Ottawa Light Rail Commission

Meeting No. 2 on Thursday, March 31, 2022



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6	OTTAWA LIGHT RAIL COMMISSION
7	MEETING NO. 2: THALES CANADA INC MICHAEL BURNS
8	MARCH 31, 2022
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12	Held via Zoom Videoconferencing, with all
13	participants attending remotely, on the 31st day of
14	March, 2022, 11:00 a.m. to 2:18 p.m.
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COMMISSION COUNSEL: Christine Mainville, Co-Lead Counsel Member Fraser Harland, Litigation Counsel Member **PARTICIPANTS:** Michael Burns: Thales Canada Inc. Jennifer McAleer, Peter Mantas, and Maria Braker: Fasken Law Firm ALSO PRESENT: Joanne Lawrence, Stenographer/Transcriptionist Leila Heckert, Virtual Technician

1	Upon commencing at 11:00 a.m.
2	CHRISTINE MAINVILLE: Thank you,
3	Mr. Burns. So the purpose of today's interview is
4	to obtain your evidence under oath or solemn
5	declaration for at the use at the Commission's
6	public hearings.
7	This will be a collaborative interview
8	such that my cocounsel, Mr. Harland, may intervene
9	to ask certain questions. If time permits, your
10	counsel may also ask follow-up questions at the end
11	of the interview.
12	The interview is being transcribed, and
13	the Commission intends to enter the transcript into
14	evidence at the Commission's public hearings,
15	either at the hearings or by way of procedural
16	order before the hearings commence.
17	The transcript will be posted at the
18	Commission's public website, along with any
19	corrections made to it after it is entered into
20	evidence, and you'll be given an opportunity to
21	review your transcript and correct any typos or
22	other errors before it is shared with the
23	participants or entered into evidence. Any
24	non-typographical corrections made will be appended
25	to the transcript.

1 And just to notify you, that pursuant to Section 33(vi) of the Public Inquiries Act 2 3 (2009), a witness at an inquiry shall be deemed to 4 have objected to answer any question asked of him 5 upon the ground that his answer may tend to 6 incriminate the witness or may tend to establish 7 his or her liability to civil proceedings at the 8 instance of the Crown or of any person, and no 9 answer given by a witness at an inquiry shall be 10 used or be receivable in evidence against him in 11 any trial or other proceedings against him 12 thereafter taking place, other than a prosecution 13 for perjury in giving such evidence. 14 And as required by Section 33(vii) of 15 the Public Inquiries Act, you are hereby advised 16 that you have the right to object to answer any 17 question under Section 5 of the Canada Evidence 18 So if that's all fine, I'll start the Act 19 interview. 20 MICHAEL BURNS: Okay. 21 CHRISTINE MAINVILLE: Could you explain 22 your role in Ottawa's LRT project? Stage 1, more 23 specifically. 24 My role is as the MICHAEL BURNS: 25 project manager for Thales Canada that was

1 providing the CBTC system to -- under subcontract 2 agreement to OLRTC. 3 CHRISTINE MAINVILLE: Okay. And when 4 did you start in that role of project manager? 5 MICHAEL BURNS: Shortly after the 6 contract agreement was signed by Thales. That was 7 April of 2013 that I joined. 8 CHRISTINE MAINVILLE: And did your 9 involvement end with the project? 10 The project has not MICHAEL BURNS: 11 ended for -- for Thales. 12 CHRISTINE MAINVILLE: And so you are 13 still project manager? 14 MICHAEL BURNS: Oh, I'm still project 15 manager. 16 CHRISTINE MAINVILLE: Okay. And could 17 you speak to your -- briefly to your background and 18 experience as it relates to this project. 19 MICHAEL BURNS: I was hired by Thales 20 specifically for this project. Prior to that, I 21 have many years of experience running similar --22 similar complex projects in the aerospace and 23 defence industry. 24 CHRISTINE MAINVILLE: Do you have 25 engineering experience?

1 MICHAEL BURNS: No. I'm not an 2 engineer. 3 CHRISTINE MAINVILLE: And I understand 4 you have project management experience. Was this 5 your first rail project? 6 MICHAEL BURNS: This was my first rail 7 project. 8 CHRISTINE MAINVILLE: And have you done 9 others since, or have you always been focussed on 10 Ottawa's LRT? 11 MICHAEL BURNS: I've been primarily 12 focussed on Ottawa LRT. 13 CHRISTINE MAINVILLE: Were you involved 14 in the procurement of the work Thales provided for 15 the Ottawa LRT? 16 MICHAEL BURNS: No, I was not involved. 17 That predated my start at Thales Canada. 18 CHRISTINE MAINVILLE: Okay. And you 19 indicated that Thales entered into a contract with 20 OLRTC? 21 MICHAEL BURNS: Correct. 22 CHRISTINE MAINVILLE: Do you know 23 whether it entered into a contract with any other 24 entity as part of its role on this project? 25 MICHAEL BURNS: Yes. There was a

1	separate agreement entered into at the same time
2	with Rideau Transit Maintenance.
3	CHRISTINE MAINVILLE: And that related
4	to the maintenance of the OLRT?
5	MICHAEL BURNS: It related to the
6	maintenance of maintenance support to RTM that
7	came in came into effect after the the
8	revenue service start of the Stage 1 system.
9	CHRISTINE MAINVILLE: And you indicated
10	that Thales was contracted to deliver the CBTC
11	system. Could you speak a little bit more about
12	what it was that Thales was to deliver on this
13	project.
14	MICHAEL BURNS: Yes. We were to
14 15	MICHAEL BURNS: Yes. We were to deliver the onboard computer systems onto the
15	deliver the onboard computer systems onto the
15 16	deliver the onboard computer systems onto the onto the LRVs, along with other peripheral systems
15 16 17	deliver the onboard computer systems onto the onto the LRVs, along with other peripheral systems necessary for this our CBTC system to monitor
15 16 17 18	deliver the onboard computer systems onto the onto the LRVs, along with other peripheral systems necessary for this our CBTC system to monitor and control the movement of the LRV, and in support
15 16 17 18 19	deliver the onboard computer systems onto the onto the LRVs, along with other peripheral systems necessary for this our CBTC system to monitor and control the movement of the LRV, and in support of that that primary objective, we also provided
15 16 17 18 19 20	deliver the onboard computer systems onto the onto the LRVs, along with other peripheral systems necessary for this our CBTC system to monitor and control the movement of the LRV, and in support of that that primary objective, we also provided electromechanical systems that supported that
15 16 17 18 19 20 21	deliver the onboard computer systems onto the onto the LRVs, along with other peripheral systems necessary for this our CBTC system to monitor and control the movement of the LRV, and in support of that that primary objective, we also provided electromechanical systems that supported that detection of train movements and train operations
15 16 17 18 19 20 21 22	deliver the onboard computer systems onto the onto the LRVs, along with other peripheral systems necessary for this our CBTC system to monitor and control the movement of the LRV, and in support of that that primary objective, we also provided electromechanical systems that supported that detection of train movements and train operations along the guideway, and thirdly, we provided

1 CHRISTINE MAINVILLE: Okay. And is --2 is the -- the main deliverable what could be called 3 the signalling system? 4 MICHAEL BURNS: Correct. 5 CHRISTINE MAINVILLE: Okav. And am I 6 right that that's composed of both the CBTC and the 7 VOBC system? 8 MICHAEL BURNS: They are not separate. 9 The VOBC system, for lack of a better description, 10 would be an onboard control system. But it -- it's 11 an integral part to the overall signalling system 12 that entails CBTC. 13 CHRISTINE MAINVILLE: Okay. And what 14 does CBTC stand for? 15 MICHAEL BURNS: Communication-based 16 train control. 17 CHRISTINE MAINVILLE: And --18 MICHAEL BURNS: So --19 CHRISTINE MAINVILLE: Sorry, yep. 20 MICHAEL BURNS: There's a significant 21 software component beyond the -- the physical 22 That software is tailored to the -- to hardware. 23 the application in Ottawa. It's not new software 24 developed for Ottawa. The software existed, had 25 been validated as a product. The software

1	development that Thales undertook was adaptation of
2	that software to meet the physical environment that
3	the system would operate in as well as other
4	parameters dictated by the project agreement.
5	CHRISTINE MAINVILLE: Okay. Would
6	you given the adaptations that you've just
7	mentioned, would you say that the system, the
8	Thales system that was delivered on this project,
9	would you consider it a standard Thales system?
10	MICHAEL BURNS: Yes. I would say it
11	it's a it's a standard system. There there
12	was no the hardware was from existing systems
13	that we had deployed elsewhere around the world.
14	CHRISTINE MAINVILLE: Was it a first
15	for North America?
16	MICHAEL BURNS: No. There's been other
17	systems in North America.
18	CHRISTINE MAINVILLE: By Thales.
19	MICHAEL BURNS: By Thales.
20	CHRISTINE MAINVILLE: Was it a first in
21	other respects? For instance, was it the first
22	time that Thales implemented a CBTC system on a
23	low-floor LRV?
24	MICHAEL BURNS: I'm not aware of it
25	being I can't tell you if there had been other

1	applications on a low-floor vehicle, and I don't
2	I don't want to speculate.
3	CHRISTINE MAINVILLE: Okay. Are you
4	able to say what the main adaptations were to
5	Thales's standard system?
6	MICHAEL BURNS: The adaptations were
7	reflections of the guideway and how the reaction
8	from the the LRV, so we would be adapting
9	software to respond to how the LRV intended to
10	perform.
11	CHRISTINE MAINVILLE: And the LRVs were
12	being procured from Alstom; correct?
13	MICHAEL BURNS: Correct.
14	CHRISTINE MAINVILLE: And was this the
15	first time that Thales's systems interfaced with
16	Alstom LRVs?
17	MICHAEL BURNS: I am if I can I'm
18	not sure of the history, given I started with
19	Thales at that time. I know Alstom and Thales have
20	been involved in other products, but the first is
21	likely that the Alstom LRV was the first North
22	American derivative from their European Citadis
23	design.
24	CHRISTINE MAINVILLE: Right.
25	MICHAEL BURNS: So in summary, the LRV

1 for Ottawa, from Alstom, it was its -- it was the 2 first that Alstom was designing for their North 3 America market. 4 CHRISTINE MAINVILLE: Right. And were 5 you familiar with the base model, which was the 6 Citadis Spirit? 7 I'm not familiar with MICHAEL BURNS: 8 the base model of the Citadis Spirit. 9 CHRISTINE MAINVILLE: Okay. Do you 10 understand that -- well, can you explain your 11 understanding that this was a first for North 12 America? Was this not originally a model that 13 Alstom had used elsewhere, particularly in Europe? 14 MICHAEL BURNS: My understanding from 15 Alstom, in our early meetings with Alstom in early 16 2013, was they were taking the Citadis Spirit 17 design as its platform but had to do modifications 18 to that design to comply with North American 19 That's like taking anything that has standards. 20 been designed in a different jurisdiction, and you 21 have different standards you need to meet, even 22 different hardware. 23 CHRISTINE MAINVILLE: And do you know 24 if the modifications also had to do with the

²⁵ particular requirements for this specific project

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1	as opposed to North American standards more
2	broadly?
3	MICHAEL BURNS: Could you repeat that
4	question again?
5	CHRISTINE MAINVILLE: Do you know if
б	the design for the Ottawa project and the fact
7	that, as you described it, it was a first in North
8	America for Alstom, did part of the redesign have
9	to do with the particular requirements that the
10	City had in respect of this project as opposed to
11	being the result of having to adapt to North
12	American standards generally?
13	MICHAEL BURNS: That that's that
14	would be beyond Thales's understanding and
15	influence.
16	CHRISTINE MAINVILLE: Okay. Do you
17	have a view as to, you know, what the implications
18	might be of the fact that this was effectively a
19	the first time this particular model was used?
20	MICHAEL BURNS: The impact as it
21	relates to Thales in that Thales had an was an
22	integral interface to the LRV was that there were
23	many delays in finalizing the interfaces to the
24	train, interfaces from just the physical space
25	where our equipment could be accommodated within

e train, where our peripheral equipment would be used, and electrically what communications we
used, and electrically what communications we
eded from details from Alstom and, conversely,
at Alstom needed from Thales to complete the
e message communication between the two systems,
om the two companies.
CHRISTINE MAINVILLE: And was this
nething that was anticipated early on and
ovided for in the planning stages?
MICHAEL BURNS: Anticipated by whom?
CHRISTINE MAINVILLE: Well, first,
be you could speak to Thales's expectations
uh.
MICHAEL BURNS: Thales understood that
was a critical interface that needed to be
solved quickly because there were schedule
mitments for the production of the first onboard
puter systems that we'd be providing. There was
so schedule conditions for the provision of the
st two prototype trains from Alstom.
CHRISTINE MAINVILLE: And could you
l us briefly or generally what was provided for
Thales's subcontract with OLRTC about when it
s to deliver the VOBC racks?
MICHAEL BURNS: I recall it was

1	supposed to be I would say fourth quarter of
2	2014.
3	CHRISTINE MAINVILLE: Okay. Was that
4	for the first one?
5	MICHAEL BURNS: For the first two LRVs.
6	CHRISTINE MAINVILLE: Okay.
7	MICHAEL BURNS: In that time period.
8	CHRISTINE MAINVILLE: Okay. And what
9	about prior to that? I understand well, maybe
10	you could first describe the process planned for in
11	terms of how to go about devising this interface
12	with Alstom's LRVs.
13	MICHAEL BURNS: Well, the design
14	or let me step back. The Thales project
15	agreement included three progressive design reviews
16	of which the trains would be a component of, not
17	its entirety: the a conceptual design review in
18	June of 2013, followed by a preliminary review in
19	September of 2013, and then a final design review
20	in September 2014. That encompasses all of
21	Thales's deliverables. A subset of those design
22	reviews would be the progressive development of the
23	design our design with the LRV.
24	CHRISTINE MAINVILLE: So the contract
25	essentially provided for an iterative process to

