:3 |
| <5> 5 6.2 15.7 | 18: <i>15, 18, 21</i> | assisting 12:14 | 7, 13, 19 19:15, | 7:13, 14 |
| 5 6:3 15:7 | 19:7 20:9 | assurance 47:1 attending 1:11 | 19, 24 20:21 | captured 45:1 |
| < 9 > | 21: <i>11</i> 23:25 25: <i>11</i> 27:24 | audio 20:13 | 21:9 22:1, 7, 14, 20 23:2, 6, 11, | capturing 20:1 case 9:15 11:7 |
| 9:00 1: <i>12</i> 4: <i>1</i> | 29:13 30:23 | automatically | <i>14</i> , <i>17</i> , <i>22</i> 24: <i>1</i> , <i>14</i> , <i>17</i> , <i>22</i> 24: <i>1</i> , | 22:15 35:9 |
| 9:00 1.72 4.7 9:24 20:14 | 31:6 40:12, 16, | 17:3 18:9 | 12 25:5, 14 | 36:16 37:4 |
| 9:25 20:15 | 20, 22, 24 41:2, | availability 36:7 | 26:3, 15, 20 | 39:18 |
| 9:58 43:5, 6 | 7 43:14 44:20, | average 14:4 | 27:1, 7, 13, 20 | certain 4:14 |
| 9:00 40:0, 0 9th 1: <i>4</i> , <i>11</i> | 25 45:1, 6 46:5, | 36:15 37:2 | 28:5, 8, 11, 19 | 11:9 27:22 |
| 49:14 | 9 | aware 10:15 | 29:2, 9, 21 30:1, | CERTIFICATE |
| | agreements | 13:7 14:18, 20 | 18, 24 31:7, 13 | 49:1 |
| < A > | 27:22 46:6 | 15:6 31:24 32:1 | 32:1, 5, 7, 13, 16, | Certified 49:3, |
| a.m 1: <i>12</i> 4: <i>1</i> | align 19:6 | | 20, 25 33:9, 14, | 11, 19 |
| 20:14, 15 43:6, | Alimah 15:13, 19 | < B > | 18, 23 34:4, 10, | certify 49:4 |
| 7 48:9 | allows 6:15 | back 33:2 35:3 | 22 35:11, 21 | cetera 17:5 |
| access 19:14, 15 | amendment | back-up 30:13 | 36: <i>3</i> , <i>21</i> 37: <i>8</i> , | change 31:23 |
| accuracy 24:14 | 43: <i>12</i> | Barrie 8:12, 14, | 15, 18 38:10 | 32:2 36:20 |
| | | 20 | 39:2, 7, 11, 22 | 38:25 43:12 |
| | | | | |

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|---|---|--|---------------------------------|--------------------|
| 44: <i>4</i> , <i>6</i> , <i>20</i> 46: <i>4</i> , | Commission's | corresponding | 46: <i>14</i> 47:2, <i>17</i> , | discussion |
| 5 | 4:7, 11, 19, 23 | 19:23 | 21 | 27:15 29:1 |
| changed 15: <i>1</i> | 5:3 | COUNSEL 2:1, | Deloitte's 12:24 | 41:10 45:11, 17 |
| changes 27:22 | communication | 2, 3 4: <i>4</i> , 8, 15 | 25:12 26:24 | discussions |
| 45:1, 6, 21 46:1 | 33:11 | 5: <i>4</i> 48:2 | 40:12 | 11:21 16:14 |
| 47:20 | company 25:23 | couple 9:12 | depending | 28:15, 16 |
| charge 46:21 | compare 18:14, | 45:12 | 21:15 39:13 | dispute 38:24 |
| China 6:25 | 17 19:18 | course 36:22 | describe 42:18 | 39:10, 12, 13, 19, |
| choose 23:20 | comparing | created 17:18 | describing | 20 40:2, 6, 9 |
| circumstance | 19:22 20:3 | 18:6, 7 | 20:17, 24 | 41:25 43:9, 24 |
| 21:19 22:10 | 36:18 37:6, 13 | Crown 5:19 | DESCRIPTION | 44:3, 9, 14 |
| circumstances | comparison | CSR 49:3 | 3:2 6:8 20:7 | disputes 38:14, |
| 22:12 | 37:19 | curiosity 9:20 | 22:8 24:18 | 18, 21 39:4 |
| City 8:11 11:6 | complete 13:22 | currently 14:3 | 25:18 | 40:5 41:21 42:3 |
| 12:9 16:14 | completed 8:25 | | design 7:6, 18 | document |
| 23:23 26:16 | 13:24 32:10 | < D > | desk 16:16 | 39:12, 16, 17 |
| 27:17, 21 28:15, | 48:9 | daily 16:12 | 19:3 25:16 | 43:20, 21 44:25 |
| 16, 20, 24 29:15, | compliance | 27:10 46:15 | 28:21 29:13, 19, | 47:11 |
| <i>19</i> 30:20 31:3, | 30:22 | Danny 15:12, 18 | 24 30:2, 8, 16, | documentation |
