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MANITOBA PUBLIC UTILITIES BOARD

RE:

APPLICATION FOR AN AIRPORT SHUTTLE SERVICE  
BY AVION SERVICES CORPORATION

Before Board Panel:

Graham Lane - Board Chairman  
Susan Proven - Board Member

HELD AT:

Public Utilities Board  
400, 330 Portage Avenue  
Winnipeg, Manitoba  
July 3rd, 2009

Pages 390 to 618

APPEARANCES

1  
2 Walter Saranchuk ) Board Counsel  
3 Nicole Wray (np) )  
4  
5 Paul Edwards ) Avion Services Corp.  
6  
7 Sidney Soronow ) Unicity Taxi Ltd. and  
8 ) Duffy's Taxi (1996) Ltd.  
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1 --- Upon commencing at 9:16 a.m.

2

3 THE CHAIRPERSON: Okay. Good morning,  
4 everyone. Where we left off last night, I believe Mr.  
5 Soronow was still examining his panel. So you can begin  
6 again as you wish.

7 MR. SIDNEY SORONOW: Thank you, Mr.  
8 Chairman --

9 MR. PAUL EDWARDS: I'm sorry, Mr.  
10 Soronow. Mr. Chair, I wonder if I might, just a couple of  
11 minor procedural matters before we get going?

12 THE CHAIRPERSON: Please.

13 MR. PAUL EDWARDS: Number 1), I just want  
14 to introduce an articling student from our firm, Kara  
15 Bjornson, who is with me today, and is joining us.

16 And number 2), Mr. Soronow -- and I  
17 mentioned this to Mr. Saranchuk as well, referenced the  
18 newer agreement between the WAA and Unicity. I looked.  
19 I couldn't see that it had been filed as an exhibit. I  
20 think he mentioned it had been. I am just wondering --  
21 and I -- I did speak to Mr. Soronow. If it's been  
22 referenced, it should be an exhibit. Not necessarily,  
23 obviously now, but before the cross-examinations.

24 MR. SIDNEY SORONOW: One (1) difficulty I  
25 have, Mr. Chairman, I -- when this issue was raised

1 earlier this morning, just amongst Mr. Edwards and Mr.  
2 Saranchuk and myself, I guess I was thinking that we had  
3 already filed it, whereupon I was reminded that the only  
4 version of that agreement that is in the exhibit list may  
5 well be the previous one.

6 I have just asked Ms. Wilson about it.  
7 She has a concern, which is that they have signed a  
8 confidentiality provision with respect to disclosure of  
9 that agreement. And if someone can -- if there's a way  
10 to be released from that, we're -- we're happy to provide  
11 it. There's nothing that we're -- we're reluctant to  
12 have you see, however we are bound by that  
13 confidentiality.

14 THE CHAIRPERSON: And the agreement's  
15 with the Winnipeg Airport Authority, not with Avion?

16 MR. SIDNEY SORONOW: That's correct. So  
17 if WA -- I mean, perhaps you can ask WAA for a copy.  
18 Obviously, they can release themselves on the  
19 confidentiality. I -- I'm not sure if it's two (2) way.  
20 I think it probably -- is it a two (2) way?

21 Two (2) way confidentiality. Okay. Well,  
22 you know, all I can is we have a problem. We -- we  
23 cannot unilaterally simply release that.

24 THE CHAIRPERSON: So Unicity is prepared  
25 to waive the confident --

1 MR. SIDNEY SORONOW: Yeah, they have no  
2 problem.

3 THE CHAIRPERSON: Okay, maybe, Mr.  
4 Edwards, you could take as an undertaking to check  
5 through your client whether the Winnipeg Airport  
6 Authority is...

7 MR. PAUL EDWARDS: I'll -- I'll certainly  
8 make that inquiry. I guess in terms of timing, I'll  
9 perhaps take a break after the cross-examination is  
10 finished to -- to make the inquiry.