1	this design interface.
2	MICHAEL BURNS: Correct.
3	CHRISTINE MAINVILLE: And did you come
4	to understand what whether those corresponded to
5	Alstom's deliverables?
6	MICHAEL BURNS: I can't answer what
7	Alstom's deliverables are because I don't have
8	access, nor should I, to the contract or the
9	deliverable milestones within Alstom's agreement.
10	CHRISTINE MAINVILLE: Do you know
11	whether there was any early thought put into the
12	integration of the two systems from the two
13	companies?
14	MICHAEL BURNS: I I believe Thales
15	had a clear understanding of what had to be done to
16	achieve that integration. Alstom demonstrated some
17	reluctance in sharing the information we were
18	requesting. Some examples where agreements were
19	reached on how the signalling sorry, by
20	"signalling," I mean the communication between the
21	two systems, what is referred to as an IO signal
22	diagram, so the in and out - 'I' being in and 'O'
23	being out. So there's multiple communication
24	channels, and Thales needs to understand and Alstom
25	needs to appreciate what messages we are sending to

1	the train, and we need to understand what messages
2	are coming from the train. That IO signal diagram
3	was the topic of many meetings - I would probably
4	say countless workshops - to try and resolve the
5	needs of the two parties. Some some of the
6	agreements reached in prior meetings were then
7	changed in subsequent meetings.
8	CHRISTINE MAINVILLE: Okay. And we'll
9	come back to those workshops, but at the earlier
10	planning stages, design stages, what, if any,
11	discussions were had between Alstom and Thales
12	involving OLRTC regarding how that interface would
13	be managed?
14	MICHAEL BURNS: I there wasn't a lot
15	of overt discussion of managing the development of
16	those interfaces. OLRTC participated or
17	attended is a correct an apt description. They
18	attended these meetings, but Thales and Alstom were
19	left to work out those requirements and those
20	
	interface controls between the two parties.
21	interface controls between the two parties. CHRISTINE MAINVILLE: And so was there
21 22	
	CHRISTINE MAINVILLE: And so was there
22	CHRISTINE MAINVILLE: And so was there any plan as to who was to who, if anyone, was to

1	within within the contract. They struggled to
2	assign a resource or a group to fulfill that role
3	of system integrator.
4	CHRISTINE MAINVILLE: Can you speak a
5	bit more about that, what was conveyed to you in
6	terms of the efforts that were made in that regard
7	or what the plan was?
8	MICHAEL BURNS: My understanding was
9	that the plan was that one group within the
10	consortium, SNC Lavalin, was to provide that system
11	integrator role out of the Vancouver office.
12	That that same office had the responsibility for
13	designing the tunnel ventilation system, but
14	they did design the tunnel ventilation system, but
15	they they were not involved and and did not
16	fulfill or execute a system integration capacity.
17	CHRISTINE MAINVILLE: Were any reasons
18	given to you about why that was?
19	MICHAEL BURNS: No. I repeatedly
20	raised the concern with OLRTC. At one point, they
21	did acknowledge they had a problem in fulfilling
22	that role. But that was in 2017.
23	FRASER HARLAND: Can I just jump in
24	there and ask a question? Can you just help us
25	with what the the impact, from your perspective

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1	or from Thales's perspective, of not having a
2	system integrator was on the project?
3	MICHAEL BURNS: The the impact is
4	the parties that OLRTC contracted with, there's
5	a there's always some interface between each
6	other, and in some cases more than each other.
7	There could be three or more parties. Initially,
8	the system integrator needs to be able to reconcile
9	the overall project agreement requirements as being
10	met by the work that they have subcontracted out to
11	different entities. They the impact on not
12	having that system integrator, it it defaulted
13	to the subcontractors, like Thales or Alstom or
14	others, to try and resolve conflicts by of how
15	the systems were going to meet the OLRTC's project
16	agreement requirements.
17	So you're if we're if I use the
18	Alstom/Thales example specifically is we can we
19	can solve a problem by one path through Thales or
20	another path through Alstom, and who who is
21	going to be the the entity that's going to
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resolve the -- the issue. And that requires an
 overarching management, which is the system
 integrator.

FRASER HARLAND: Just to follow up on

1	that, do you have any sense of why there was this
2	lack of a systems integrator, from your
3	understanding? Was there a resources issue, a
4	policy choice made, or if you can help us at all
5	there, that would be great.
6	MICHAEL BURNS: I was I was never
7	told why. I can only offer what I saw in terms of
8	how it affected Thales's performance, and verbally,
9	it was it was explained to me that they were
10	having problems fulfilling that role. I don't know
11	if it was a human resource problem, whether they
12	overcommitted to do other projects. This is
13	this is pure speculation. I I just don't know,
14	so I really can't answer the why. But it was it
15	was made abundantly clear by me to OLRTC that this
16	was a critical problem.
17	CHRISTINE MAINVILLE: And who
18	specifically? Who was your main counterpart or
19	counterparts on that?
20	MICHAEL BURNS: It would depend on
21	the on which year you're talking about. But I
22	had discussed this with Eugene Creamer, and I think
23	Eugene came on as the lead project director in
24	2017. Prior to that, my main commercial interface
25	was Alex Turner.

1	CHRISTINE MAINVILLE: Okay. And
2	yes. And did they understand the issue? Did they
3	appear to understand the issue?
4	MICHAEL BURNS: Eugene definitely
5	understood it was a problem. Alex Turner, in his
6	role his title was contract manager for the
7	for vehicle and signalling, so as it was initially
8	offered to Thales that Alex was going to fulfill
9	that role of system integrator, but he didn't have
10	the requisite background to be able to fulfill that
11	role.
12	CHRISTINE MAINVILLE: Do you know
13	whether they kept looking, OLRTC kept looking for
14	someone to
15	MICHAEL BURNS: Yes.
16	CHRISTINE MAINVILLE: properly
17	MICHAEL BURNS: Yes, they did, and they
18	brought on other engineering resources that
19	fulfilled some aspects of that integration role.
20	CHRISTINE MAINVILLE: Was there an MOU
21	or some other mechanism put in place to facilitate
22	the collaboration between Alstom and Thales on
23	on the interface?
24	MICHAEL BURNS: Sorry, what was the
25	acronym you used? 'M'

1 CHRISTINE MAINVILLE: A memorandum of 2 understanding. 3 MICHAEL BURNS: Oh, MOU, okay. No, 4 there was no MOU developed. 5 CHRISTINE MAINVILLE: And so how -- was 6 there anything that defined your -- Thales's 7 relationship with Alstom? 8 MICHAEL BURNS: Within the agreement 9 itself, there -- I don't recall that there was a 10 specific mechanism detailed, how the two parties 11 would work together. They -- the two parties 12 understood there had to be that collaboration, and 13 that started immediately, in, you know, early 2013. 14 It's the product or the output of those meetings, 15 some of which were minuted, some of them were more 16 The -- what you might -- what you refer informal. 17 to as a memorandum of understanding or an agreement 18 would be the product of what Thales produced, which 19 was interface control document that defines --20 well, there's two documents specifically. There's 21 a -- what we referred to as a black box interface 22 which defines the mechanical, electrical aspects of what Thales is producing, and then the other 23 24 interface is more the electrical, of the signalling 25 components of what messages we're sending to the

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1	train, what messages we're receiving and vice
2	versa. So I referred to earlier about the IO
3	signal diagram. That's a key component of that
4	ICD.
5	CHRISTINE MAINVILLE: Is there a
6	distinction between the ICD you just described and
7	the well, let me put it this way: Is the ICD a
8	mechanism to arrive at a finalized at finalized
9	CBTC specifications?
10	MICHAEL BURNS: The ICD is serves
11	two purposes. The first purpose is internally, it
12	provides the engineering details necessary for
13	Thales's software development, and then
14	mechanically, on the black box interface, it
15	provides details about how our equipment would be
16	installed within that vehicle. So that it's
17	a it's a document for, internal, Thales's
18	project execution, and externally, Alstom and OLRTC
19	then know what we are going to do and how the
20	Alstom equivalent interface has to mirror the same.
21	CHRISTINE MAINVILLE: And were you
22	receiving ICDs back from Alstom in terms of what
23	their own design requests
24	MICHAEL BURNS: Yes.
25	CHRISTINE MAINVILLE: required?

1 MICHAEL BURNS: As part of that 2 iterative interface development, we did receive 3 some versions of an equivalent ICD from Alstom, and 4 that would have been produced as a product of the 5 workshops or interface meetings we had with Alstom. 6 CHRISTINE MAINVILLE: And so how did 7 the integration of those respective ICDs, the ones 8 from Alstom and Thales, how did that ultimately get 9 done? 10 MICHAEL BURNS: The -- we provided 11 the -- our ICDs to OLRTC, and Alstom provided their 12 ICDs to OLRTC as well, and then we would compare --13 as I said, this iterative process, we would compare 14 what we received from Alstom to what we had 15 discussed and our understanding coming out of the 16 workshops and identify if there were any 17 discrepancies or errors, and in more than one 18 occasion, there were reversals of ICD decisions 19 that were made with Alstom when it -- the ICDs were 20 I believe developed in France. Our interface with 21 Alstom was a representative in -- out of Toronto, 22 and he would convey those -- the workshop interface 23 decisions back to France and then they -- the -- I 24 quess the Alstom France owned the -- the ICD 25 documents, and they would make the updates in

1 France. 2 CHRISTINE MAINVILLE: Would you have 3 expected this process to -- to be different had 4 there been a -- a systems integrator in place early 5 on? 6 MICHAEL BURNS: Yes, but I don't 7 believe it is the sole complication that we faced. 8 We -- you have to appreciate that Alstom is a 9 competitor to Thales, and that might explain their 10 reticence of providing information to Thales. But 11 definitely a system integrator would have 12 facilitated that integration activity or the 13 development of the interfaces much faster, in my 14 opinion. 15 CHRISTINE MAINVILLE: So was it an 16 issue that Thales's system was to be integrated 17 with Alstom LRVs in the first place? 18 MICHAEL BURNS: In terms of the 19 relationship between Alstom and Thales? No. 20 CHRISTINE MAINVILLE: Well, it's -- no? 21 MICHAEL BURNS: No. I -- it's a -- my 22 understanding was Alstom and Thales had different 23 discussions before the contract award, so there --24 the parties knew that there was the potential that 25 they would be working together, so that should not

1 have resulted in a problem. 2 CHRISTINE MAINVILLE: And is it the 3 case that Thales's systems often interface with 4 LRVs produced by other companies? 5 MICHAEL BURNS: Yes. 6 CHRISTINE MAINVILLE: And you've spoken 7 about this issue of Alstom being a competitor. 8 Does that issue not arise generally, then, on other 9 projects? 10 MICHAEL BURNS: Yes. Because Thales is 11 not a rolling stock manufacturer, they have to 12 interface with whomever is the rolling stock 13 provider, the train provider. So we're used to 14 what's required to develop interfaces with other --15 other trains. So -- I don't know if that answers 16 your question. 17 CHRISTINE MAINVILLE: You're used to 18 it, but are there similar challenges, then, in 19 terms of receiving the information that Thales 20 needs for the interface? 21 MICHAEL BURNS: I can't speak to 22 historical experiences since I -- I don't have 23 I don't expect that -- I expect there's that. 24 always going to be a -- a challenge in trying to 25 come up with an agreeable fit within the train

1 and -- and what each train might need in the way of 2 communication and what Thales needs, conversely, 3 from the train. But it should not have been as 4 protracted as our experience, in my opinion. 5 CHRISTINE MAINVILLE: Would you agree 6 that as a result of this being the first interface 7 between Thales's system and this particular LRV 8 model that there was a heightened need for strong 9 interfacing management? 10 MICHAEL BURNS: I would say that that's 11 a need, in my experience, in complex integration 12 activities. You always need a very strong 13 integrator. 14 CHRISTINE MAINVILLE: And to be clear, 15 this project never did have one, as it related to 16 the Alstom/Thales interface; correct? 17 MICHAEL BURNS: That is correct. 18 FRASER HARLAND: Just related to that, 19 can I ask, was that -- I mean, was that the 20 expectation of -- what was the expectation of 21 Thales prior to the contract being signed with 22 respect to system integration? 23 MICHAEL BURNS: I can only report what 24 our contract specifies, and it specifies that OLRTC 25 would fulfill the role of system integrator.

1	CHRISTINE MAINVILLE: Are you aware
2	that Alstom's subcontract with OLRTC required OLRTC
3	to deliver to Alstom a finalized CBTC specification
4	by April 26th, 2013?
5	MICHAEL BURNS: I am, because that was
6	repeatedly mentioned by the Alstom vice president,
7	Derek Hurst, on the very first meetings with OLRTC
8	and Thales.
9	CHRISTINE MAINVILLE: And was this I
10	take it the CBTC specifications needed to come from
11	Thales; correct?
12	MICHAEL BURNS: The specifications from
13	the CBTC system? Is that
14	CHRISTINE MAINVILLE: Yes.
15	MICHAEL BURNS: Yes.
16	CHRISTINE MAINVILLE: And so was
17	that given the iterative process you've
18	described, was that a realistic timeline for Alstom
19	to receive those specifications?
20	MICHAEL BURNS: Well, I believe the
21	specification you're referring to was provided by
22	Thales very early, like within the first month or
23	two.
24	CHRISTINE MAINVILLE: Were these
25	finalized, though, in terms of being frozen in

1	time?
2	MICHAEL BURNS: The you're I'm
3	not sure if there's a disconnect in the
4	interpretation of what Thales was initially
5	providing and what Alstom's contract specified they
6	would get. So it's difficult for me to give you an
7	answer. We definitely provided the requirements
8	that Thales needed because that was known. It's
9	the adaptation of what we needed and the and
10	that adaptation vis-à-vis the train itself is what
11	was the protracted interface development.
12	CHRISTINE MAINVILLE: And is it
13	accurate to describe what Thales delivered to
14	Alstom in April 2013 as the IC a draft ICD or a
15	version of the ICD? An early version?
16	MICHAEL BURNS: I don't recall. I know
17	there was a definitely a document that defined
18	our requirements. I don't know if that would have
19	been interpreted or deemed to be a draft or first
20	version of an ICD.
21	CHRISTINE MAINVILLE: But there were
22	subsequent revisions to the Thales ICD; correct?
23	From April 2013 onwards?
24	MICHAEL BURNS: No. I'm going to
25	correct your question.