| 14, 22 32:12, 15, | composition | data 18:2 35:12 | 21 31:4, 5, 16, | 30: <i>13</i> 40:8 |
| 16, 23 33:7, 11, | 14:7 | date 49:6 | 21, 24 32:4 | documents |
| 16, 25 34:8 | conclusion | Dated 49:14 | detail 14:23 | 9:13 16:13 |
| 38:14, 21, 24 | 35:18 43:25 | dates 9:17 | 31: <i>18</i> | 18:17 27:11, 17 |
| 39: <i>4</i> , 27, 24 39: <i>4</i> 40:2 41: <i>1</i> , | 44:3, 11 | | detailed 25:17, | 28:14 34:16 |
| - | - | day 1:11 49:14 | 19 | |
| 5, 22 42:3 | conclusions | DBFM 8:4 | | 36:6, 7, 23 |
| 43:10, 19 47:17, | 38: <i>8</i> | deal 46:24 | details 13:17 | 37:20 38:2, 12, |
| 19 Citude 20:10 | conducted | declaration 4:10 | 14:24 20:7, 25 | 20 39:6 43:22 |
| City's 30:10 | 12: <i>19</i> | deduction | 24:8, 15, 19, 21 | 44:7, 16 45:22 |
| 34:3 45:17 | confidential 5:4 | 17:16 21:14 | 29:11 | doing 35:10 |
| civil 5:18 | Connie 32:17 | 34:23 39:13 | determine | 37:3 39:1, 21, |
| close 21:3 | 33:13 | 45: <i>4</i> | 19: <i>16</i> 31: <i>4</i> | 25 45:20 46:12 |
| closed 21:3 | Connie's 32:19 | deductions | difference | draft 33:1, 13 |
| 24:22 | consistent 15:25 | 19: <i>10</i> , <i>11</i> 34: <i>7</i> , | 35:22, 25 36:1, | drafting 12:5 |
| closing 24:10, | construction | 20 35:1, 8, 15 | 3, 5 | 13:4 |
| 20 25:20 26:8 | 12: <i>15</i> | 36:25 38:6, 12 | different 15:22, | |
| cocounsel 4:13 | contact 32:16 | deemed 5:14 | 23 16:4 17:21, | < E > |
| Co-lead 2:2 4:4 | contents 17:23 | define 41:12 | 24, 25 20:22 | early 31:22 |
| collaborative | 18:24 19:6 | deliverables | 27:20 34:15 | echo 20:12 |
| 4:12 | conversation | 47:3 | 36:5, 23 39:9 | emails 11:16 |
| colleague 4:6 | 28:2 41:18 | delivered 7:17 | difficult 20:11 | 30:14 |
| come 25:4 | conversations | 26:13 32:11, 15 | directions | empty 24:22 |
| 44:20 46:23 | 30:20 31:3 | 44:7 | 47:15, 20 | ends 48:6 |
| commence 4:22 | copied 10:14 | delivery 7:7, 10, | directly 44:6 | engage 30:16 |
| commencing | 11: <i>16</i> | 21 12:9 26:23 | disagreement | 33:10 |
| 4:1 | copy 9: <i>18</i> 10: <i>1</i> , | 46: <i>15</i> | 44:10 | engagement |
| comment 45:16 | 2 | DELOITTE 1:3 | discrepancies | 12:3 |
| commentary | correct 5:7 | 2:6, 7 6:15 | 36:12 | enter 4:18 |
| 17:4 | 21:23 24:6 | 11: <i>8, 18, 23</i> | discrepancy | entered 4:24 |
| comments | 35:20 | 12:8, 13, 17, 22 | 35:24 37:7, 9 | 5:5, 9 19:25 |
| 24:10 31:19 | corrections | 13:11 23:20 | discuss 9:23 | 28:7 |
| 32:23 47:13 | 4:24 5:2, 10 | 26:17, 21 27:2 | 29:15 46:18 | entire 47:11 |
| 49:9 | correctly 19:21 | 33:8, 10, 15 | discussed | entries 19:2, 17, |
| COMMISSION | correspondence | 34:19 39:1, 19 | 28:23 47:25 | 22, 23 20:4, 5, |
| 1:2 2:1 4:18 | 10:15 | 40:14 42:8 | | 19 23:4, 9 |
| - | | 43:1 44:7 | | , - |
| L | | | | |

| antm: 00:00 | finding OF 1 | 00.01 00.7 10 | 0.44 | instan 45.0 |
|-------------------------------|-----------------------------------|--|------------------------------------|---------------------------------------|
| entry 20:23 | findings 25:1 | 28:21 29:7, 13, | 6:14 | junior 15:8 |
| errors 5:7 | 26:4, 24 31:8, 11 | 19, 24 30:2, 8, | initially 31:21 | |
| escalation 36:24 | finish 33:24 | 16, 21 31:4, 5, | inputs 16:18 | <k></k> |