11 THE CHAIRPERSON: Sure, we will have a  
12 break in the morning and you could make the inquiry then.  
13 Thank you.

14

15 --- UNDERTAKING NO. 2: Mr. Edwards to assess if it's  
16 possible to release the  
17 agreement between WAA and  
18 Unicity

19

20 THE CHAIRPERSON: Mr. Soronow...?

21

22 UNICITY/DUFFY'S PANEL RESUMED:

23 JOAN WILSON, Resumed

24 PHIL WALDING, Resumed

25 GURMAIL MANGAT, Resumed

1 CONTINUED EXAMINATION-IN-CHIEF BY MR. SIDNEY SORONOW:

2 MR. SIDNEY SORONOW: Thank you, Mr.  
3 Chairman and members of the Tribunal. I'll continue  
4 where -- I note we have a transcript. I could probably  
5 tell exactly where I was, but I'm pretty sure I know  
6 where I was when I left off, and I was just about to ask  
7 a question of Mr. Walding.

8 We had an identification by Unicity that  
9 its organization is of a co-op nature, that is, it's  
10 owned by the shareholders.

11 Is that similar for Duffy's Taxi?

12 MR. PHIL WALDING: Yes.

13 MR. SIDNEY SORONOW: And I had asked Ms.  
14 Wilson a question, and I'm going to want to pose that  
15 same question to you, which is: If, as a result of  
16 reduced revenue per taxi, what impact might that have on  
17 the ability of the shareholders -- let me back up.

18 If new technology is required, where does  
19 the money come from?

20 MR. PHIL WALDING: The shareholders are  
21 surcharged for any technological advance that we do.

22 MR. SIDNEY SORONOW: So what would -- can  
23 you tell us, in terms of acquisition of new vehicles, new  
24 technology, all of which contributes to service to the  
25 public, how would that be impacted if, as a result of 1)



1 current economic conditions, but added on to that the  
2 loss associated with Avion's going to into operation?

3 How would that impact on the ability of  
4 the company and the shareholders to address and fund  
5 those kind of improvements, service improvements?

6 MR. PHIL WALDING: Well, I would  
7 certainly think that, instead of replacing out  
8 computerized dispatch system roughly every ten (10)  
9 years, which we've done, that we'll probably have to  
10 stretch that out to fifteen (15) or twenty (20) years,  
11 which, of course, with computer equipment, as it gets  
12 older, it's rel -- there become reliability issues with  
13 it. And, in our system, if our computers go down, our  
14 ability to service our customers in an efficient fashion  
15 goes down with it.

16 Insofar as vehicles go, right now our --  
17 our operators are -- are going into vehicles that are  
18 typically in the twenty-five (25) to thirty thousand  
19 dollar (\$30,000) range. I imagine if our business were  
20 to diminish, we would probably be going back into, you  
21 know, expired police cars, et cetera, in order to save  
22 money.

23 Our owners do have to adjust their bottom  
24 line. They are businessmen, after all.

25 MR. SIDNEY SORONOW: Thank you. We --

1 during the questioning of Mr. Kozubal I asked him about,  
2 not just their licensing function, but the regulatory  
3 oversight that occurs by virtue of the Taxi Board having  
4 that kind of administrative setup, inspectors, et cetera.

5 So now having heard it, I'll say, from the  
6 regulator's side, I'd like to just get a sense, and I'll  
7 ask each of you individually, Ms. Wilson, if you can talk  
8 to the issue of the visibility and regulation, by virtue  
9 of the fact that you operate in a regulated industry.

10 MS. JOAN WILSON: We are regulated by the  
11 Manitoba Taxicab Board and as such all our drivers are  
12 licensed by them. These cars are inspected once a month  
13 by the Manitoba Taxicab Board. They are also inspected  
14 on spot checks for any problems. If they have an  
15 accident MPI immediately faxes the Taxicab Board and the  
16 cars are called in to see if they are roadworthy.