1	CHRISTINE MAINVILLE: Sure.
2	MICHAEL BURNS: Because what was
3	provided in April by Thales may not have been an
4	ICD.
5	CHRISTINE MAINVILLE: Okay.
6	MICHAEL BURNS: And so once the ICD
7	the first version of the ICD, I would have to refer
8	back to our records to understand if it was, in
9	fact, Revision 1 of the ICD back in April.
10	CHRISTINE MAINVILLE: Do you recall
11	whether Thales had committed to providing a fully
12	defined ICD in the first half of September 2013?
13	MICHAEL BURNS: No, I don't recall
14	that. I don't recall that there was that
15	commitment. As I mentioned earlier, the final
16	design review was September of 2014. So the
17	the the development of those interfaces should
18	have been concluded no later than at final design
19	review.
20	CHRISTINE MAINVILLE: Did you come to
21	understand what Alstom's expectations were and
22	whether they aligned with Thales's expectations in
23	terms of that timeline?
24	MICHAEL BURNS: Expectations of the
25	timeline or expectations of the ICD?

1	CHRISTINE MAINVILLE: Right, both, in
2	terms of what it would receive when.
3	MICHAEL BURNS: We we regularly
4	communicated with Alstom's contact, Lowell Goudge,
5	about our deliverables and when they would be
6	submitted. So they they were definitely aware
7	of what we were doing and when the next update
8	would be provided.
9	CHRISTINE MAINVILLE: But did they
10	express concern about that or
11	MICHAEL BURNS: I never experienced
12	with Alstom a concern about finalizing the ICD.
13	There I could speculate that they may have had
14	other challenges that could be hidden by the
15	continuation of ICD update revisions. They were
16	taking this train and from Europe and having to
17	design it to meet North American requirements, and
18	I know they struggled with a number of issues on
19	that front. There was a number of changes of where
20	the trains were going to be manufactured, where
21	they were going to be tested, and that may have
22	been a product of delays in in completing their
23	train design.
24	CHRISTINE MAINVILLE: Right. So

CHRISTINE MAINVILLE: Right. So
 speaking to that, could you explain what was the

1 original plan in terms of where the train 2 manufacturing was going to take place. 3 MICHAEL BURNS: The first two trains 4 were to be manufactured in France, and they were to 5 be delivered prototypes - they were to be tested in 6 France before - and the balance of the trains were 7 to be assembled in Ottawa. 8 CHRISTINE MAINVILLE: And then what 9 happened? 10 MICHAEL BURNS: There was a change so 11 that the first trains were then being assembled in 12 their facility in New York State, and because the 13 trains were not in France, we were unable to 14 execute our test -- the planned testing of the 15 trains with the first of our onboard systems, and 16 the schedule -- the initial schedule and -- and per 17 the contract, we were to execute that testing of 18 the mechanical and electrical performance of our 19 systems on the train and do the first of the what 20 we'll call ASC testing, automatic speed control 21 testing, where we are able to assess the train's 22 reaction to our commands, and that's a variable 23 that needs to be developed into our software -24 again, the adaptation performance - so that was --25 that was not achieved in France because the trains

1 never were finally assembled in France but were 2 assembled in New York, and the New York facility 3 didn't have the test track that would allow us to 4 be able to do the dynamic testing of the trains. 5 CHRISTINE MAINVILLE: So was that 6 testing ever done on the first two LRVs? 7 MICHAEL BURNS: No. The first -- the 8 first train that we were given access to was train 9 We had to -- they -- we had to postpone number 5. 10 the automatic ASC testing until much later, and 11 that -- the results of that testing being --12 were -- were pushed back such that it impacted our 13 software development. So as you move through the 14 design, software development, and testing, pushing 15 off certain functions from testing leads -- leads 16 to a protraction of the overall timeline for our 17 testing. 18 CHRISTINE MAINVILLE: It led to 19 additional complexities down the line which could 20 have been streamlined. Is that --21 MICHAEL BURNS: That's a fair summary. 22 CHRISTINE MAINVILLE: And was that 23 considered when the move was made -- the decision 24 was made to move the assembly from France to New 25 Do you know whether that was York State?

1	considered and discussed, the fact that this
2	testing would not be performed by Thales?
3	MICHAEL BURNS: My recollection is that
4	that we weren't asked to comment or offer an
5	opinion. It was more of a notification that this
6	is where the trains would be going to.
7	CHRISTINE MAINVILLE: Do you know what
8	led to that change?
9	MICHAEL BURNS: No, I don't. I do not
10	know I anything I could offer would be just
11	speculation.
12	CHRISTINE MAINVILLE: Okay. And did
13	Thales raise this issue with OLRTC upon being
14	apprised of the move?
15	MICHAEL BURNS: I recall that I had
16	raised this likely in my monthly report at the
17	time.
18	CHRISTINE MAINVILLE: Was there a
19	response back by OLRTC?
20	MICHAEL BURNS: I I do not recall.
21	CHRISTINE MAINVILLE: And do you recall
22	approximately the time frame for when Thales was
23	able to perform this test for the first time on LR
24	5?
25	MICHAEL BURNS: No, I don't recall, but

1 it would be no earlier than 2017 and likely 2 probably into early 2018. 3 CHRISTINE MAINVILLE: So this would 4 have had a significant impact on the delivery 5 timelines. Is that fair? 6 MICHAEL BURNS: It would have had an 7 impact on the completion of our testing, site 8 testing. 9 CHRISTINE MAINVILLE: Did that have 10 other repercussions on subsequent testing? 11 Well, again, the MICHAEL BURNS: 12 iterative nature particularly of ASC testing is as 13 you're testing the performance of the train, you --14 there's tuning that needs to be made on -- on our 15 software, so it would have involved more software 16 build releases so there would be time to develop, 17 validate the software, and then issue for uploading 18 So it led to -- it's one of the on the system. 19 sources for the prolongation of testing. 20 CHRISTINE MAINVILLE: And I'll come 21 back to testing, but do you -- I understand there 22 was an issue that arose regarding whether the 23 system, Thales's system, was to be delivered as a 24 complete signal rack as opposed to in -- broken up 25 into components, so whether it would be a

1 plug-and-play system or not. 2 MICHAEL BURNS: Alstom had expressed 3 that opinion to Thales. I had to explain to Alstom 4 that our offer - and it was part of the artifacts 5 in the -- our subcontract agreement - identified 6 the VOBC as a -- as a single-rack assembly. 7 That -- the comment from Alstom was a surprise to 8 our engineering team. 9 CHRISTINE MAINVILLE: Should this have 10 been --11 MICHAEL BURNS: They also expected that 12 the VOBC would -- would be fully integrated and 13 wired so that it was -- they -- as you -- and they 14 used the same term, that is was just plug in or 15 plug-and-play system. 16 CHRISTINE MAINVILLE: And do you recall 17 when -- around when that came to Thales's 18 attention, that Alstom had this expectation? 19 MICHAEL BURNS: It was in 2013. 20 CHRISTINE MAINVILLE: And was it 21 resolved around that time? 22 MICHAEL BURNS: The resolution -- well, 23 there was no -- no, sorry. I have to regroup on 24 this. Thales was very clear on the expectations as 25 defined within our agreement. Alstom did not

1 accept or reject it directly. Indirectly, and 2 subsequent to this view of what they expected from 3 Thales, they offered a variety of obstructions: 4 wanting the rack to be located in various 5 locations, under a heat source; they wanted it 6 mounted from the ceiling; they also wanted it 7 removed from the cabin and put on its side in the 8 roof, as a number of the feedbacks that we got and 9 proposed changes to where we would physically have 10 the equipment. 11 CHRISTINE MAINVILLE: And I understand

¹² that that had more to do with the dimensions of the ¹³ rack.

14 MICHAEL BURNS: Yeah, and the -- well, 15 the dimensions of the rack were -- were known 16 before the contract. It was the space that Alstom 17 deemed available to Thales, so we -- we looked at 18 alternate locations, either in the cab or behind 19 the cab, even locations of where we would put 20 the -- the operating display, and they were 21 generally met with a rejection, that that space 22 was -- was not available, that they had already 23 allocated the space for their own systems. 24 CHRISTINE MAINVILLE: Okav. But in 25 terms of how the rack would be delivered more

1 specifically, I understand that there were to be a 2 number of wires, for instance, to be connected 3 within Thales's equipment upon delivery. 4 MICHAEL BURNS: Right. 5 CHRISTINE MAINVILLE: And was there a 6 reason those would not be connected prior to 7 delivery? 8 MICHAEL BURNS: The agreement was 9 that -- within the work share that was broken out 10 in our agreement of -- Alstom was responsible for 11 some things, and Thales was for others, and it was 12 very -- it was -- it was broken up, to my view. 13 There wasn't a clear, natural demarcation of who 14 should do what and then hand over a complete unit 15 to the other. So having it unnaturally divided 16 would create conflicts or misunderstandings. The 17 way we were responsible for was the first two, the 18 two deliverable prototypes, we would prewire the --19 with all the final connecting pieces that would 20 interface to the train, either on the -- their --21 either a direct train line or MVB connection, a 22 multibus connection. So it's difficult to deliver 23 that if there's still discussions about the ICD. 24 But how that specifically got resolved was that 25 OLRTC recognized that there was a gap in that work

1 share because it only addressed the first two VOBC 2 systems, so they then funded us to complete the 3 prewiring of the racks for the balance of the --4 the VOBC systems. 5 CHRISTINE MAINVILLE: Okav. So we hear б Thales did eventually provide the personnel to 7 assemble and test the rack, and was that at the 8 point of installation? 9 MICHAEL BURNS: No, it -- that was done 10 prior to installation. If you -- the VOBC -- the 11 subassemblies within -- the major subassemblies 12 within that are factory-tested and certified, and 13 they are -- they slide into the rack, and beyond 14 the first article tests where we had the complete 15 VOBC rack and populated and wired, the -- the 16 Thales approach was that because these modules are 17 interchangeable, they're not tested and -- and 18 fixed to that particular train, from a 19 maintainability, you have to be able to swap them 20 out with spare or move them between different 21 VOBCs. 22 So the way we explained it to OLRTC was 23

we prewire the rack and validate that they -- all
 the connections are there, and we ship the rack
 without populating the heavy modules because of the

1	risk of physical distortion of the rack because of
2	the weight of all these interchangeable modules.
3	So we deliver a wired rack, ready to accept all
4	these modules that slide in, and then after that is
5	installed, then there's the connections that are
6	made to the to the train.
7	CHRISTINE MAINVILLE: So did Alstom
8	only end up making those connections between the
9	rack and the train?
10	MICHAEL BURNS: That that was within
11	Alstom's responsibility of taking the taking the
12	wired rack, mounting it into the train cab,
13	populating those modules, and then terminating the
14	connections at a common connector mounting point at
15	the base of the rack.
16	CHRISTINE MAINVILLE: And who ended up
17	doing the SPICO testing on the connections within
18	the VOBC rack?
19	MICHAEL BURNS: Well, there was a
20	dispute about that as well, again I think tied back
21	to this unnatural division of responsibilities.
22	Thales provided the SPICO procedures, so by
23	SPICO being static post-installation checkout. So
24	there's no power to it. Nothing is moving. Alstom
25	had responsibility to perform the SPICO tests, and
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1 then after those tests were passed successfully and 2 the results shared with Thales, Thales would then 3 take it to the next level, which is to do dynamic 4 testing of the completed assembly. 5 By that -- by the SPICO test procedure, 6 everything is in, installed, and we know that all 7 the connections to the train are successful, and 8 then we do another series of dynamic testing where 9 there became an issue is in part by where the 10 connections were made inside the Thales rack. 11 Alstom refused to do some of the SPICO tests 12 because it involved going inside the envelope of 13 the VOBC. So OLRTC was forced, because of Alstom's 14 refusal, to request Thales undertake a subset of 15 the SPICO tests. 16 CHRISTINE MAINVILLE: So that's what 17 ultimately happened, that Thales performed --18 Some of the SPICO tests MICHAEL BURNS: 19 the Alstom was under contract to perform. 20 CHRISTINE MAINVILLE: And did Thales 21 perform all of the SPICO testing that Alstom 22 objected to performing? 23 MICHAEL BURNS: Yes. 24 CHRISTINE MAINVILLE: And so was -- was 25 the entire testing done, ultimately, the SPICO

1 testing? 2 MICHAEL BURNS: Yes, it -- the --3 regardless of who performs the test, Thales will 4 not, cannot perform dynamic testing because you're 5 taking the train onto the track, and you're going б up the track with it. So it's a precondition that 7 the SPICO test must be successfully completed, 8 regardless of who performs it, and it's only after 9 that is done that we are allowed to undertake the 10 dynamic testing. 11 CHRISTINE MAINVILLE: And just 12 (indiscernible), did Thales end up doing more SPICO 13 testing than just testing the battery and 14 low-voltage hardware interface? 15 MICHAEL BURNS: I don't know the 16 specific descriptions of the SPICO tests we 17 performed. I can only say that we didn't perform 18 any extra tests that we hadn't previously 19 instructed. We just did the tests that Alstom 20 refused to do, if that answers your question. 21 CHRISTINE MAINVILLE: Yes. You spoke 22 about this unnatural division of responsibility, so 23 can you be a bit clearer on that? What was 24 provided for initially was not what you would 25 Is that what you mean? expect?