| especially | firm 14:16 | 16, 21, 24 32:4 | 27:12 28:12 | Kate 2:2 4:3, 4 |
| 27:22 30:3 | first-hand 35:7 | hospitals 7:25 | 30:11 33:2, 4, | 6:17, 22 7:1, 3, |
| establish 5:17 | focused 7:5 | | 24 37:16 | 9, 14, 16, 22 8:3, |
| event 19:25 | follow 29:5 | < > | Inquiries 5:13 | 8, 13, 19, 24 9:3, |
| 20:7 21:2, 20 | following 26:23 | idea 23:13 | Inquiry 4:5 | 12, 18, 21 10:2, |
| 22:8 24:13, 18, | 47:16 | identified 21:24 | 5:14,20 9:25 | 7, 11, 18, 22 |
| 24 | follow-up 4:15 | 24:2 | instance 5:19 | 11:1, 7, 13, 15, |
| events 19:2, 4 | 47:24 48:3 | identify 23:2 | intends 4:18 | 23 12:4, 7, 13, |
| 20:24 21:11 | foregoing 49:5, | 25:1 31:8, 10 | intents 46:20 | 17, 23 13:3, 7, |
| 22:18 25:16 | 11 format 14:15 | identifying | interactions | 10, 13, 18, 23 |
| 40: <i>4</i> | forget 14:15 | 36:19 | 26: <i>18</i> , 22 | 14:1, 7, 11, 19, |
| eventually | form 35:17 | IMIRS 19: <i>13</i> , <i>17</i> , | interpretation | 25 15:10, 14, 17, |
| 34:14 38:1 | forth 49:7 | 21, 25 20:4, 6, | 38:15 40:15, 23 | 20 16:1, 7, 19, |
| evidence 4:10, | foundation | 19 21:25 22:6 | 43:13 44:5, 21 | 24 17:2, 7, 11, |
| 19, 25 5:5, 9, 21, | 44:16 | 23:4, 9 24:12 | interpreted 41:3, | 17, 21, 25 18:5, |
| 24 6:3 10:3 | front 9:14 | 30:3 | 7 | 11, 16 19:13, 16, |
| 29:23 | fundings 11:5 | important 24:16 | intervene 4:14 | 20 20:10, 16 |
| exactly 39:7 41: <i>15</i> | < G > | IMRIS 19:1 | interview 4:9, | 21:6, 21 22:2, |
| | | include 20:7 | 13, 16, 17 9:19 | 11, 16, 22 23:4, |
| example 7:25 | Gavin 14:16 | 24:19, 21 | introducing 7:4 | 8, 12, 15, 19, 24 |
| 18:22 21:15 | 15:5 42:11 | included 24:15 | invoice 34:14 | 24:5 25:2, 10, |
| 24:18, 21 25:17 | general 10:16 | 26:7 28:17 | 35:2, 16 38:1 | 22 26:12, 17, 21 |
| 26:6 31:13, 15, | 15:24 16:1, 8, 15 | 35:1, 12 39:14 | 43:23 | 27:2, 8, 18, 25 |
| 16, 17 36:4, 6, 9, | generally 7:22, | includes 7:25 11:3 17:4 | invoices 27:13 involve 47:5 | 28:6, 10, 12, 25 |
| 16 37:2 38:15 44:4, 10, 23 | 24 22:20 23:5 38:6 | 20:24 25:19 | | 29:5, 18, 22 |
| examples 26:6 | | 35:4 | involved 6:17, 19 7:10, 13 8:4, | 30:12, 19 31:1, 10, 20 32:3, 6, 9, |
| EXHIBITS 3:1 | generated 16:21, 22, 25 | incorporate 33:3 | 13, 15, 19 9:4, 8 | 14, 18, 21 33:6, |
| existence 13:8 | 17:3, 19 18:9 | incorrect 35:19 | 10:14 11:24 | 10, 15, 19 34:2, |
| expect 46:1 | Gibril 14: <i>15</i> | incriminate 5:17 | 12:4, 12, 14, 18, | 5, 17 35:9, 17 |
| experience 6:9, | give 23:12 | INDEX 3:1 | 22 13:2, 19 | 36:1, 15 37:1, |
| 13 25:6, 12, 21 | 29:23 | indicated 40:7 | 26:17, 21 33:16, | 13, 17 38:4, 23 |
| 29:3, 17 40:13 | given 5:5, 20 | 43:10 44:6 | 25 34:2 39:23 | 39:3, 8, 18, 24 |
| extent 42:18 | 14:4 21:18 | indicator 20:8 | 41:16, 24 42:21 | 40:7, 11, 21 |
| 44:2 | giving 5:24 | 21:12, 18, 24 | 43:1 46:15 | 41:1, 5, 11, 19 |
| 11.2 | 10:3 | 22:9, 12, 19, 21, | involvement 9:9 | 42:1, 7, 14, 17, |
| <f></f> | Good 4:3 | 23, 25 24:6 | 10:8 11: <i>18</i> | 21, 25 43:4, 8, |
| facilities 8:2 | government 8:1 | indicators 21:5, | 12:24 13:4, 14, | 21, 20, 43.4, 0, 21, 44:2, 13, 18 |
| fair 22:16 | ground 5:16 | 8, 10 22:5 30:5 | 17 41:14, 21 | 45:3, 12, 19, 25 |