17 As well, twice a year we have to supply  
18 safeties to the Taxi Board and our meters have to be  
19 checked. Any problems arising from customer complaints  
20 or anything of that nature that are not resolved or  
21 cannot be resolved by the taxi companies themselves, are  
22 sent to the Taxicab Board. They have inspectors at the  
23 Taxicab Board that do investigations and out of these  
24 investigations the drivers may be called to the Board for  
25 a Show Cause Hearing. At that Show Cause Hearing

1 evidence is given and the Taxicab Board then decides as  
2 to what shall be done with the driver, whether that is a  
3 revoked -- they revoke the licence or whether they are  
4 fined or reprimanded.

5                   So we run under a very regulated system.  
6 Everything that we do is scrutinized by the Manitoba  
7 Taxicab Board

8                   MR. SIDNEY SORONOW: Thank you.

9                   Mr. Walding, if you want to add your  
10 observations on -- on this subject?

11                  MR. PHIL WALDING: I think Ms. Wilson's  
12 covered it in its entirety. It -- it really is no  
13 different for our company to hers, so...

14                  MR. SIDNEY SORONOW: Thank you.

15                  Moving on, there's been a fair bit of  
16 discussion about hotels and the fact that each of you has  
17 concession agreements. As Mr. Walding acknowledged,  
18 Unicity is the big player in the hotel concession  
19 business, although they, as he called it, are a -- a bit  
20 or a minor player, but they still have concession  
21 agreements with some of the hotels.

22                  I'd just like to ask each of -- and I'll  
23 start with the big player, Unicity, Ms. Wilson, in the  
24 hotel field -- how would you characterize your  
25 relationship with the hotels that you have concession

1 agreements with?

2 MS. JOAN WILSON: We have a very good  
3 relationship with all of our hotels. We have no  
4 complaints from the hotels. We service them and  
5 certainly we ensure that they're one of our first  
6 priorities when doing business.

7 MR. SIDNEY SORONOW: Okay, thank you.

8 And, Mr. Walding, anything that you can  
9 tell us about the relationship that Duffy's has with its  
10 concession hotels?

11 MR. PHIL WALDING: I would categorize our  
12 relationship with our hotels as excellent. We've had no  
13 complaints from any of our hotels in recent memory. They  
14 seem to be genuinely satisfied with the service that we  
15 provide them.

16 MR. SIDNEY SORONOW: Thank you. I would  
17 like -- Ms. Wilson, Unicity has, as you indicated, been  
18 the service provider at the airport for many, many years,  
19 and most recently with the WAA. If I may must get a  
20 flavour, let's say in the last four (4) years have you  
21 had any complaints from WAA or from customers that  
22 utilize the service from the airport through the hands of  
23 Unicity service?

24 MS. JOAN WILSON: No, we haven't?

25 MR. SIDNEY SORONOW: Now, just so the

1 Board has a bit better flavour for your respective  
2 experience, how long -- what -- how long have you had a  
3 background in the local transportation field?

4 MS. JOAN WILSON: I was basically born  
5 into the industry. My mother started with Moore's Taxi  
6 and had been there for forty (40) years. I, as a  
7 teenager, answered phones at both Moore's Taxi and  
8 Unicity, and -- while I was going to school. And  
9 presently, I have been with Unicity Taxi for seventeen  
10 (17) years.

11 MR. SIDNEY SORONOW: Thank you. And Mr.  
12 Walding, how long have you been in the local  
13 transportation industry?

14 MR. PHIL WALDING: Twenty-seven (27)  
15 years.

16 MR. SIDNEY SORONOW: And in the taxi side  
17 of the --

18 MR. PHIL WALDING: Twenty-three (23)  
19 years.

20 MR. SIDNEY SORONOW: Twenty-three (23)  
21 years. Thank you.

22 Mr. Walding, you had an opportunity,  
23 albeit brief, to take a look at -- and -- and maybe -- do  
24 you have a copy of that? Oh, you have a copy.