1 MICHAEL BURNS: Well, it was -- when I 2 first met with OLRTC - so that was in probably May, 3 early May of 2013 - I was asked what my initial 4 thoughts were on the agreement and what -- what 5 might keep me up at night. And my opinion, new to 6 the industry but not new to managing complex 7 projects, was you have too many interfaces, and 8 each interface is an opportunity for a 9 misunderstanding of what one party is expecting and 10 a misunderstanding of what the other party 11 It's -- it's a -- it's akin to a receives. 12 You need -- vou -- every time translation service: 13 there is a handoff or an interface, there is 14 misunderstandings or a misinterpretation that could 15 arise.

16 And so I expressed that to OLRTC very 17 earlv. It's not something that I expected them to 18 change, but it was in response to that, you know, 19 question of what -- what would keep me up at night, 20 and the interface between -- or the work share 21 between Alstom and Thales as it specifically 22 related to interfacing the onboard equipment onto 23 the Alstom vehicle was a perfect example of that. 24 CHRISTINE MAINVILLE: It's fair to say 25 there should have been more thought put into that

1 interface at the design stage? 2 MICHAEL BURNS: No. It was baked into 3 the agreement. So in a perfect world -- and I 4 don't understand the logic at the time. I could 5 only speculate it was based on money -- was that 6 since Alstom's going to be assembling the train, 7 why not get them to assemble the onboard equipment 8 that we're providing at the same time? I'm 9 assuming the logic may have been it would be 10 cheaper to have Alstom take on that work than to 11 make it a more of a turnkey installation of all the 12 Thales systems. You know, we -- a cleaner 13 interface would have been, You build the trains, 14 Alstom, and when you're finished building it and 15 doing whatever testing you need to do and you're 16 ready for the VOBC system, then Thales will come 17 and take care of the installation of that. And 18 then you have to agree to where it's going to go 19 and all of that, but there wouldn't be debate about 20 who's going to put a -- a screwdriver into the rack 21 assembly and -- and tighten this up. 22 CHRISTINE MAINVILLE: Right. 23 FRASER HARLAND: Just to be abundantly 24 clear, when you talk about this unnatural division 25 of responsibility in the agreement, you're

1 referring to the subcontract between Thales and 2 OLRTC; is that right? 3 MICHAEL BURNS: Correct. It's --4 it's -- there's a table in our subcontract 5 agreement called work share. It's a -- it may be a 6 separate schedule. And in it, it shows the 7 different tasks and who does what, and it's a -- if 8 you look at it, you can see Alstom throughout or 9 you can see Thales throughout. So there's little 10 bits that each of the two parties are responsible 11 for, to either deliver materials, install 12 materials, and test materials. 13 In a perfect world, the parties would 14 have understood each other and would have been --15 maybe understood better what was going to be 16 required, but as we've discussed earlier, Alstom 17 claimed to have an expectation very different than 18 what Thales had offered and our subcontract 19 agreement provided. 20 So I -- I can't speak to Alstom's 21 motivation of why they may have had that 22 expectation, but that's -- it's an example of 23 the -- those expectations or misunderstandings may 24 not have arisen had there been a clearer 25 demarcation between the scope of one subcontractor

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1	and the other. And the best world would you'd
2	have, you know, Alstom subcontract and Thales
3	subcontract and a single interface, one cable
4	between the two, as a graphic explanation.
5	CHRISTINE MAINVILLE: Right. And
6	Alstom's requirements were not known to Thales. Is
7	that fair?
8	MICHAEL BURNS: Alstom's requirements.
9	Alstom's
10	CHRISTINE MAINVILLE: In their
11	contract. In their contract and what they had to
12	provide.
13	MICHAEL BURNS: I have to assume that
14	the same work work share schedule is in the
15	Alstom agreement and in the Thales agreement.
16	It it had to have been. But I cannot I
17	haven't seen the Alstom agreement, so I can only
18	by the discussion and efforts, it's definitely
19	there because we did have discussions about who
20	should do what and who should who should define
21	the type of connector that we were terminating to.
22	And in that that work share agreement, that
23	responsibility was given to Alstom, so therefore
24	they dictated the connector, the mating connector
25	to their train.
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1 CHRISTINE MAINVILLE: Would you say 2 that Alstom's ICDs and Thales's ICDs never fully 3 spoke to each other? 4 MICHAEL BURNS: That's a very true 5 assessment. 6 CHRISTINE MAINVILLE: And can you talk 7 about why there was never -- why a full integration 8 of those ICDs was not achieved? 9 MICHAEL BURNS: I can explain it in --10 with a -- an example, if you permit. Where we --11 we -- we meet, our engineer's present, and we walk 12 through the IO signal diagram and explain what 13 command this is going to and what reaction is 14 expected, and -- and it's an iterative review with 15 the Alstom representative, and there's an 16 agreement, and it's minuted, and then, because 17 Alstom has the same needs as Thales, these ICDs go 18 back to homeroom, and it's used for software 19 development or for their development of the trains 20 and -- or their software. 21 So Alstom isn't going to issue 22 internally a Thales document to fulfill the same, 23 and conversely, Thales isn't going to issue to our 24 software group an Alstom document that describes 25 the interface. They're each -- each entity is used

1 to its own processes and procedures. So Alstom and 2 Thales needed to generate identical ICDs to reflect 3 the agreements that were reached at meetings. 4 Once we thought we had a full 5 agreement, the requests went back to Alstom France 6 to update their ICD, and what came back was 7 completely different. It was -- it reflected what 8 appeared to be a -- generic Alstom signalling 9 It was as if Thales was not -- a interfaces. 10 Thales signalling system had been removed and an 11 Alstom signalling system had been replaced. 12 So I don't know if that was meant to be 13 frustrating or just an oversight or the wrong 14 individuals in France given the responsibility for 15 updating their ICD, but it's an example of we put 16 the effort in, we thought we had an agreement --17 well, we did have an agreement, but it wasn't 18 reflected in the documents that came back. And 19 there was a lag between coming to a workshop 20 agreement and then getting an artifact that 21 validates that we both have the same understanding. 22 Another example is -- and it happened 23 more than once, where Alstom added new requirements 24 into their ICD and provided what should have been 25 validation of what we had agreed at the previous

1 meetings. But you find new things, new 2 requirements that have not been discussed but 3 included in an ICD release. So why that would 4 happen, it could be they were learning things as 5 they were designing the -- the LRV, or they were б trying to be obstructionist. And that's -- I'm 7 speculating. I -- I'm not -- I'm not accusing them 8 of that.

⁹ CHRISTINE MAINVILLE: And it's fair to ¹⁰ say that had there been better planning for the ¹¹ systems integration early on, much of this ¹² confusion probably would have been avoided?

13 MICHAEL BURNS: Yes. Now, I did 14 mention, I think, that they -- this -- the role of 15 a system integrator isn't just between Alstom and 16 It's -- it's much broader. That's -- when Thales. 17 I'm talking about system integrator, it's all the 18 systems that make up the LRT network, the system 19 that is operating today. What OLRTC did achieve is 20 bringing in some people later on to help in 21 finalizing the interfaces between Alstom and 22 Thales. Jacques Bergeron was the name that comes 23 to mind. He was somewhat effective, but a lot of 24 what -- of the lost time or the -- the -- the 25 issues between the two parties had already arisen.

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1	CHRISTINE MAINVILLE: Do you recall
2	about when he came onboard?
3	MICHAEL BURNS: Oh. No, I don't. I
4	would say I'm speculating. It would be maybe
5	2015 for maybe a few years and then he retired.
6	CHRISTINE MAINVILLE: And the systems
7	integrator role, would that be would that person
8	be involved through design, construction, and
9	testing?
10	MICHAEL BURNS: Absolutely.
11	CHRISTINE MAINVILLE: Did Thales
12	interface at all with RTGEJV, the engineer
13	engineering designers?
14	MICHAEL BURNS: The oh, the we
15	interfaced with yes, with the Vancouver office
16	of SNC Lavalin.
17	CHRISTINE MAINVILLE: Well, they
18	have one of the members of the consortium is SNC
19	but not I don't believe it's SNC Pacific which
20	is part of OLRTC.
21	MICHAEL BURNS: Right. So I'm not
22	sure
23	CHRISTINE MAINVILLE: Okay.
24	MICHAEL BURNS: No, I'm not I'm not
25	sure of who we're asking. We we interfaced with

1	a lot of people, and it's I'm not sure of their
2	homeroom. I mean, we we interfaced with
3	EllisDon on certain aspects. The the EJV
4	that if you're thinking about it that did the
5	design of the civil design of the LRT
6	CHRISTINE MAINVILLE: Yes.
7	MICHAEL BURNS: or the
8	infrastructure, we we received drawings of the
9	guideway which we needed to be able to complete our
10	software design. It's a it's probably the
11	best example of application software development is
12	we we need we need to know where the where
13	the track is, the elevation changes, and and
14	that gets baked into the operating software that we
15	deliver. So our interface, though, was the receipt
16	of the design documents, not necessarily involved
17	in an exchange of of design opinions.
18	CHRISTINE MAINVILLE: And you mentioned
19	earlier in respect of the workshop meetings and
20	other meetings as between Alstom and Thales that
21	OLRTC attended, but can you speak a bit more to
22	their level of participation in terms of assisting
23	with the coordination?
24	MICHAEL BURNS: Well, they they
25	coordinated a meeting. They attended the meeting,

1	but with the exception of Jacques Bergeron, while
2	he was involved, they didn't fulfill an expectation
3	of interpreting between the two parties, mediating
4	maybe a not a dispute but how to how to
5	resolve an interface or some issue. There's a
6	number of examples - I can't recall off the top of
7	my head - where we offered OLRTC a solution, but it
8	would require us to change our software.
9	And conversely, Alstom could have
10	changed their software to to resolve it, but,
11	you know, someone was going to have to make a
12	decision, and probably there was a cost associated
13	with whatever decision was made, so that's
14	fundamentally what the system integrator should be
15	doing is making that determination of how to solve
16	the issue and instructing the parties the path
17	forward.
18	CHRISTINE MAINVILLE: And so what was
19	done? How were those issues resolved, ultimately?
20	MICHAEL BURNS: Some issues well,
21	there was what happened on the one example I can

there was -- what happened on the one example I can think of where it's -- Thales does as part of its safety sort of prelaunch test is we test that the emergency brake command, that we command the train to brake, actually responds, and we do this before

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1 the train starts moving, so it's called a 3EB test. 2 We weren't aware -- Alstom hadn't disclosed that 3 they have a safety condition that if the train --4 while it's operating and -- you know, operating at 5 regular speed has a number of emergency brake 6 commands within a short period of time, that 7 they -- they stop the train. And it's -- it's for 8 a good safety reason. But we're doing the same --9 we're doing this test while the train is not 10 moving, so there's not the same -- there's not a 11 safety concern.

12 So Alstom could have put in a change in 13 their software that said only if the train is 14 moving would that -- that reaction be taken, and 15 that would have solved the problem. It was not 16 solved for a long time until OLRTC finally enforced 17 us to modify our software as a condition of an 18 extension of time settlement they had provided us. 19 So they just added it in.

CHRISTINE MAINVILLE: And so it was these -- the resolution of any given issue was done on an ad hoc basis? Is that fair to say? MICHAEL BURNS: That's a fair summation.

CHRISTINE MAINVILLE: And going back to

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1 the fact that the ICDs don't fully speak to each 2 other, could that have an impact on the performance 3 or reliability of the system? 4 MICHAEL BURNS: Depending on what --5 depending on what we don't know, there is that б potential. There was one example where we -- we 7 discovered that there was a reaction or that Alstom 8 had made a connection to a door enable function 9 that we were unaware of, and so under a particular 10 scenario where the -- the door opens that -- or 11 that -- where we enable the door to open, it closed 12 prematurely, and -- on -- actually caught a woman's 13 arm. 14 So we -- we did an investigation and 15 found that there -- Alstom had -- had assigned a 16 signal to a circuit that was vital to us and I 17 quess attached another -- another command to that 18 same signal, and so we were unaware of -- in that 19 particular event of the command that the door would 20 react as it did, where it didn't -- didn't remain 21 open for the entire dwell. Like, when the train 22 comes into a station, there's a dwell time where 23 the door opens, and -- under normal circumstances, 24 the door opens, and there's a period of time where

then it -- it closes. And our expectation was --

neesonsreporting.com 416.413.7755 and through the ICD was that Alstom has -- within the door edge, there's a sensor that if something blocks, like an arm blocks, that the safe reaction is that the doors immediately open, right, as a safety, to avoid that scenario.

So that was a behaviour that wasn't --6 7 that wasn't shared in the ICD between Alstom and 8 ourselves, but because of what we discovered 9 through the investigation of the operational logs 10 of what signal reaction had been, we then made --11 made a modification of our -- our software to avoid 12 that in the future, and that -- like, we didn't 13 bother getting into a protracted debate about who 14 should change what. We just made the change in our 15 software to disable that -- that reaction.