| family 14:15 | Group 28:4 | 38:17 | issue 32:25 | 46:10, 20 47:4, |
| farther 29:6 | guess 25:22 | individual 20:4 | 33:4 47:12,20 | 8, 14, 19, 23 |
| feedback 16:15 | guides 25:12 | individuals 42:8 | issued 35:2 | 48:2, 6 |
| 17:4 27:3 | | industry 25:21 | issues 46:17, 23 | keeping 19:2 |
| 29:16 32:23 | < H > | 26:11 | items 28:22 | key 32:16 |
| 33:12 | hard 29:11 | inform 38:2 | 29:4 30:6 43:24 | kilometre 36:16 |
| final 33:20 | hearings 4:12, | 40:15, 23 | | 37:2 |
| finalized 47:7 | 20, 21 | information | < J > | kind 7:22 29:7, |
| finance 7:18 | Held 1:10 | 20:24 24:23 | Jamie 2:7 9:20 | 22 |
| find 22:22 | Helen 2:12 | 25:3, 19 26:7 | 10:5 14:3 48:5 | kinds 28:15 |
| 25:25 37:7 | 49:3, 18 | 35:5 40:15, 23 | joined 4:6 | knowing 38:20 |
| finding 30:6 | help 16: <i>16</i> | infrastructure | judgment 26:11 | knowledge 28:7 |
| 36:14 | 19:3 25:16 | | , | 32:3 42:25 |
| | 10.0 20.70 | | | 52.0 12.20 |

| 10.11.11.10 | 40.05 44.40 44 | | 00 07 44 00 44 | |
|-------------------------------|-------------------------------------|---------------------------------|---|-----------------------------------|
| 43:11 44:19 | 43:25 44:12, 14 | mechanisms | 20 27:14 29:14 | parties 24:14 |
| 45:5 | MARKED 3:4 | 17:14 | 36:8, 10 | 27:15, 16 44:10, |
| KPI 44:5, 24 | Martineau 2:12 | meet 26:1 | numbers 24:2 | 19 45:5 |
| KPIs 44:22 | 49:3, 18 | meeting 6:4 | 36:17 | partner 12:2 |
| | McGrann 2:2 | 49:9 | | 16:23, 25 17: <i>4</i> , |
| <l></l> | 4:3, 4 6:17, 22 | Megan 15: <i>13</i> , <i>18</i> | <0> | 20 18:8 26:5, |
| laid 16:5 | 7:1, 3, 9, 14, 16, | Member 2:2, 3 | object 6:2 | 14, 18, 22 27:4, |
| language 40:11 | 22 8:3, 8, 13, 19, | 4:7 | objected 5:14 | 21 28:3 31:15 |
| launch 12:20 | 24 9:3, 12, 18 | members 14: <i>17</i> , | obtain 4:10 | 32:5 40:3 |
| leader 46:14, 15 | 10:2, 7, 11, 18, | 20 15:8 32:11 | 16: <i>10</i> | 41:22 47:3 |
| Learned 13:5 | 22 11:1, 7, 13, | 46:18 | OC 31:22 | pause 6:6 |
| left 14:16 24:22 | 15, 23 12:4, 7, | membership | October 9:7 | payment 16:12 |
| Lessons 13:4 | 13, 17, 23 13:3, | 15:1 | official 38:1 | 17:9, 14, 16, 17 |
| level 27:16 | 7, 10, 13, 18, 23 | memory 23:6 | ongoing 45:18 | 18:2, <i>4</i> , 6 19:8 |
| levels 27:23 | 14:1, 7, 11, 19, | 28:9 29:10 | online 19:1 | 21:14 34:7, 13, |
| Li 14: <i>1</i> 6 15:5 | 25 15:10, 14, 17, | mentioned 17:7 | 20:23 | 24 35:1, 13, 14 |
| 42:11 | 20 16:1, 7, 19, | 24:7 27:8 43:8, | onwards 41:13 | 36:9, 24 37:11, |
| liability 5:18 | 24 17:2, 7, 11, | 23 | operating 16:13 | 24 38:12, 15 |
| LIGHT 1:2 4:5 | 17, 21, 25 18:5, | met 29:20, 25 | 27:10 | 45:4 |
| 6:10, 18, 20, 24 | 11, 16 19:13, 16, | 31:6 | opportunity 5:6 | payments 34: <i>8</i> , |
| 7:7 9:1 42:22 | 20 20:10, 16 | method 12:9 | 9:23 | 21 35:7 38:8 |
| line-by-line | 21:6, 21 22:2, | mind 20:20 | order 4:21 | people 14:1 |
| 37:19 | 11, 16, 22 23:4, | 30:24 45:13 | 20:23 24:8, 25 | 15:18 25:7 28:1 |
| linked 30:2 | 8, 12, 15, 19, 24 | minor 14:22 | 26:1, 10 | percentage 23:9 |
| 37:20 | 24:5 25:2, 10, | minute 43:4 | orders 24:4 | perform 10:23 |