25 You had an opportunity to take a look at

1 the scheduling that was presented as part of the package  
2 of material from Avion. With your experience in the  
3 industry, have you -- and the transportation industry  
4 generally, and the taxi industry, have you any commentary  
5 or comments to make about that schedule?

6 MR. PHIL WALDING: Yes. Prior to -- to  
7 my rejoining Duffy's, I was Director of Operations for  
8 Gull Wing Transit. We had essentially a shared ride  
9 handi-van service, where part of my responsibilities was  
10 the -- the scheduling of pickups and drop offs.

11 Looking at the -- the hotel shuttle  
12 schedule draft that they put forward here, it's clear  
13 that this was not put together by people who actually  
14 drive the streets of Winnipeg for a living. If it had,  
15 they would have noted that, you know, having a uniform  
16 one (1) hour and twenty (20) minute round trip  
17 consistently through the day, doesn't work.

18 Between 7:00 and 9:00 in the morning, noon  
19 and 1:00, and -- or specifically between 3:30 and 5:30 in  
20 the afternoon, it would be impossible to do a round trip  
21 from the airport to downtown, do nine (9) -- nine (9)  
22 stops, and then make it back to the airport in an hour  
23 and twenty (20) minutes. That is -- that is very  
24 achievable at four (4) o'clock in the morning, at ten  
25 o'clock in the morning.

1                   But in afternoon rush hour, the reality is  
2 is just your straight driving time to and from the  
3 airport will take you, for that part of -- portion of the  
4 round trip, seventy-five (75) minutes by itself. Never  
5 mind loading/unloading passengers, and any other  
6 obstacles that -- that do in fact take.

7                   If I had tried to enforce a schedule like  
8 this at Gull Wing, it would have no doubt led to -- to my  
9 customers being late in almost every instance of rush  
10 hour, especially in the winter.

11                   MR. SIDNEY SORONOW:   Thank you, Mr.  
12 Walding.

13

14   (BRIEF PAUSE)

15

16                   MR. SIDNEY SORONOW:   Now, so far -- so  
17 far we have a question, Mr. Walding, and, Ms. Wilson --  
18 and the gentleman in the middle, Mr. Mangat, has been  
19 silent, but now I have some questions for him. And I may  
20 tell the Board, it's more to draw on sort of the face of  
21 the typical shareholder, their background, how they came  
22 to be involved in the industry, those kinds of more  
23 personalized issues.

24                   So, sir, were you born in Canada?

25                   MR. GURMAIL MANGAT:   No, sir.

1                   MR. SIDNEY SORONOW:   And you came to  
2 Canada at some point from a faraway place?

3                   MR. GURMAIL MANGAT:   I came from India,  
4 Punjab.

5                   MR. SIDNEY SORONOW:   Okay.  And can you  
6 kind of get a -- give to the Board a sense of, I'll call  
7 it the trials and tribulations of saving to buy a taxi,  
8 and being in the taxi industry, and trying to buy a  
9 taxicab, and sort of that history, and -- and relate to  
10 us how typical the experience that you're going to  
11 describe is amongst the shareholders whom you're aware  
12 of.

13                   MR. GURMAIL MANGAT:   My experience with  
14 this industry, just like not my own, I really represent  
15 the majority of the people.  We have same kind of  
16 background history.

17                   I came here in 1977.  I was working  
18 somewhere else.  I got my licence 1981 to be a cab  
19 driver.  And working weekends, in all thirty-two (32)  
20 years most of the time I don't have my seven (7) day.  I  
21 had to work seven (7) days.  I have never day off.

22                   The weekend I save money.  In '93 I bought  
23 a cab.  All some down, most of a loan, and slowly, slowly  
24 I was able to pay off my cab, you know.  That was good  
25 time, but there were price of the cab that time and I



1 bought that time.