CHRISTINE MAINVILLE: And so this, for
 instance, was not tested for because --

18 MICHAEL BURNS: Well, you wouldn't test 19 it because you're not expecting that reaction. 20 You're -- the -- you're -- the software testing is 21 testing of the -- the behaviours the ICDs reflect. 22 CHRISTINE MAINVILLE: You can only test 23 what's known to you is effectively what you're 24 saying. 25 MICHAEL BURNS: You -- you -- you're

1	more articulate than I am.
2	CHRISTINE MAINVILLE: Would there be
3	any value today still in conducting that exercise
4	of their you know, of a full integration?
5	MICHAEL BURNS: I think from a level of
6	maturity, I think and given that the system's
7	been in operation for over 2 years, or coming up to
8	3 years no, 2 and a half years, that no, I don't
9	think there would be and keep in mind I'm not an
10	engineer.
11	CHRISTINE MAINVILLE: M-hm.
12	MICHAEL BURNS: I don't see there would
13	be further value in reopening and and
14	reinvestigating what what they that those
15	interfaces are.
16	CHRISTINE MAINVILLE: Because there
17	by this time, there should not be any more such
18	surprises. Is that
19	MICHAEL BURNS: Well, you you would
20	think, after 2 and a half years, you you've gone
21	through all possible scenarios of commands and
22	behaviours of the train and and the operations
23	so that they would have shaken out, I think, by
24	now.
25	CHRISTINE MAINVILLE: Okay. And I just

1	want to go back to your indication that OLRTC was
2	not able to find someone to perform the systems
3	integrator role or properly or fully able to
4	perform it. What's the source of your information
5	on that? Who would have conveyed that to you?
6	MICHAEL BURNS: Directly, Eugene Creamer
7	in 2017. I would have, prior to that, in early
8	2013, brought it up as a concern, and I guess
9	the the executives of the consortium at that
10	time. The senior project director was David White
11	and Paul Tetreault. So we shared those concerns in
12	our regular meetings in Ottawa.
13	CHRISTINE MAINVILLE: And
14	THE WITNESS: So I would participate at
15	those meetings, and then depending on the agenda,
16	there would be other engineers or resources.
17	Typically the project design authority attended all
18	those meetings with me.
19	CHRISTINE MAINVILLE: Who is that?
20	MICHAEL BURNS: I'm sorry?
21	CHRISTINE MAINVILLE: Who is that? The
22	project design authority?
23	MICHAEL BURNS: His name - and he still
24	is the design authority - is Paul Dooyeweerd.
25	CHRISTINE MAINVILLE: And what was the

1	response back when you kept raising concerns about
2	the fulfilling this system
3	MICHAEL BURNS: I expressed it in terms
4	of the implications on schedule, and my concern was
5	that they were unable to complete a fully
6	integrated schedule with all of these systems that
7	they had procured, and therefore without being
8	without having that integrated schedule of all the
9	inputs from these subcontractors, you had no way of
10	knowing when you would finish. Their schedule
11	and I participated in a number of schedule
12	workshops with them. It was civil design and
13	construction-centric. So there wasn't an
14	appreciation or they hadn't demonstrated in their
15	schedule an appreciation of the weaving of
16	deliverables or even inputs to deliverables from
17	all of the subcontractors.
18	CHRISTINE MAINVILLE: And I was going

to move on to all these delays in the schedule, but just before I do that, can I just be clear, they weren't able to find someone to fill the system integrator role, but by then, by 2017, Jacques Bergeron had come in, so was he just not -- as well-intentioned as he was, was he just not in a position to fully perform that role?

1 MICHAEL BURNS: I think he may have 2 been capable, but his mandate was focussing on what 3 was already apparent to the consortium was the 4 trains being late and issues related to the 5 vehicle. So his focus was vehicle. 6 CHRISTINE MAINVILLE: As opposed to the 7 interface, you mean? 8 MICHAEL BURNS: As opposed to the 9 interface. But by extension, Thales is drawn into 10 anything that's related to vehicle, right? 11 M-hm. CHRISTINE MAINVILLE: And --12 MICHAEL BURNS: You -- you -- I 13 don't think it's clear in your mind. 14 CHRISTINE MAINVILLE: Well, I'm 15 wondering whether effectively what you're saying is 16 by the time he came around, it was too late to --17 to do a proper systems integration or because there 18 were other distractions and issues to resolve. 19 MICHAEL BURNS: Well, ideally you --20 you map out at the very beginning how you're going 21 to integrate all of these systems together and then 22 develop that timeline, and you -- and in that 23 initial timeline development, you will identify 24 where you have problems, where you have constraints 25 or risks for not making your ultimate goal of -- of

1 May 2018, and then you -- then you work around a 2 plan of how you're going to address it. That's --3 that's how it should be, regardless of the industry. And I think by the time Jacques was 4 5 brought in, he was probably -- his role was, I 6 think, largely trying to bring forward the Alstom 7 schedule. And he came from Bombardier, so he was 8 very familiar with trains. 9 CHRISTINE MAINVILLE: M-hm. So in 10 terms of schedule delays, first can you speak to 11 the impact, if any, of the infrastructure delay or 12 the civil work delays on Thales's work? 13 MICHAEL BURNS: Well, it -- ves. The 14 schedule was to commission the yard first, but 15 there was a lot of delays in completing the design 16 and -- what was visible to me is the construction. 17 It was late. And OLRTC was responsible not only 18 for the construction but installing a lot of --19 well, all of Thales's equipment that we were 20 providing that wasn't going on a train. They --21 they installed that, so another -- another 22 unnatural division of work. But -- that was late, 23 so that meant we couldn't start our testing, and 24 there's a -- probably it wasn't until Eugene Creamer 25 was brought in to try and recover or accelerate

25

1	testing in 2017 did we see an acknowledgement that
2	they were in they had a serious problem.
3	So we we need a lot of time to test.
4	We have to test the trains, we have to test our
5	software by the various segmented by zones, and
б	as the our testing will will require we'll
7	discover things during testing that will require us
8	to modify software to react to the real-world
9	environment, because our our base software, it
10	takes into account the guideway I mentioned
11	earlier, so we know where the trains are going, we
12	know the the track layout - you know, the peaks
13	and valleys - we're given speed limits that we can
14	perform. We've got speed performance inputs from
15	the train itself, but it's not until we start
16	testing where there's nuances in the real world
17	that materialize.
18	Prior to that, it's it's tested in

our lab. So it's a lab environment that validates that it -- it should perform as -- as designed, and it will perform as designed, but it's -- it's the real-world discoveries that are made that require us to do some -- some modification to our software to reflect.

So what I'm saying is our test time

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1	is is is protracted, and it needed a good
2	portion of time, but it because of our where
3	we fit in the the cycle, OLRTC consumed a lot of
4	the the timeline, leaving very little time for
5	Thales to perform its tests.
6	CHRISTINE MAINVILLE: And is that
7	was that a concern to Thales, the compressed
8	timelines?
9	MICHAEL BURNS: Oh, absolutely.
10	CHRISTINE MAINVILLE: How would you say
11	that impacted, ultimately, the testing that was
12	done and the implications of it?
13	MICHAEL BURNS: By well, do you mean
14	did we minimize our testing?
15	CHRISTINE MAINVILLE: Did yes, or
16	did you ultimately get enough time to do the
17	testing you would have wanted to do?
18	MICHAEL BURNS: Well, our test time
19	is is not really subject to a tolerance of
20	whether I have available time. There's there's
21	very strict safety conditions that are placed on
22	on the system, and we have to satisfy
23	internally, we satisfy our internal testing before
24	it ever gets released to the field and installed,
25	and then we have to conduct all the tests to

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1	satisfy it meets all our safety conditions, and
2	then that gets all of those results have to be
3	internally reviewed, and it's only after that is
4	satisfied by our safety committee do we authorize
5	safety certification.
6	CHRISTINE MAINVILLE: M-hm.
7	MICHAEL BURNS: So there's no shortcuts
8	other than what was and it's not a shortcut. I
9	should choose my words better. And one of Eugene
10	Creamer's early moves was to seek an acceleration of
11	our testing, and they had he had recognized that
12	they weren't going to make their May 2018 date, but
13	he wanted to mitigate that the amount of
14	prolongation of testing. So he funded Thales to
15	put a second test team in Ottawa so that we we
16	had not just a single test team doing the testing
17	during the day but some tests could be done off
18	hours or for a in the course of a week, you'd
19	get more tests done. So that's that was one
20	approach that OLRTC took to try to mitigate the
21	delays.
22	CHRISTINE MAINVILLE: And I understand
23	all the necessary testing was done, but would

Thales, in a perfect world, would it have wanted to
do more or different or additional testing?

1	MICHAEL BURNS: No. No. It's
2	it's there's these are absolutes.
3	CHRISTINE MAINVILLE: And were there
4	changes made to what to the testing requirements
5	as it relates to Thales's testing?
6	MICHAEL BURNS: I don't know if I can
7	answer that question. I'm not I'm not sure what
8	you're where you're going.
9	CHRISTINE MAINVILLE: Well, in terms of
10	what the initial testing criteria were, were there
11	any changes along the way to those criteria as it
12	related to Thales's work or system?
13	MICHAEL BURNS: I'm sure as testing
14	evolved, and maybe there was interfaces that were
15	conveyed to Thales, we had to adapt or add more
16	tests. I'm thinking specifically the SCADA system
17	or the the passenger information announcement
18	system. There may have been something that
19	because they they came on later in the project
20	timeline, so there may have been additional tests
21	that were added. But I'm not really the right
22	person to ask.
23	CHRISTINE MAINVILLE: Okay. And just
24	to be clear on what we're talking about in terms of
25	the testing, are you referencing the dynamic PICO

1 testing or more broadly Thales's tests? 2 MICHAEL BURNS: I -- there's -- I would 3 say more broadly the Thales tests. The -- and 4 maybe we can spend a moment on this, just so --5 CHRISTINE MAINVILLE: Yes. 6 MICHAEL BURNS: -- you're clear is that 7 the train testing has a -- has a very specific

8 number of tests. The quantity I can't remember, 9 but it's not -- it's testing that can be done -- if 10 we're not obstructed, could be done in a week or a 11 week and a half, and then we validate the results 12 with our safety committee and then the train itself 13 is -- we certify not the train but that our VOBC 14 system controls the train as it's supposed to. We 15 don't certify the train. That -- that's a small 16 set, and it's done incrementally as trains become 17 available. The -- the broader or more complex and 18 time-consuming is testing on the -- on the track or 19 testing in the control centres.

CHRISTINE MAINVILLE: And on the track, that's the dynamic PICO testing; correct?

MICHAEL BURNS: Well, there's -- I'm -my concern is you've -- you're saying "dynamic PICO testing." We refer to that for the train, but there are tests where we -- we have to see how Ι

1	our we and we use trains, so they're moving
2	in some on some tests, so that is dynamic, but
3	it's testing to see how the train performs on a
4	section of track and it performs as we expect.
5	We also do before we get into tests
6	with train movements, there's other tests that are
7	performed to make sure that communication between
8	the zone controller and the control room is
9	is is operating as as expected. Because what
10	we're providing is a communication system, in in
11	simple terms. So we need to make sure that all the
12	communications that are expected are being sent and
13	received by the the right parties.
14	CHRISTINE MAINVILLE: And so would
15	Thales also have conducted testing on the the
16	full track - not just a test track but on the
17	entire
18	MICHAEL BURNS: Oh, yes.
19	CHRISTINE MAINVILLE: Yes.
20	MICHAEL BURNS: Oh, yes. The main
21	line, from a Thales perspective, is broken into
22	four zones, and testings are done zone by zone.
23	And there's communications across zones to each
24	other, and that is tested as well. So we completed
25	all of that testing before the decision was taken
1	

1	to go into revenue on the main line, and main line
2	only. So yes.
3	CHRISTINE MAINVILLE: And so were in
4	terms of delays, you spoke about the yard, but is
5	it fair to say that the delay to the completion of
6	the stations impacted scheduling for Thales?
7	MICHAEL BURNS: Insofar as and I'm
8	not familiar with the station delays you're
9	referring to, but we have to be able whether
10	there's an elevator operating at Rideau is of no
11	consequence to Thales, so as long as the track is
12	clear and as long as there isn't other
13	construction, you know, going on that has the
14	potential to interfere with a train movement, it
15	would not necessarily delay Thales testing. But
16	clearly the the that those were the
17	probably the final steps, I know, in in
18	finishing the civil construction, but the delays
19	predated all of that station completion.
20	CHRISTINE MAINVILLE: And so what were
21	the main sources of delay outside of the
22	Alstom/Thales interface and the vehicles but as it
23	relates to infrastructure? Was there in terms
24	of the tracks, was there did that was there
25	any delay there that impacted Thales?

1 MICHAEL BURNS: The -- the -- the 2 entire civil construction schedule was later than 3 originally planned, so the answer to that is yes. 4 And, you know, they also experienced a sinkhole, 5 right, and -- downtown, so that would have caused a problem for testing, obviously, and what we were 6 7 forced to do is do some testing on the extremes of 8 the -- the guideway but not in the core, the 9 downtown core. So Thales tried to find a way to 10 work around any of those I'll call them 11 obstructions or -- or inefficiencies to get some 12 testing completed, but it wasn't done -- in an 13 ideal world, it would have been a much more -- not 14 fragmented into pieces.

¹⁵ CHRISTINE MAINVILLE: M-hm. And I just ¹⁶ want to be clear on the delays to the yard and how ¹⁷ that impacted Thales. Was that -- you spoke about ¹⁸ the installation of Thales's equipment not going --¹⁹ the equipment that was not going on a train. Can ²⁰ you just be clear on what you mean by that?

MICHAEL BURNS: Well, in the -- both -there's no difference between the yard and the main line in term -- terms of the type of equipment that Thales provides that OLRTC had installed. So there's radios -- I call them wayside radios;

1	there's switch machines. Part of the detection of
2	the train is dependent on a transponder tag that is
3	on the between the tracks - and there's hundreds
4	of them that the onboard system reads as the train
5	goes over the tag - and the the control centre,
6	with all the computer systems and the the mimic
7	wall display of the guideway where you can see the
8	train movements. Those were all equipment and
9	computers that we provide and OLRTC was responsible
10	to install.
11	CHRISTINE MAINVILLE: And so what was
12	the issue there? How was that impacted by the
13	delay to the yard?
14	MICHAEL BURNS: Well, they couldn't
15	install until they finished the construction piece,
16	and so it's you can't pick a particular source
17	as the cause. It's all the pieces leading up
18	behind it, so but there were delays in that, and
19	we were notified, surprisingly, that they were
20	going to we were told to not continue testing in
21	the yard, that they had taken a decision to not
22	commission the yard and to do it to separate the
23	two events. Well, by contract, they're supposed to
24	be commissioned at the same time, or before revenue
25	service, the yard was supposed to be commissioned.