| Litigation 2:3 | 22 26:12, 17, 21 | model 7:11, 21 | 30:7 | 35:19 |
| Liz 2:3 4:6 | 27:2, 8, 18, 25 | monitoring | OTTAWA 1:2 | performance |
| 48: <i>1</i> | 28:6, 10, 12, 25 | 12:18 16:11, 20 | 4:5 8:21, 25 9:5 | 10:20 11:9, 17 |
| looked 21:3 | 29:5, 18, 22 | 17:13, 22 34:11 | Ottawa's 6:10 | 15:21 16:10, 11, |
| looking 15:22 | 30:12, 19 31:1, | 35:4, 13 36:18 | 8:15 42:22 | 16, 19 17:13, 22 |
| 16:5 18:17 | 10, 20 32:3, 6, 9, | 37:5, 10, 21 | ought 38:7 | 18:2 20:2, 8 |
| 19:21 20:6, 18, | 14, 18, 21 33:6, | month 20:3 | oversight 12:14 | 21:4, 7, 10, 12, |
| 22 21:23 22:2, | 10, 15, 19 34:2, | monthly 16:10 | | 18, 24 22:5, 9, |
| 4, 17, 18 24:7, | 5, 17 35:9, 17 | 34:8, 21 38:7 | < P> | 12, 19, 21, 23, 25 |
| 17 34:17, 24 | 36:1, 15 37:1, | morning 4:3, 6 | P3 7:11, 13, 18 | 24:6 26:13, 19, |
| 36:17, 22 37:4 | 13, 17 38:4, 23 | 6:5 47:25 | PA 25:15 | 24 27:6, 12 |
| 43:14 44:22 | 39:3, 8, 18, 24 | | PAR 16: <i>11</i> | 28:13, 18, 21 |
| looks 9:13 23:21 | 40:7, 11, 21 | < N > named 13:10 | 17:8 19:8 36: <i>19</i> 37:6 | 30:2, 5 32:10, 24 33:17 34:6, |
| LRT 8:15, 21 | 41:1, 5, 11, 19 | | 43:23 | |
| 9:5 | 42:1, 7, 14, 17, 21, 25 43:4, 8, | names 15:11, 16 nature 28:25 | PARs 27:10 | 11 35:4, 5, 12 36:18 37:5, 10, |
| 9.0 | | | | |
| < M > | 21 44:2, 13, 18 45:3, 12, 19, 25 | necessarily 21: <i>16</i> | part 9:7 13:2 36: <i>14</i> , 21 37:4 | 21, 23 38:16 40:1, 17 43:15 |
| made 4:24 5:2, | 46:10, 20 47:4, | necessary 24:19 | 38:4 39:20 42:9 | 46:22 |
| 10 9:21 31:23 | 8, 14, 19, 23 | needs 24:10 | participant 5:8 | performing |
| 34:20 38:7 49:9 | 48:2, 6 | new 7:4 | participants | 34: <i>19</i> |
| maintain 7:19 | McLEELAN 48:1 | nontypographica | 1:11 2:5 5:3 | period 11:9 |
| maintenance | McLellan 2:3 | I 5:10 | particular 8:11 | 14:22 |
| 34: <i>8</i> , <i>21</i> 38:7 | 4:7, 13 47:23 | notes 9:17, 19, | 14:23 21:16, 19 | perjury 5:24 |
| major 28:23 | means 26:10 | 21 17:4 30:14 | 26:9 39:16 | permits 4:15 |
| Malina 2:7 | 42:5 | 49:12 | 46:17 | person 5:19 |
| manage 13:22 | mechanism | notified 46:2 | Particularly | 32:17 45:9, 15 |
| manual 36:11 | 18: <i>4</i> 35: <i>13</i> | number 11:4 | 25:17 37:9 | pick 23:18 |
| mark 40:5 | 37:25 38:16 | 18:19, 20 23:16, | | Pickering 12:1 |
| | 45:4, 7 | | | |
| L | , / | | | |

| 14:15 15:5 47:2 | 13:14, 16, 19 | QPR1 9:8 | receive 27:19 | 24:3, 20 25:1 |
|--------------------------|---|-----------------------|------------------------|---|
| picking 20:20 | 16:17 17:15 | 10:17 12:5 15:4 | 32:22 40:8 | 26:4, 5 28:20 |
| place 5:23 | 18:14, 18, 21 | QPR2 9:10 15:7 | received 43:11 | 31:9, 12, 14 |
| 41:18 | 19:7 20:9 | quality 11:16 | 44:16 | 32:10 33:1, 5, 7, |
| played 13:19 | 21:10 25:11, 23 | 47:1 | receiving 33:12 | |
| | | | | 12, 21, 24 34:3, |
| PMR 16: <i>10</i> | 27:24 29:3, 12, | quarter 16:9 | RECESSED | 11, 13, 25 35:22 |
| 18:23 19: <i>9</i> , 23 | 17 30:22 31:6 | 20:2 23:10 | 20:14 43:6 | 36:9, 14 37:6 |
| 20:1, 4 43:23 | 40:12, 16, 20, 21, | 30:23 | record 24:13, | 40:1, 18 42:6 |
| PMRs 27:9 | 24 41:2, 6 | Quarterly 10:20, | 15 25:8, 15 | 46:10 47:7 |