2                   And our -- most of time, our people are  
3 coming here. They are -- they look -- buying jobs. The  
4 reason is economic. We are all economic magnet. We are  
5 not refusing here. We came here with hopes and dreams to  
6 dream come true.

7                   And here, all people -- and in Unicity I  
8 can say I'm involved in Unicity a long time. Almost 50  
9 percent -- more than 50 percent shareholder who had two  
10 (2) owners, 'A' and 'B', they decide the shift, twelve  
11 (12) hour shift, long hour shift seven (7) day, most of  
12 time. The other part, they're home, wife's at work;  
13 wife's home, they're at work. Very, very less social  
14 life. Very much stressful life.

15                   Being a cab driver, this is the most  
16 dangerous job in North America, not only North America,  
17 all over the world. I have -- I have, a few years  
18 before, Taxi Board provided us a survey. Most stressful  
19 or dangerous jobs in North America cab driver was number  
20 1.

21                   We played with the fire. We do dangerous  
22 jobs with the hope so we -- our kids can edu -- get  
23 education. They can have better jobs than we are. Most  
24 of the people here, they have very good education. The  
25 degree are not recognized.

1                   They want to pay off their -- some of  
2 loan, then they buy the houses. And then our mortgages.  
3 The situation we have right now in this industry, if  
4 economic slowdown, North America as a whole, impact, of  
5 that, we are facing already. If any competition take  
6 away our bread, very difficult to survive for us. It'll  
7 be just like a killing of our dreams.

8                   MR. SIDNEY SORONOW: Thank you. And --  
9 and in your view, does the potential that Avion will be  
10 approved, go into business, from the most recent figures  
11 I've seen, take away sixty-eight (68) times two (2), a  
12 hundred and thirty-six thousand (136,000) trips per  
13 annum, does that represent for you a fear or concern in  
14 terms of the viability of the -- the industry in general,  
15 if you want to comment on it and, more particularly, the  
16 owners and operators at Unicity?

17                   MR. GURMAIL MANGAT: It will really  
18 affect us. The bad -- it's bad and the whole city is  
19 same, okay, taking away some part -- piece of the bad is  
20 loo -- is -- we are losing and the loss will -- for us,  
21 very difficult to compensate, very difficult to  
22 compensate.

23                   MR. SIDNEY SORONOW: Now, as I identified  
24 in an earlier time, you recently were elected as  
25 President of the company in May, and I -- I assume from

1 that you know a lot of the shareholders on -- on a  
2 personal level.

3 MR. GURMAIL MANGAT: That's right, sir.

4 MR. SIDNEY SORONOW: And you -- you  
5 indicated you -- you acquired your taxicab back in 1993,  
6 and I'm not going to try and compare '93 dollars to 2008  
7 or '09 dollars, but are there -- well, maybe you can -- I  
8 can back up.

9 You mentioned that the majority of Unicity  
10 owners are two (2) people who own a cab, not just one (1)  
11 person. Does that have to do with the initial cost, the  
12 need for how to get the financing, how to allocate and  
13 cover the twenty-four (24) hour/seven (7) days a week, or  
14 all of those?

15 What -- what -- what can you tell us in  
16 that regard?

17 MR. GURMAIL MANGAT: Is the financier.  
18 The -- the price of cab whatever in -- in the -- in the  
19 competitive world is not reachable. They are buying two  
20 (2) shareholders and even banks are not financing us  
21 anymore. We are getting most of them private financing,  
22 high-rate interest, and those people don't give you a  
23 finance easily. Friends have co-signed, relatives have  
24 also co-signed for us.

25 MR. SIDNEY SORONOW: And when you talked

1 about, you know, working seven (7) days a week, the  
2 stress on you, the stress on family, et cetera, would you  
3 say your description of your personal experience is  
4 typical of the -- I mean, we don't want to call here two  
5 hundred (200), three hundred (300), four hundred (400)  
6 Unicity owners, but I'd like you to tell us how typical  
7 your experience would be, based on your knowledge of  
8 these people, how typical it is in relation to the group  
9 as a whole.