1	CHRISTINE MAINVILLE: Right. And is
2	the implication of that that the yard is not
3	automated?
4	MICHAEL BURNS: The yard is not
5	automated.
6	CHRISTINE MAINVILLE: And is that
7	the that's the implication of not having
8	commissioned it?
9	MICHAEL BURNS: Right. There's
10	there's restrictions that we impose on any of the
11	operators, like RTM or OC Transpo that they have to
12	operate train movements manually or with some
13	restrictions. So there's it's a complication
14	for probably RTM's operations, and certainly
15	compounding that is the number of trains that
16	like, they have Stage 2 trains that are in some
17	level of assembly or completion but not tested that
18	are occupying the yard as well.
19	CHRISTINE MAINVILLE: And is the yard
20	still not automated?
21	MICHAEL BURNS: The yard still is not
22	automated.
23	CHRISTINE MAINVILLE: And do you know
24	why that wasn't done?
25	MICHAEL BURNS: It's getting well,

1 you have to go back to the -- the origin of the 2 decision to proceed with the Stage 2 trains. The 3 construction that was almost done in the yard, a 4 lot of it had to be torn up to extend the tracks to 5 accommodate more trains and add -- add lanes to the 6 storage area. So that -- that was a profound 7 impact on our ability to test.

8 Now, in the -- we are getting very 9 limited access to perform tests. The priority of 10 OC Transpo and RTM, as they have explained to me, 11 is that the priority is testing of the Stage 2 12 trains over the commissioning of the yard, and 13 that, I assume, is to be able to maintain the --14 the fleet for the main line revenue operations. So 15 they're building in float to their fleet of trains.

16 CHRISTINE MAINVILLE: Okay. Can you 17 talk a bit more about how the schedule impact for 18 So you've given at least one Thales was mitigated? 19 example of the amount of prolongated testing and 20 how that schedule managed to get compressed, but 21 were there other impacts to that, and how were they 22 addressed?

MICHAEL BURNS: Well, the -- if I can
 speak first to the acceleration, prolongation,
 the -- we were funded to accelerate by deploying a

1 team, an additional team, which we did, but the access and the other conditions -- or assumptions 2 3 and conditions that OLRTC had to fulfill weren't 4 largely completed. 5 So one of the conditions was that we б would deploy another team, and those teams would 7 each get so many hours in a week for testing, but 8 we didn't get those hours, and our -- our testing 9 is a function of hours approved and -- on the 10 track. So we know how long it will take to do a 11 test, but it's a function of access hours, and 12 OLRTC struggled to grant us those access hours, and 13 that was because there was still -- well, during 14 the same approach of acceleration, OLRTC was trying 15 to also accelerate and complete a number of other 16 major systems, such as the overhead catenary 17 So you can't have trains running system. 18 underneath workers that are trying to complete 19 overhead catenary power.

So there was -- there -- Eugene's approach was throw everyone onto the -- into the guideway and get everyone to do everything all at the same time, but from a safety standpoint, you -we couldn't, and nor did they authorize unsafe activities.

1 So the OLRTC failed to recognize all 2 the other suppliers or users that needed to do 3 either installation and testing - or even 4 maintenance at that stage. So there was a number 5 of stakeholders all needing the same access, so not 6 everyone could get there. So it meant -- even 7 though we doubled up our resources, the test hours 8 that we were able to be granted was severely 9 restricted. 10 CHRISTINE MAINVILLE: Okay. And are 11 there any repercussions of that ultimately on the 12 reliability of the system? 13 MICHAEL BURNS: No. 14 CHRISTINE MAINVILLE: Okay. 15 MICHAEL BURNS: No. The -- well, let 16 me -- let me take that back. I can speak for the 17 Thales system. I cannot speak for the other 18 systems that were operating under that hurry-up 19 approach. 20 CHRISTINE MAINVILLE: M-hm. 21 MICHAEL BURNS: Right? 22 CHRISTINE MAINVILLE: And did Thales 23 participate in trial running? 24 MICHAEL BURNS: No. We had resources 25 in Ottawa. I specifically asked -- the director at

1	that time was Matthew Slade, what support he needed
2	from Thales or our participation in the trial
3	running, and I was advised we were not to
4	participate in trial running, but he would
5	appreciate us having techs in Ottawa as a backup
6	for if an issue came up that they could
7	immediately check and investigate.
8	CHRISTINE MAINVILLE: And those were
9	not resorted to, those
10	MICHAEL BURNS: No. They the people
11	that we had there were not called upon to respond
12	to anything.
13	CHRISTINE MAINVILLE: And did Thales
14	have any concerns about not participating in trial
15	running? Would it have preferred to be there?
16	MICHAEL BURNS: We didn't have an
17	opinion. It it we had we had provided the
18	certification that our software was fit for
19	revenue, but we couldn't we couldn't offer an
20	opinion of whether the system was ready to go into
21	revenue, just that our software was safe and and
22	had been tested and certified for a revenue
23	operation.
24	CHRISTINE MAINVILLE: Was there, as a
25	result, though, an ability to run the trains and

1 troubleshoot for unexpected issues that Thales 2 might have benefitted from? 3 MICHAEL BURNS: Could you restate that 4 aqain? 5 CHRISTINE MAINVILLE: Yes, sorry. I б don't think it was clear. Was there -- would there 7 have been value - let me put it that way - to 8 Thales in a period of running the trains beyond the 9 testing to troubleshoot for potentially unexpected 10 issues arising? MICHAEL BURNS: I would -- I would say 11 12 my -- my view is that the -- our testing has 13 already washed out those bugs that may -- may have 14 occurred, so my -- I would say no. I think if 15 anything that would have some benefit would be the 16 trains -- because the trains had experienced some 17 issues, so if -- but we've been operating with a 18 mix of trains as they were offered to us, but those 19 trains should all perform in the -- identically, 20 right? 21 So I'm not an engineer, but I would say 22 no, there's no value, I think, in extend -- well, 23 there's always value in more and more testing. You 24 may find something. But the level of testing that 25 was performed by Thales is enough to satisfy us

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1	that it's we've we've found any any
2	problems that could arise.
3	CHRISTINE MAINVILLE: Do you have a
4	view as to whether there's a need for a burn-in
5	period for the and maybe it's not specific to
б	Thales's systems, but the trains generally?
7	MICHAEL BURNS: Well, I think the
8	burn-in, as you characterize it, there's I think
9	there's always value in a burn-in of any any
10	electromechanical system, but I believe as they go
11	through the testing that Thales does with those
12	trains, and I believe even after we perform our
13	D-PICO and certify, I believe Alstom does or
14	I believe it's either Alstom or OLRTC does a
15	burn-in of the train. They they run it for some
16	period of time.
17	CHRISTINE MAINVILLE: So you think
18	there may have been one in this case.
19	MICHAEL BURNS: I think as we speak
20	today, each of the trains, after they are certified
21	by Thales, go through a burn-in period.
22	CHRISTINE MAINVILLE: Okay. Do you
23	know or have a view as to whether there is value to
24	a soft start after trains go into service, sort of
25	to allow for troubleshooting of issues after

1	revenue service availability?
2	MICHAEL BURNS: I I'd like to
3	decline to comment.
4	CHRISTINE MAINVILLE: Okay. Because
5	Thales is not well placed or you personally are not
6	well placed to speak to that?
7	MICHAEL BURNS: Well, it's I can
8	speak in general terms, and, you know okay. I'm
9	going to answer this. In a in a generic
10	deployment of a complicated system, there's an
11	inherent risk if you go 100 percent on Day 1. And
12	so there there is some hypothetical benefit of
13	starting slower, and that may shake out operational
14	bugs, not necessarily a problem with the system,
15	but how it how the supporting operations are
16	able to support.
17	CHRISTINE MAINVILLE: And in terms of
18	the winter testing, I understand there was winter
19	simulation testing done? Would you be aware?
20	MICHAEL BURNS: Well, because the
21	testing was protracted over a long period of time,
22	there was some winter testing, and I know it was a
23	requirement for winter validation, but are you
24	specifically asking about what validation was done
25	on the trains or as the system?

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1	CHRISTINE MAINVILLE: Well, on the
2	trains. So in terms of being tested in real
3	conditions, you believe there was some of that
4	done?
5	MICHAEL BURNS: Not not as a planned
6	specific test to see how the trains could move snow
7	or ice, but by extension, as the testing happened
8	over a number of seasons, it did get some of that.
9	I thought you may be asking about the qualification
10	testing that was done on the train that by
11	Alstom. There was an environmental simulation. I
12	think it was done at the NRC labs.
13	CHRISTINE MAINVILLE: Right.
14	MICHAEL BURNS: Okay.
15	CHRISTINE MAINVILLE: Well, would you
16	have in terms of from Thales's perspective,
17	would you have a view as to whether that type of
18	simulation is sufficient, or you would have wanted
19	an actual winter testing done in winter conditions?
20	MICHAEL BURNS: I'm not in a position
21	to comment.
22	CHRISTINE MAINVILLE: And can you just
23	speak to or confirm how this system worked in terms
24	of the different grades of braking, which I think
25	were dependent on weather conditions? And there

1 as I understand it, there was an issue with the 2 speed profiles not being suited for Alstom's 3 braking mechanisms. Is that something that --4 MICHAEL BURNS: No, that's -- that's 5 news to me. 6 CHRISTINE MAINVILLE: Okav. 7 MICHAEL BURNS: I'm not -- I'm not 8 I know there was a lot of -- a lot of aware. 9 discussion, all part of the ICD, where we needed to 10 get, you know, particularly the guaranteed 11 emergency brake rate, which is referred to as 12 GEBR - it's an acronym - and then that data, all of 13 the braking performance curves, we load that into a 14 safe braking model, and that -- that is submitted 15 to OLRTC and I assume shared with Alstom. But 16 that -- that modelling is done largely with inputs 17 of the behaviour that Alstom has told us the train 18 will perform. And yes, there's different braking 19 commands and such, but... I'm not aware of a 20 specific issue that Alstom had raised. 21 I had raised a concern with OLRTC - and 22 at that time it was Matt Slade - because they were 23 replacing the brake calipers, and they were coming 24 up with a -- from a different supplier, and I 25 raised the -- the concern that because those brake

1	calipers materially affect the propulsion and
2	
	braking performance of the train, and you were
3	they were replacing all of them on all the trains
4	that had been D-PICOed by us and certified, would
5	they have to be recertified. And I was
6	advised by there was a letter from OLRTC on this
7	that they had determined that the replacement brake
8	calipers behaved identically to the originals, and
9	therefore they were taking the position that the
10	trains did not need to be recertified.
11	CHRISTINE MAINVILLE: And that's
12	something that Thales could not verify itself, I
13	take it.
14	MICHAEL BURNS: No. There's we have
15	no way of of validating.
15 16	
	no way of of validating.
16	no way of of validating. CHRISTINE MAINVILLE: And so did Thales
16 17	no way of of validating. CHRISTINE MAINVILLE: And so did Thales ever need to recertify following its safety
16 17 18	no way of of validating. CHRISTINE MAINVILLE: And so did Thales ever need to recertify following its safety certification, did it ever need to recertify
16 17 18 19	no way of of validating. CHRISTINE MAINVILLE: And so did Thales ever need to recertify following its safety certification, did it ever need to recertify following the system following retrofits or
16 17 18 19 20	no way of of validating. CHRISTINE MAINVILLE: And so did Thales ever need to recertify following its safety certification, did it ever need to recertify following the system following retrofits or repairs or other work done?
16 17 18 19 20 21	no way of of validating. CHRISTINE MAINVILLE: And so did Thales ever need to recertify following its safety certification, did it ever need to recertify following the system following retrofits or repairs or other work done? MICHAEL BURNS: No. We we've been
16 17 18 19 20 21 22	no way of of validating. CHRISTINE MAINVILLE: And so did Thales ever need to recertify following its safety certification, did it ever need to recertify following the system following retrofits or repairs or other work done? MICHAEL BURNS: No. We we've been never we've been never called in to recertify a

1	for recertification.
2	CHRISTINE MAINVILLE: Are you aware of
3	the retrofits that were deferred until after
4	testing or after revenue service availability?
5	MICHAEL BURNS: No.
6	CHRISTINE MAINVILLE: Retrofits to the
7	trains?
8	MICHAEL BURNS: I'm aware that there
9	were some retrofits being planned, the details of
10	which, no, I'm not familiar with.
11	CHRISTINE MAINVILLE: So Thales was not
12	asked to give a view as to whether it may need to
13	perform additional testing pursuant to those
14	MICHAEL BURNS: No.
15	CHRISTINE MAINVILLE: deferred
16	retrofits.
17	MICHAEL BURNS: We were definitely not
18	asked to offer an engineering assessment of the
19	validity of the current certification.
20	CHRISTINE MAINVILLE: You've said
21	before that you wouldn't didn't have a view or
22	are able or not able to express an opinion as to
23	the readiness of the overall system. Is that fair?
24	MICHAEL BURNS: Correct, yes.
25	CHRISTINE MAINVILLE: So do you

1	could I ask it this way: Did Thales have any
2	concerns relating to Alstom's readiness or the
3	readiness of the rolling stock at the time of
4	opening?
5	MICHAEL BURNS: There's always a danger
6	of of being perceived as throwing rocks at your
7	competitor, and I'm not, but I I have nothing
8	that I'd be prepared to go on record of having a
9	concern for that. I I really have no way of
10	of knowing whether there's there's a legitimate
11	concern.
12	I do I can look at what had happened
13	over the preceding years, and there was a lack of
14	transparency that would cause a critical mind to
15	maybe question whether there was a concern or
16	should there be a concern, but officially, I I
17	am not in a position I have no I have no
18	visibility to make that assessment.
19	CHRISTINE MAINVILLE: What about
20	OLRTC's readiness? Would you be able to speak to
21	that?
22	MICHAEL BURNS: Well, whether the
23	they're that they were ready for revenue
24	service?
25	CHRISTINE MAINVILLE: Yes.