| point 6:4 24:19 | 42:23 43: <i>14</i> | 22 11:8 15:2 <i>1</i> | 28:1 34:12 | reported 19:2 |
| 27:21 35:25 | 44:25 45:1 | 26:12, 19, 23 | 37:22 39:16 | 25:16 36:17 |
| 36:11, 13 42:19 | 46: <i>4</i> , <i>6</i> , <i>8</i> , <i>1</i> 2 | 27:6, 12 28:13, | 48:8 | Reporter 49:4, |
| pointing 37:7 | project-co 32:8 | 17 32:9, 24 | recorded 49:10 | 19 |
| posted 4:22 | 35:3 38:14, 22, | 33:17 34:6 | records 19:5 | REPORTER'S |
| potential 38:24 | 25 43:19 | 40:1, 17 42:6 | 21:1 24:13 | 49:1 |
| 39: <i>10</i> , 20 | project-co's | 43:15 46:22 | 30:3, 4, 15 | - |
| - | | | | reporting 18:23 |
| practice 46:14 | 34:25 45:17 | question 5:15 | 38:11 43:11 | reports 11:5, 9, |
| predominantly | projects 6: <i>18</i> , | 6:2 8:17 | rectification | 17 13:22, 24 |
| 11:24 | 20, 22, 25 7:10, | questions 4:14, | 21:1 24:9 | 15:23 16: <i>11</i> , <i>1</i> 2, |
| preparation 9:22 | 13, 17, 20, 23, 25 | 16 9:12 22:4 | refer 28:3 | 13, 20 18:12 |
| prepare 46:22 | 8:2 | 29:24 32:22 | 29:11 40:19 | 19: <i>9</i> 26: <i>13</i> , <i>16</i> , |
| prepares 26:19 | proposal 24:2 | 47:24 48:3, 6 | 46:8 | <i>19, 24, 25</i> 27:6, |
| preparing 27:9 | 47:16 | guick 9:17 | reference 10:1 | 9, 10, 12 28:13, |
| PRESENT 2:11 | prosecution | quite 15:25 | 25:10 | 18 32:24 33:17 |
| presented 33:7 | 5:24 | quote 31:18 | referenced | 34:6 35:4, 13 |
| presenters 49:8 | protocol 31:16 | | 40:13 | 36:18 37:10, 12, |
| pretty 46:19 | provide 6:8, 15 | < R > | referencing 9:13 | 21 43:16 46:22 |
| prior 12:19 | 11:8 24:23 | RAIL 1:2 4:5 | referred 28:14 | represent 23:10 |
| | | | | |
| private 16:23, | 26:4 33:1 | 6:10, 18, 20, 25 | referring 28:4 | requesting |
| 25 17:3, 20 | 41:24 42:2, 12 | 7:7 9:1 42:22 | 35:3 | 25:15 |
| 18:8, 25 26:5, | provided 27:3, | random 20:18 | refers 24:25 | required 5:25 |
| 14, 18, 22 27:4, | 17 30:9, 22 | 22:17 23:18 | reflected 34:14 | 9:24 |
| 21 28:3 31:15 | 31: <i>18</i> 40: <i>14</i> , 22 | 27:17 | 43:19 | requirement |
| 32:5 40:3 41:22 | 47:17 | randomly 19:19 | regime 37:25 | 44:5 |
| problem 31:1 | providing 30:14 | 23:17 | relate 40:16 | requirements |
| 45: <i>14</i> | provisions | ratio 36:7, 16 | relates 6:9 | 18: <i>14</i> , <i>18</i> , <i>20</i> , <i>21</i> , |
| procedural 4:21 | 43:13 | 37:2 | relatively 31:22 | 22 19:7 25:11, |
| proceedings | Public 4:5, 11, | reach 27:22 | rely 30:10 | 15 26:1 29:14, |
| 5:18, 22 49:5 | 20, 23 5:13 | 44:11 | remarks 21:3 | 20, 24 31:5 |
| process 35:16 | 12:19 | reached 38:8 | 24:20 26:8 | 40:16, 24 41:3, |
| 41:25 47:1 | purpose 4:9 | 45:5 | remember 8:10 | 7 44:21 45:21 |
| | 8:1 24:11 | reading 28:2 | 15:15 23:11 | 46:9 |
| procurement | | | | |
| 12:9 | 30:19 31:3 | reads 25:8 | Remo 13:11 | resolved 24:24 |
| produce 10:25 | purposes 34:5 | 26:5 47:10 | 42:12, 15, 18 | 39:15 44:9 |
| produced 9:24 | 46:21 | really 19:24 | remotely 1:11 | respect 10:12 |
| 38:20 | Pursuant 5:12 | 20:3 33:14 | remove 44: <i>12</i> , | 11: <i>16</i> 19: <i>13</i> |
| production 38:3 | 9:25 | 35:16 39:15 | 13 | 41: <i>11</i> 42:3 |
| products 36:6 | | 46:8 | repeat 8:17 | 46:11 |
| professional 6:8 | < Q > | reason 35:23 | repeating 30:25 | response 21:1 |