10 MR. GURMAIL MANGAT: I been -- I have  
11 very good relation to -- with the most -- most people in  
12 the industry. It doesn't matter that they are Unicity or  
13 Duffy's or Spring, maybe one (1) owner. Very, very, very  
14 much I know them. Their history just like me, that way I  
15 have just, I told you, maybe worse some more cases.

16 MR. SIDNEY SORONOW: Thank you.

17

18 (BRIEF PAUSE)

19

20 MR. SIDNEY SORONOW: Mr. Chairman, might  
21 I close this examination, recognizing 1) our desire to  
22 finish today, 2) the fact that the witnesses have adopted  
23 the filings, and rather than trying to take them through  
24 each and every aspect of those filings, I'm content with  
25 the fact that by adopting that, that has become evidence

1 over and above the fact that it is itself an exhibit, and  
2 of course recognizing that I have an opportunity after  
3 cross-examination for re-examination to clarify any  
4 matters. Subject to just checking with my client, I  
5 believe those are my questions, but give me one (1)  
6 moment.

7 THE CHAIRPERSON: That's fine.

8

9 (BRIEF PAUSE)

10

11 MR. SIDNEY SORONOW: Might we step  
12 outside for a moment?

13 THE CHAIRPERSON: Please. Yes, we'll  
14 take a few minute break. Take your time.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Mr. Edwards, I gather  
19 from the chatter that the Winnipeg Airport Authority are  
20 all right with the release of the document?

21 MR. PAUL EDWARDS: That's correct.

22 THE CHAIRPERSON: And I understand, Mr.  
23 Soronow, that your -- your client, when they get a  
24 chance, they'll provide it then and file it with the  
25 Board as an undertaking?

1 MR. SIDNEY SORONOW: That's correct.

2 THE CHAIRPERSON: Okay. If we could get  
3 everything in by a week from today, that would be  
4 appreciated.

5  
6 --- UNDERTAKING NO. 3: Unicity to produce the  
7 agreement between WAA and  
8 Unicity

9  
10 THE CHAIRPERSON: I've got a couple of  
11 questions, one (1) that really -- a simple one: When the  
12 Taxicab Board determines the rates that the taxicabs are  
13 allowed to charge in the City, do they take into account  
14 as one of the cost factors the transferrable value of the  
15 licence?

16 MR. SIDNEY SORONOW: The transferrable  
17 value of the licence, I'm given to understand, is not  
18 taken into account.

19 THE CHAIRPERSON: Thank you. That was  
20 our understanding. I can't recall from where I read it,  
21 but it was somewhere in the back of my head. But I  
22 thought it would be a good thing to have on the record.

23 Ms. Wilson, you indicated that you have  
24 got an extremely long lengthy history, obviously in the  
25 industry, going to Moore's, et cetera, right back to your

1 teenage days on the phone.

2 Do you recall the Unicity Shuttle Service?

3 MS. JOAN WILSON: Yes. It was in the mid  
4 '60s to late '60s. We had a shuttle service, as well as  
5 limousines, at that time.

6 THE CHAIRPERSON: And the shuttle service  
7 ran from the airport to the downtown hotels or sort of  
8 everywhere?

9 MS. JOAN WILSON: No. Only to the  
10 downtown hotels and the airport.

11 THE CHAIRPERSON: And it closed basically  
12 because it didn't pay?

13 MS. JOAN WILSON: Yes. It wasn't a  
14 paying business for the company.

15 THE CHAIRPERSON: Okay. Was it a  
16 substantial shuttle service? Like, regular hours and  
17 things of that nature?

18 MS. JOAN WILSON: Yes, between 6:00 a.m.  
19 and midnight at the airport.

20 THE CHAIRPERSON: Okay. And of course,  
21 at that time, the number of passengers in and out of the  
22 airport would have been much lower, I imagine?