1 MICHAEL BURNS: Well, I would say 2 almost before revenue service was achieved, they 3 had kind of started to demobilize their project 4 I think the question ought to be, you know, team. 5 were they ready to trans -- transfer responsibility 6 to, like, Rideau Transit Maintenance to maintain 7 the system. 8 CHRISTINE MAINVILLE: Yes. 9 MICHAEL BURNS: Yeah. My -- my concern 10 about the maintenance aspect is -- and I'm uncertain how robust the -- an ongoing training 11 12 program is in place because under the -- the 13 agreement with OLRTC, we provided training to 14 their -- OLRTC's trainers, and so they were going 15 to have a -- you know, an embedded training 16 organization that would train operators, train 17 drivers, RTM, also maintenance, and we executed 18 that training, and in some cases with Alstom 19 maintenance, actual maintainers. 20 But I -- I believe that training 21 infrastructure at the very least became invisible 22 I know that the individuals that were to us. 23 deemed the trainers, that trained the trainers, 24 they have left the organization, but I don't know 25

if anything has replaced them. And there's

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1 certainly a lot of turnover in Alstom maintenance, 2 so I have a concern that they're able to 3 effectively maintain the systems. 4 CHRISTINE MAINVILLE: Because Thales 5 has not been brought in to retrain any new trainers. 6 7 MICHAEL BURNS: Correct. I have -- I 8 have proposed on a number of occasions that we 9 would come and perform training as they deem fit, 10 but that has not been -- that offer has not been 11 taken up. 12 CHRISTINE MAINVILLE: And so Thales 13 trained OLRTC trainers on both operations and 14 maintenance; correct? 15 MICHAEL BURNS: Yes, correct. 16 CHRISTINE MAINVILLE: And was there 17 training on -- did it cover system operations, 18 standard operating procedures, incident response, 19 and safety? 20 MICHAEL BURNS: Definitely not incident 21 What were your other topics? response. 22 CHRISTINE MAINVILLE: The system 23 operations? 24 Yes, system operations. MICHAEL BURNS: 25 CHRISTINE MAINVILLE: Standard

1 operating procedures? 2 MICHAEL BURNS: Well, OC Transpo would 3 probably have their own -- they would take our 4 procedures, and they would develop their own 5 operating procedures with the guidance of what we 6 have provided. So I want to -- I want to be 7 careful that you're not thinking that we -- we are 8 developing OC Transpo's CONOPS. 9 Would you have CHRISTINE MAINVILLE: 10 had a view into OC Transpo's operating procedures? 11 MICHAEL BURNS: A view into -- no, we 12 wouldn't have had a view into, no. 13 CHRISTINE MAINVILLE: Okay. And that's 14 not a concern for Thales, that it wouldn't be able 15 to review that? 16 MICHAEL BURNS: We wouldn't have a --17 it's -- it was -- it would be beyond the reach of 18 Thales's scope, so I'm not sure how those 19 procedures necessarily were -- they would have been 20 developed with OC Transpo's view of how -- how 21 they -- they choose to operate the system, and I 22 don't mean ignoring what -- what we're providing, 23 but there's definitely -- they would have a certain style -- or it's not a style. Process that 24 25 reflected even their -- their union agreement of --

1	of turnover of or people number of people in
2	the operations centre, for example.
3	CHRISTINE MAINVILLE: So Thales
4	delivered, I take it, some manuals or handbooks to
5	OLRTC?
6	MICHAEL BURNS: As part as part of
7	the training program, yes. And and as those
8	if those manuals required any update, then we would
9	update to a higher revision level and issue them to
10	OLRTC, and then they would pass those along to the
11	user, which would be RTM or OC Transpo or both.
12	CHRISTINE MAINVILLE: Did Thales not
13	also provide them directly to RTM, given their
14	direct line of direct contractual line with RTM?
15	MICHAEL BURNS: Contractually, the
16	manuals are are from the OLRTC agreement, and it
17	was it's for OLRTC to convey those updated
18	manuals to RTM. Now, having said that, there's
19	been a number of incidents where we found that they
20	didn't have the most current manual, and I provided
21	it directly to RTM.
22	CHRISTINE MAINVILLE: Do you have a
23	view as to the sufficiency of the training for the
24	operators, where whether the training that would
25	have been provided was sufficient?

1	MICHAEL BURNS: No. I I don't have a
2	view in this specific instance, but our training is
3	well established, and it's not been developed
4	uniquely for Ottawa. It's it's adapted for
5	just as our software is adapted for the Ottawa
6	environment, our training manuals and the training
7	material would have been adapted to reflect those
8	adaptations, but it's a well-established training
9	program that's used in other countries around the
10	world.
11	So if you're asking me the absorption
12	level of the students, that I can't speak to, but
13	the students are are tested at the conclusion of
14	the each training module, and the results are
15	are provided to OLRTC that they've passed.
16	CHRISTINE MAINVILLE: M-hm.
17	MICHAEL BURNS: So you give them that
18	feedback.
19	CHRISTINE MAINVILLE: And do you have
20	any knowledge of whether their training was rushed
21	or anything like that?
22	MICHAEL BURNS: I'm not aware that
23	there was any rush. At the time, OLRTC had, as I
24	say, a training group. There was a manager of that
25	group, Randy Fonger, and we would say we need X

1	weeks of training, and he would schedule the time.
2	We'd provide the materials in advance, and then we
3	would send the trainer or multiple trainers down,
4	and the training was conducted and tested.
5	So I have to assume that the the
6	students that were assigned were competent, that
7	that came into the training with the the
8	specified prerequisites for the training, and I
9	don't I I don't imagine that there was a
10	an issue. The only issue that may be in play today
11	is are those students still there, and if they're
12	not there, how were how was that training or
13	retraining or the replacements trained to cover
14	that. That would be my only reservation.
15	CHRISTINE MAINVILLE: Okay. And am I
16	right that there was no interaction, then, between
17	Thales and the operators? Like, are you able to
18	speak to the level of interaction, if any, between
19	Thales and the OC Transpo operators directly?
20	MICHAEL BURNS: No. During testing,
21	quite often the Thales techs will be in the OCC
22	because they have to coordinate with the operators
23	to get access to trains, they have to launch the
24	trains, so there is ongoing interaction with the
25	control centre for as a minimum of just in

1 support of conducting our -- our tests. 2 CHRISTINE MAINVILLE: And subsequent to 3 testing, though, there's not a direct relationship. 4 MICHAEL BURNS: No. The doors are 5 locked. 6 CHRISTINE MAINVILLE: To the control 7 room. 8 MICHAEL BURNS: Yeah, from a -- secure 9 access. 10 CHRISTINE MAINVILLE: M-hm. 11 MICHAEL BURNS: So we just -- we can't 12 just walk in. 13 CHRISTINE MAINVILLE: So in vour 14 experience, is the level of operator interaction 15 that Thales had before going live, before revenue 16 service, was that normal, in your experience? 17 MICHAEL BURNS: Well, my 18 experiencing -- my experience being limited to this 19 project, I -- I have heard that there -- of no 20 issue with the interaction with the operators. 21 CHRISTINE MAINVILLE: Okay. And what 22 exactly has been Thales's role post-opening? Has 23 it been involved in resolving deficiencies or 24 performance improvements? 25 MICHAEL BURNS: Part of the -- part of

1	our my challenge is that we have we have a
2	team two teams in Ottawa right now trying to
3	commission the yard and trying to test trains, the
4	Stage 2 trains. So they will routinely be tasked
5	to investigate things that maybe a more competent
6	maintainer might be able to do themselves, but in
7	any case, we're not being tasked to do improvements
8	of our system that I can recall. I know the the
9	City had a number of things they wanted differently
10	but were not provided, but we've been to the
11	extent that we can, been supportive.
12	One example I can think of is that the
13	City I think it was last year hired a cyber
14	security consultant, and they wanted to do
15	penetration tests on the system to see how the CBTC
16	system would withstand a cyber attack. So if
17	that's the an example of a an improvement,
18	it's not that we're changing anything, but it was
19	more, I think, out of an emerging cyber threat that
20	the City's asked for RTM to fund us to participate
21	in in a an investigation. So we've done
22	that.
23	CHRISTINE MAINVILLE: What about some

of the issues that the LRVs have experienced since
revenue service - some of the breakdowns,

1	operational problems? First of all, do you have
2	any view as to whether the Thales/Alstom interface
3	played a role in any of these incidents?
4	MICHAEL BURNS: From what I have read,
5	a lot of it in the press or from analysis of the
6	system logs that we have, no, the Thales system did
7	not have an have an impact on on the train
8	issues.
9	CHRISTINE MAINVILLE: Do you know
10	there were door issues, for instance. Would there
11	be any connection to Thales's systems?
12	MICHAEL BURNS: I touched on that
13	earlier
14	CHRISTINE MAINVILLE: Right. Right.
15	MICHAEL BURNS: right? So that's
16	the only one where I think there was a connection.
17	In our assessment and there's letters that we've
18	sent back explaining our findings and how we have
19	made modifications to the unexpected behaviour
20	or unexpected reaction from initiated by the
21	train to the door closing. So we went and
22	modified like, you can you can lay it all out
23	in the ICD, and everyone can design it, but then
24	if if something isn't in the ICD and a behaviour
25	surfaces, then the only recourse is you have to

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1	many to it and that a what we have done is more to
	react to it, and that's what we've done is react to
2	what wasn't disclosed to us to avoid that circum
3	the series of events that circumstances that led
4	to that door close incident, then we've we've
5	taken steps that it would not close.
6	CHRISTINE MAINVILLE: Do you have any
7	awareness of the following issue, where
8	periodically there may have been improper platform
9	or no platform information being displayed on the
10	driver's display, which would have been reported on
11	the minor deficiency list that would have been
12	devised by I believe that's between OLRTC and
13	Alstom?
14	MICHAEL BURNS: Sorry. I'm whose
15	deficiency list?
16	CHRISTINE MAINVILLE: Well, a minor
17	deficiency list well, let me ask you first: Do
18	you have any awareness of these deficiencies lists?
19	MICHAEL BURNS: I'm aware there was
20	some issue with the reporting that the passenger
21	information, there's a lag, but you you
22	described it a little differently, so And minor
23	deficiencies in whose list? And therein is a
24	problem that I won't but there's a lot of people
25	keeping lists, and there's not a central repository
1	- -

1 of -- of issues that get -- need to be triaged, 2 validated, or rejected. 3 CHRISTINE MAINVILLE: Okay. 4 MICHAEL BURNS: So --5 CHRISTINE MAINVILLE: Well, let me just 6 ask you the question: Are you aware of this issue 7 that I describe around a lack of platform 8 information or incorrect platform information being 9 displayed on the driver's display? 10 MICHAEL BURNS: Not on the driver's 11 displays. I'm aware of an issue with the passenger 12 information, so the information on the platform 13 that the public will see, where it's incorrect --14 CHRISTINE MAINVILLE: Okay. 15 MICHAEL BURNS: -- or it -- there's a 16 lag where there's either no information or it's the 17 wrong time shown. 18 CHRISTINE MAINVILLE: So if something 19 like that happens, is Thales brought in to help 20 with addressing that? 21 In this case, we've MICHAEL BURNS: 22 been brought in by RTM, and we've been trying to 23 determine the source of the problem. My 24 understanding from the engineering group is that 25 there's a delay in the update rate, and it becomes

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1	a cumulative one, so at some point you will get
2	this faults or inaccurate report. We've been
3	struggling with working with the SCADA
4	subcontractor, Willowglen. They don't appear to
5	have a very good details to share with us about how
6	their messages are generated and shared. So it's
7	going to come down to one of the two parties may
8	need to make some change to avoid this going
9	forward, but Thales is involved, and Thales is
10	participating and supporting RTM.
11	CHRISTINE MAINVILLE: About the second
12	derailment, I think, in particular
13	MICHAEL BURNS: This is the September?
14	CHRISTINE MAINVILLE: Yes.
15	MICHAEL BURNS: Okay.
16	CHRISTINE MAINVILLE: 20
17	MICHAEL BURNS: '19.
18	CHRISTINE MAINVILLE: 19.
19	MICHAEL BURNS: '19? Yes.
20	CHRISTINE MAINVILLE: 2020.
21	MICHAEL BURNS: No, September 2019 was
22	right after the start of revenue.
23	CHRISTINE MAINVILLE: Yes. No, it
24	MICHAEL BURNS: And then the next one
25	was what, November? No, that's when that's when

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1	the system came back on. That's not fair. You've
2	got notes. I was told I couldn't have them.
3	CHRISTINE MAINVILLE: That was accurate
4	information. Yes, 2021. September 2021.
5	MICHAEL BURNS: September 2021.
6	CHRISTINE MAINVILLE: So the Tremblay
7	Station derailment that led to a longer shutdown.
8	MICHAEL BURNS: Okay. Right. Because
9	it was after that second derailment that the system
10	was shut down until November for investigation.
11	CHRISTINE MAINVILLE: And if I'm not
12	mistaken, I believe that's the one where there was
13	significant damage done to the track.
14	MICHAEL BURNS: This is where the gear
15	box under the train's gear box dropped down and
16	damaged hardware systems along the hardware,
17	like our wayside radio unit and antenna were
18	knocked off.
19	CHRISTINE MAINVILLE: I just don't want
20	to confuse between the two, but This is one
21	related to, I think, improperly torqued bolts.
22	MICHAEL BURNS: Right. And the result
23	of the improperly torqued bolts is the gear box
24	fell off.
25	CHRISTINE MAINVILLE: Right. Right.