| project 6:11, 16 | QA 47:3 | reasons 36:13 | 45:13 | 24:9 29:23 |
| 7:5, 8 8:4, 7, 9, | QPR 9:7 10:18 | recalculating | report 10:24 | responses 27:3 |
| 12, 14, 15, 20, 22, | 12:2 13:22, 23 | 38:6 | 11:1, 3 13:5, 8 | 30:13 |
| 24 9:1, 5, 6 | 15:25 16:18 | recall 30:6 | 15:21 16:3, 6 | resulted 44:4 |
| 10:8, 12 11:12, | 41:9, 11, 13, 17 | receivable 5:21 | 17:8, 10, 13, 18, | RESUMED |
| 19, 25 12:15, 24 | 42:5, 10 | | 22 18:6 23:3 | |
| 19,20 12.10,24 | 42.0, 10 | | 22 10.0 23.3 | |

| | - | 1 | 1 | |
|-------------------------------------|-------------------------------|-------------------------------|--|--|
| 20:15 43:7 | service 12:20 | start 8:8 24:8 | 36:24 | 45: <i>10</i> , <i>1</i> 8 |
| retained 11:8 | 27:16, 23 30:15 | started 9:7, 10 | thirteen 18:22 | updates 31:17 |
| revenue 12:20 | 31:23 | starting 7:3 | time 4:14 11:9 | |
| 31:23 | services 29:13 | 9:9 20:25 | 14:22 19:6 | < V > |
| review 5:6 | 30:9, 21 46:16 | statements 49:8 | 20:25 21: <i>1</i> | verify 34:19 |
| 10:2 <i>1</i> , 23 11: <i>4</i> | set 23:25 | status 45:9, 16 | 24:9 27:21 | version 33:4, 20 |
| 16: <i>18</i> 19: <i>1</i> 2 | 24:13 36:7 | Stenographer/Tra | 34:21, 23 42:19 | Videoconferenci |
| 24:11 30:7 | 37:19 49:6 | nscriptionist | 48:8 49: <i>6</i> , 9 | ng 1: <i>10</i> |
| 34:15 35:5, 6, | sets 34:16 | 2:12 | time-to-time | view 41:2, 6 |
| 10, 16 36:22 | 36:5, 23 38:2 | stenographically | 14:6 | Virtual 2:13 |
| 38:9, 19 39:17 | shared 5:2, 8 | 49:10 | timing 41:14 | |
| 42:6 44:17 | sheets 27:15, | sticking 37:1 | today 10:4 | < W > |
| 46:4 47:7, 8 | 19 28:6 45:2 | stop 20:11 | today's 4:9 | WANG 1:3 2:6 |
| reviewed 27:5 | 46:7 | subject 40:2 | Tohmatsu 2:8 | 4:2 6:12, 19, 24 |
| reviewing 20:5, | short 14:22 | submission | topic 28:23 | 7:2, 6, 12, 15, 20, |
| 18 45:23 | Shorthand 49:4, | 18:23 | topics 27:5 | 24 8:6, 10, 16, |
| revised 33:4 | 12, 19 | submit 11:6 | total 23:9 | 23 9:2, 6, 16, 21 |
| revisit 27:4 | show 30:15, 17 | 26:16 | Touche 2:8 | 10:7, 10, 13, 20, |
| Rideau 28:4 | 36:8 | subsequently | tracking 28:22 | 24 11:3, 11, 14, |
| role 13:18, 21 | shown 37:5 | 21: <i>14</i> | 31:8, 11 38:19 | 20 12:1, 6, 11, |
| 35:6 | side 18:25 | sufficient 25:24 | training 31:17 | 16, 21 13:1, 6, 9, |
| rough 23:12 | signed 27:15 | summary 37:22 | transcribed 4:17 | 12, 15, 21, 25 |
| roughly 10:16 | similar 7:7 | supports 15:6 | transcript 4:19, | 14:10, 14, 21 |
| RTG 26:13 | Simmalavong | Swarnima 14:16 | 22 5:1, 6, 8, 11 | 15:3, 12, 15, 19, |
| 28:4 32:6 34:9 | 2:7 | 15:5 | 49:12 | 24 16:3, 9, 22 |
| 35:18 40:3 | simply 24:22 | switched 14:5, 8 | Transit 4:5 | 17:1, 6, 9, 12, 19, |
| 43:10 | 25:12 | system 7:4 | 6: <i>10</i> , <i>18</i> , <i>20</i> 8: <i>4</i> , | 23 18:1, 7, 13, |
| RTM 31:24 | situation 21:16 | 12:19 15:22 | 7, 12, 14, 20 9:1 | 19 19:15, 19, 24 |
| run 31:21, 24 | 25:9 | 18:9 19:1, 14 | 28:4 42:22 | 20:21 21:9 |
| 32:4 | solemn 4:10 | 21:13 25:7 | Transpo 31:22 | 22:1, 7, 14, 20 |
| running 12:18 | somebody 34:18 | 21.70 20.7 | trial 5:22 12:18 | 23:2, 6, 11, 14, |
| running 12.70 | Sorry 8:16 | <t></t> | trigger 21:14 | 17, 22 24:1, 12 |