23 MS. JOAN WILSON: I couldn't answer that.

24 THE CHAIRPERSON: The other question I  
25 have, Mr. Soronow, in your examination of the panel and





1 you out and since I've taken the time of writing this  
2 thing out, we are going to distribute something that  
3 would indicate what, from our purposes, would suffice as  
4 an estimate of an average taxicab.

5 By the way, we are understanding of how  
6 some people could consider this information as quite  
7 sensitive, but I think it goes to some of the comments  
8 that you have made.

9 MR. SIDNEY SORONOW: I will say, Mr.  
10 Chairman, of course it is of a sensitive character. We  
11 will -- I'm given to understand from Ms. Wilson that --  
12 well, maybe not identical, very close to this kind of  
13 format information is the nature of the filings with the  
14 Taxicab Board, so we'll try to arrange with the Taxi  
15 Board to obtain from their records such type of material.

16 THE CHAIRPERSON: And if you wouldn't  
17 mind doing that again as an undertaking and file with the  
18 Board and -- and Avion by again next Friday.

19 MR. SIDNEY SORONOW: I'm -- I'm certainly  
20 happy to make the undertaking, with a caveat that of  
21 course it's being obtained from the Taxicab Board, so I  
22 can't speak to the quickness with which they will respond  
23 to my request, but I will deal with it promptly.

24 THE CHAIRPERSON: Mr. Saranchuk, you had  
25 some advice.

1                   MR. WALTER SARANCHUK:    Just that, if that  
2   -- if there's some difficulty going to be encountered,  
3   then perhaps your client can assist the Board by  
4   essentially filling in the blanks on this kind of a  
5   document.

6                   MR. SIDNEY SORONOW:    Oh, I'm given to  
7   understand that will be fine.

8  
9   --- UNDERTAKING NO. 4:           Unicity/Duffy's to provide a  
10                                    pro forma revenue and expense  
11                                    statement for an average  
12                                    taxicab owner in 2009

13  
14                   THE CHAIRPERSON:    Very good.  Thank you,  
15   sir.

16                   Mr. Edwards, do you want to begin your  
17   cross-examination of Mr. Soronow's panel?

18  
19   CROSS-EXAMINATION BY MR. PAUL EDWARDS:

20                   MR. PAUL EDWARDS:    Thank you very much,  
21   Mr. Chair, members of the panel, Mr. Walding and Mr. Man  
22   -- Mangat -- am I -- Mangat.  I'm not going to get it  
23   right, I'm sure, but I'll try -- and Ms. Wilson.

24                   I -- I want to start by getting some  
25   information and -- and getting a grasp on the -- the

1 business, the -- the overall cab business in Winnipeg. I  
2 know that, of the four hundred and ten (410) licences, I  
3 believe Duffy's has a hundred and fifty-four (154) of  
4 those, is that correct?

5 MR. PHIL WALDING: A hundred and sixty-  
6 five (165).

7 MR. PAUL EDWARDS: Okay.

8 MR. SIDNEY SORONOW: If I may clarify,  
9 the number was the number quoted by Mr. Edwards at the  
10 time when these proceedings began and filings were made.  
11 It more recently increased by ten (10) or eleven (11).

12 MR. PHIL WALDING: That's correct.

13

14 CONTINUED BY MR. PAUL EDWARDS:

15 MR. PAUL EDWARDS: And, Ms. Wilson,  
16 Unicity currently?

17 MS. JOAN WILSON: Two hundred and twenty-  
18 five (225).

19 MR. SIDNEY SORONOW: If I may just  
20 interject. I believe I may have -- or in error, on  
21 occasions referred to it as two twenty-six (226). That  
22 was my error, as in fact it, at all relevant times, was  
23 two twenty-five (225).