1	MICHAEL BURNS: Right. Okay.
2	CHRISTINE MAINVILLE: So was there not
3	a potential issue there that you may may or may
4	not be aware of about the trains not the train's
5	systems not identifying faults, the faults in the
6	train prior to the derailment?
7	MICHAEL BURNS: I don't I can't
8	imagine there would be any system that would be
9	able to detect loose bolts. There's
10	CHRISTINE MAINVILLE: Do you
11	MICHAEL BURNS: Is that what you're
12	asking?
13	CHRISTINE MAINVILLE: Well, let me ask
14	you more broadly. Do you have any understanding of
15	whether the prior to the full derailment whether
16	it ought to have been noticeable? So whether, for
17	instance, the driver or the operator of the train
18	should have been able to notice from the systems
19	that that there was some issue?
20	MICHAEL BURNS: Oh, I see what you're
21	saying. I think I you're you're asking
22	whether the CBTC system should have have
23	provided some alarm to the train operator or to the
24	OCC that there was a malfunction. And the answer
25	is we did, but it it's not until the train

1 crossed over a switch, and because of the -- you 2 know, the gear box that had fallen down or dragged 3 along, the switch is considered disturbed because 4 it -- it recognizes something's out of alignment, 5 and then our system notifies the control centre 6 that -- and we emergency brake the train, EB the 7 train. 8 So we wouldn't know initially, but it's 9 only until we cross over a switch that gets 10 disturbed that we report that -- otherwise, we 11 don't have -- we're not sensing everything. We can 12 only sense what's connected to our system, and in 13 that case, when the switch sensed -- or when the 14 switch was determined to be disturbed, the safe 15 reaction is we command the train to emergency 16 brake, and then by reviewing the logs, we know when 17 the emergency brake occurred and what was the 18 cause, so the logic behind that. We know why it 19 EBed - that the switch was disturbed, forcing the 20 train to be emergency braked.

CHRISTINE MAINVILLE: Okay. Because I only have a couple minutes left, I'll just ask you a couple focussed questions. Do you -- in terms of the MSF, the maintenance facility, did you observe any issues with the suitability of that facility in

1 terms of impacting Thales's delivery? 2 MICHAEL BURNS: The suitability? I'm 3 not sure how to answer that. 4 CHRISTINE MAINVILLE: Was it an 5 adequate facility for Thales's work? 6 MICHAEL BURNS: Well, Thales has -- the 7 facility is the facility, and the terms -- the 8 quideway's the quideway. We've provided 9 notification to OLRTC that we thought their track 10 geometry on the expanded yard is too close. 11 There's a potential conflict where the -- where you 12 could have a sideswipe of trains, depending on 13 where the train -- two trains are. So we still 14 haven't completed the testing to be able to 15 quantify whether we're going to be able to get the 16 trains that they expect to be in the shed in far 17 enough that it doesn't obstruct trains coming out 18 So if that -- if that by the adjacent lanes. 19 answers your question. There --20 CHRISTINE MAINVILLE: That's capacity. 21 It's a capacity issue. 22 MICHAEL BURNS: It's capacity to some 23 respects, but that capacity -- they'll either have 24 to accept a diminished capacity or would have to 25 relay track to avoid the -- the -- the proximity

1 of -- of where two tracks are -- are too close 2 together. 3 CHRISTINE MAINVILLE: Would Thales have 4 any insight into value engineering decisions that 5 Alstom may have made? 6 MICHAEL BURNS: No. 7 -- OFF THE RECORD DISCUSSION --8 CHRISTINE MAINVILLE: Did Thales ever 9 produce a mitigation plan, or was it asked to 10 produce a mitigation plan to mitigate the impacts 11 on the schedule? 12 MICHAEL BURNS: Not that I recall. 13 CHRISTINE MAINVILLE: At what point in 14 time would -- did it become apparent to Thales that 15 the original RSA deadline, revenue service 16 availability deadline, would not be met? 17 MICHAEL BURNS: I -- very early I 18 identified it as a high risk - in 2014 is my quess or estimate. Definitely by the spring of 2017, 19 20 OLRTC appeared to have come to the same conclusion 21 with the -- the change in the project team, where 22 they brought in Eugene and a couple of other people 23 with the -- what appeared to be the objective is to 24 push -- push it through to try and mitigate as much 25 as possible, but they were already recognizing that

1 May had gone, and they were hoping to get it 2 complete by the end of 2018. 3 CHRISTINE MAINVILLE: And was that 4 specifically because of the delay in the rolling 5 stock or other aspects of the project? 6 MICHAEL BURNS: All aspects were, I 7 think, delayed. Rolling stock was one, but they 8 had their challenges with infrastructure 9 development as well. 10 CHRISTINE MAINVILLE: Do you have any 11 sense of how they compare or whether the rolling 12 stock delay was the most significant delay on the 13 project? Recognizing that there's some 14 interrelation between the various pieces. 15 MICHAEL BURNS: No, I -- I don't have 16 Definitely rolling stock impacted an opinion. 17 Thales the most -- or was more visible, sorry, 18 not -- is a better description, but there was a --19 when we were still operating on the basis that we 20 were going to commission the yard first, I remember 21 having many meetings and -- with OLRTC and having 22 to challenge the view that they were going to make 23 the completion date of May, and I -- I argued that 24 it was impossible, based on the dates that they 25 were relaying to me.

1 So there was -- I would say there 2 was -- there was a reluctance to acknowledge the 3 risk to May 2018 and incorporate some recovery plan 4 until much later. They definitely -- the recovery 5 plan was to do -- to -- this acceleration program, 6 but at that time they were still looking at 7 accelerating but knowing the May 2018 had -- was 8 qone. 9 CHRISTINE MAINVILLE: And sorry, you 10 said this is at what point in time did they 11 recognize they were not meeting May 2018? 12 MICHAEL BURNS: At -- from my review 13 of -- of the correspondence, it was October of 14 2017. 15 CHRISTINE MAINVILLE: Okay. And do you 16 know what -- well, first of all, did Thales have 17 transparency into OLRTC's, you know, broader 18 schedule, project schedule? 19 MICHAEL BURNS: I was -- I was --20 participated in several scheduling workshops, some 21 initiated by myself, some by OLRTC, and I would see 22 their civil design construction schedule. Thev 23 never did produce what I would see as a full integrated schedule. They may have done that, but 24 25 that was not shared with me.

1 CHRISTINE MAINVILLE: And the -- what 2 you did see, do you know whether Alstom was made 3 privy to that as well? 4 THE WITNESS: I -- I would have no 5 idea. 6 CHRISTINE MAINVILLE: Okay. Am I right 7 that Thales primarily dealt with Francis Fitzgerald 8 at OLRTC with respect to scheduling and seeking 9 extensions? 10 MICHAEL BURNS: You broke up. 11 CHRISTINE MAINVILLE: Oh, sorry. Am I 12 right that Thales primarily dealt with Francis 13 Fitzgerald in terms of scheduling and seeking 14 extensions? 15 MICHAEL BURNS: No. Frank was there 16 not for a long time, but he came in I think -- I 17 think Eugene brought him in along with Tom Burgoyne 18 as the heavy to try to push everyone along and 19 I had some interaction with Frank on commission. 20 extensions but also had more probably with Matt 21 Slade. So it -- we've been in an incremental 22 funding mode for several years. 23 How would you CHRISTINE MAINVILLE: 24 characterize Matthew Slade's level of -- or his 25 management of -- on the project?

1 MICHAEL BURNS: I had a very good 2 relationship with Matt Slade. I thought he -- he 3 had a good grasp of the challenges. I think he --4 you know, he -- he came in -- I think he was 5 assigned by the executive committee to come in 6 after Eugene was -- after Eugene left, so the --7 the executive committee assigned Matt to step down 8 from -- he was -- he was sitting on the executive 9 committee, and he was asked to step down into the 10 project director role, but I thought he -- he 11 was -- he was engaged and familiar with the issues. 12 I had regular meetings with him. I -- I have no 13 issue with him. 14 CHRISTINE MAINVILLE: And Thales was 15 granted an extension, correct, to its ultimate 16 delivery date? 17 Several extensions. MICHAEL BURNS: 18 CHRISTINE MAINVILLE: Several, right. 19 And do you know whether there was some coordination 20 by OLRTC in terms of Thales's schedule and Alstom's 21 schedule?

MICHAEL BURNS: There were -- as part of one of the extensions of time, because the extension of time wasn't just commissioning the yard or the main line, but testing of trains, and

1 some of the extensions of time are for the Stage 2 2 activities, where -- so our funding for the Stage 2 3 onboard systems and -- and testing of the Stage 2 4 trains, we were given -- or shown an Alstom 5 schedule, like a best-case/worst-case scenario, and 6 that was the basis of our -- our variation order, 7 and -- but since then, Alstom has been -- since 8 then, Alstom has never been able to meet those 9 schedules. 10 And just to be clear, I'm stepping into 11 the Stage 2 realm, but it answers, I think, the 12 same question. And, like, to this day, we have no 13 commitment that OLRTC's able to share with me about 14 when Alstom will deliver the remaining fleet of --15 of trains for us to test. 16 And as it relates to the Stage 1, no, 17 we -- we never really got credible schedules. We 18 were shown dates, but they routinely were missed. 19 So the way we've approached it commercially was 20 we'll put a test team there exclusively for train 21 testing, but it's -- it's -- you -- you have to get 22 the trains to us, and if you don't have the trains 23 to us, you -- we're -- you're paying for the time 24 and the -- the testers are -- are deployed in 25 Ottawa.

1 CHRISTINE MAINVILLE: But do you know 2 what, if any, coordination there was at OLRTC's 3 level in respect of those two schedules, Thales's 4 schedule and Alstom's schedule? 5 MICHAEL BURNS: I'm not aware of what 6 coordination OLRTC had vis-à-vis Alstom. 7 CHRISTINE MAINVILLE: Okay. Those are 8 my questions, unless, Fraser, you have anything. 9 FRASER HARLAND: Maybe, actually, just 10 a couple of -- if that's okay with --11 MICHAEL BURNS: Yep. 12 FRASER HARLAND: -- Mr. Burns and his 13 counsel. I just wanted to go back to the ICD 14 issue, just a couple of pretty specific questions. 15 I think you had mentioned that the final version in 16 the original plan schedule was September 2014? You 17 can correct me if I'm wrong, but can you tell me 18 when the -- the ICD was actually -- Thales's ICD 19 was actually finalized? 20 MICHAEL BURNS: I -- off the top of my 21 head, I don't recall. It would have -- I think it 22 would be sometime in 2015, but I'm -- it's a --23 it's an estimate on my part right now. 24 FRASER HARLAND: And can you just 25 confirm for me when ICDs were going back and forth

Ι

1	between Thales and Alstom, that was via OLRTC; is
2	that right? Or was there a direct
3	MICHAEL BURNS: Correct. There was no
4	direct I mean, there was informal communication
5	with Alstom, so there would probably be emails
6	between our engineers and Alstom, but the formal
7	transmission of updates to ICDs were funneled
8	through OLRTC.
9	FRASER HARLAND: And are you aware of
10	any issues in terms of timing as to when Thales
11	would provide its ICD and then when OLRTC would get
12	that to Alstom and vice versa? Are you
13	MICHAEL BURNS: I would have no
14	visibility of when they provided the ICD that we
15	provided to them and when they sent that to Alstom.
16	I don't know.
17	FRASER HARLAND: Okay. And I guess a
18	final question and if you're unable to answer
19	it, it's fine but the level of change that
20	happened to the ICDs, in your experience, was that
21	sort of the normal iterative process, or was it
22	longer and more difficult than than it maybe
23	should have been?
24	MICHAEL BURNS: My experience and
25	it's outside of the signalling business, but

25

1 looking at -- and I participated in all these 2 workshops on the ICD development. The parties, if 3 they know what they need, they should be able to 4 convey their requirements to the other party in several meetings, and then the update of the ICD, 5 6 you may -- you may find that there's a translation 7 disconnect. So there may be minor updates, but in 8 this case it went through, as a newcomer to this 9 business, far too many iterations, which brought me 10 to the suspicion - and this is only suspicion -11 that there was another motive for delaying or 12 changing unilaterally the content of the ICD. 13 FRASER HARLAND: And I know I said that 14 was my last question, but do you have a sense of 15 whether the ICD process caused I guess what we 16 could call critical path delay with -- with the 17 production of the trains, ultimately? 18 No, I don't think so, MICHAEL BURNS: 19 because the -- the production of the train is 20 independent of what we're going to put on that 21 train. The only thing that would inhibit 22 production of the train is if Alstom hadn't really 23 finalized their interfaces that they needed, like 24 did they -- they had to figure out what signals had

to be on dedicated lines and which could be

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1	transmitted over ethernet connection.
2	So if they were still developing that
3	requirement, then it could have had an impact on
4	on the production, but they never shared with us
5	that they were still in an early design phase of
6	of the train.
7	FRASER HARLAND: I don't think I have
8	any other questions, unless, Christine, you have
9	anything arising out of that.
10	CHRISTINE MAINVILLE: No. Thank you
11	very much for giving us that additional time. I
12	think we can go off record.
13	Concluded at 2:18 p.m.
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1	REPORTER'S CERTIFICATE
2	
3	I, JOANNE A. LAWRENCE, RPR, CSR,
4	Certified Shorthand Reporter, certify;
5	That the foregoing proceedings were
6	taken before me at the time and place 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 31st day of March, 2022.
15	Jour house
16	your onour
17	
18	NEESONS, A VERITEXT COMPANY
19	PER: JOANNE LAWRENCE, RPR, CSR
20	COURT REPORTER
21	
22	
23	
24	
25	

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