| < \$ > | 15:17 20:10 | talking 28:21 | trying 31:4 | 25:5, 14 26:3, |
| sake 27:25 | 30:24 32:7 41:4 | 29:1, 8, 13 30:3 | turn 19:6 | 15, 20 27:1, 7, |
| Sam 12:1 | source 44:6 | team 4:8 13:22 | turned 17:15 | 13, 20 28:5, 8, |
| 14:14 15:4 47:2 | Speaking 23:6 | 14:2, 5, 8, 9, 11, | 38:1 | 11, 19 29:2, 9, |
| sample 19:4, 17 | 28:8 29:10 | 12, 17, 20 15:1, | turning 36:8 | 21 30:1, 18, 24 |
| 20:1 24:4 | special 8:1 | 3, 8 18:12 | type 8:2 25:1, | |
| scope 15:20 | specifically | 32:11 38:5 | 20 31:19 38:18 | 31:7, 13 32:1, 5, 7, 13, 16, 20, 25 |
| screen 9:14 | 32: <i>14</i> | 39:22 41:2 <i>0</i> , 24 | typically 25:6 | 33:9, 14, 18, 23 |
| screenshot 26:9 | specified 11:5 | 42:2, 5, 6, 10 | 46:17 | 34:4, 10, 22 |
| section 5:12, 25 | 17:14 20:9 | 45:20 46:18 | typos 5:7 | 35:11, 21 36:3, |
| 6:3 28: <i>19</i> , 20 | 21:10, 13 | 45.20 40.78 | 13003 0.7 | 21 37:8, 15, 18 |
| | - | | | |
| 31:8, <i>11</i> | specify 35:21 spoken 28:13 | teams 42:8 Technician 2:13 | < U > U/A 10:5 | 38:10 39:2, 7, |
| sector 6: <i>14</i> 18:25 | | | | 11, 22 40:4, 10, |
| | Stage 6:10 | tend 5:16, 17 | Uhm-hmm 28:10 | 19, 25 41:4, 8, |
| sectors 16:4 | 8:15,21 9:4 | term 27:14, 19 | unclear 35:24 | 15, 23 42:4, 11, |
| select 19:17, 19 | 10:12, 13 11:10, | 28:6 45:2 46:7 | understand | 16, 20, 24 43:2, 17 22 44:8 15 |
| selected 23:16 | 11, 12, 19, 24 | terms 28:12 | 10:3 19:20 | 17, 22 44:8, 15, |
| 24:4 | 12:10, 12 42:9, | 38:15, 16 45:3 | 20:12 25:8 | 24 45:8, 14, 24 |
| selection 20:19 | 19, 22 43:1 | 47:14 | 29:7 37:3 | 46:3, 13, 25 |
| 22:17 | stand 10:18 | things 14:22 | 38: <i>13</i> 39:24 | 47:6, 10, 18, 22 |
| sense 23:8 | 17:8 | 25:20 29:8 | understanding | wanted 48:3 |
| separately 38:21 | standard 25:3 | 30:8 34:12 | 31:20 43:17 | wants 47:21 |
| September 9:10 | 1 | 1 | 1 | website 4:23 |

| witness 5: <i>13</i> , | 1 | I | I | I |
|--|---|---|---|---|
| | | | | |
| 17, 20 | | | | |
| wondering | | | | |
| 25:23 41:12 | | | | |
| 44:18 | | | | |
| won't 44:8 | | | | |
| words 45:13 | | | | |
| | | | | |
| work 6:9 9:10 | | | | |
| 10: <i>11</i> , <i>1</i> 6 11: <i>18</i> | | | | |
| 12:7 13:2 | | | | |
| 14:23 24:3, 8, | | | | |
| 25 26:9 30:7 | | | | |
| 33:20 38:5 | | | | |
| | | | | |
| 39:1, 5, 9, 20, 25 | | | | |
| 40:17 42:12, 19, | | | | |
| 22 43:1 45:20 | | | | |
| 46:11, 21 47:15, | | | | |
| 17, 20 | | | | |
| worked 7:17 | | | | |
| working 8:7, 9, | | | | |
| | | | | |
| 20, 21, 25 9:4 | | | | |
| 11:24 13: <i>11</i> , 16 | | | | |
| 14:8, <i>1</i> 2 15:2, 8 | | | | |
| 42:9 43:15 | | | | |
| writing 9:17 | | | | |
| written 31:17 | | | | |
| wrong 22:24 | | | | |
| | | | | |
| | | | | |
| < Y > | | | | |
| Yeah 7:15 | | | | |
| 11: <i>14</i> , <i>21</i> 12:6 | | | | |
| 20:21 22:1 | | | | |
| 33:23 39:7 | | | | |
| 40:10 42:4 | | | | |
| 44:15 47:18 | | | | |
| | | | | |
| year 8:11 | | | | |
| years 6:13, 20 | | | | |
| Yoon 2:7 9:20 | | | | |
| 10:5 14:3 48:5 | | | | |
| | | | | |
| <z></z> | | | | |
| Zoom 1:10 | | | | |
| | | | | |
| | | | | |
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