24

25 CONTINUED BY MR. PAUL EDWARDS:

1 MR. PAUL EDWARDS: Okay. So I add those  
2 together and get three hundred and ninety (390), and  
3 that's a four hundred and ten (410), and I've just done a  
4 quick calculation, and that works out to be 95 percent of  
5 the four hundred and ten (410) licences issued.

6 Is that correct?

7 MR. PHIL WALDING: Of the hundred and  
8 sixty-five (165) that we have, three (3) of them are  
9 wheelchair accessible taxis, so they wouldn't count into  
10 the four hundred and ten (410).

11 MR. PAUL EDWARDS: Thank you. So that's  
12 a hundred and sixty-two (162), in fact, of the four  
13 hundred and ten (410) and...

14 MR. PHIL WALDING: Yeah, we have a  
15 hundred and sixty-two (162) standard taxis.

16 MR. PAUL EDWARDS: Okay. And so, Ms.  
17 Wilson, does the two twenty-five (225) stay as -- as --  
18 of -- of the four hundred and ten (410)?

19 MS. JOAN WILSON: Yes, that is correct.

20 MR. PAUL EDWARDS: Okay, so we're at  
21 three hundred and eighty-seven (387) of the four hundred  
22 and ten (410). Okay, so I get 94.4 percent.

23 And the other significant operator in the  
24 field is Spring Taxi. Do -- do you know, of those  
25 remaining twenty-three (23), how many they operate? Is

1 that information you have, or any of you?

2 MR. PHIL WALDING: I believe they operate  
3 twenty-two (22) of the twenty-three (23).

4 MR. PAUL EDWARDS: Okay. So between the  
5 three (3), you've got the entire gamut here. Now, all  
6 three (3) of those operate dispatch, what are called  
7 dispatch services, where they take calls and -- and send  
8 out cabs.

9 Is that correct?

10 MR. SIDNEY SORONOW: Just for a point of  
11 clarification so the Board doesn't get kind of mislead  
12 here, over and above the four ten (410) there are  
13 accessible vehicles that are licenced by the Taxicab  
14 Board. So certainly four ten (410) is one (1) number  
15 that you can use, but it's not necessarily the whole  
16 picture.

17 In fact, if you want to see the whole  
18 picture, it's available to you through page 4 on the  
19 taxicab industry data report, which has the taxicab  
20 licences by category. And they also include in that,  
21 reference to what are called seasonal licences, and  
22 that's a program that Unicity and Duffy's heavily  
23 participate in, which is for a few months of the year  
24 additional taxicab licences on a seasonal basis are given  
25 out.

1                   So including those, it's six twenty-one  
2     (621), but I just -- so that the Board can fully  
3     understand the picture, you'd have to look at that page  
4     4.

5                   THE CHAIRPERSON:    What did you mean?  I'm  
6     sorry to interject, Mr. Edwards, but now I am a little  
7     confused.

8                   MR. PAUL EDWARDS:    He asked me to --

9                   THE CHAIRPERSON:    What did the other --  
10    originally you said four ten (410) plus another ten (10)  
11    or eleven (11) since that time.  What's the --

12                  MR. SIDNEY SORONOW:   Well we -- I'll --  
13    there -- a number of taxis, ten (10) or eleven (11), that  
14    formerly were associate -- standard taxis that were  
15    formally associated with Spring Taxi, have, since these  
16    proceedings commenced, joined Duffy's Taxi, with the  
17    result that they went from, I think one fifty-four (154)  
18    to one sixty-five (165), including accessibles.

19                  But what I was trying to clarify was that  
20    Mr. Edwards is doing his mathematics in relation to four  
21    hundred and ten (410).  And if you want a complete  
22    picture, that -- that is correct if you're talking about  
23    the transferable standard taxi number.  If you want the  
24    global picture, you would go to page 4 of the data report  
25    issued by the Taxicab Board, and it does have the

1 breakdown by -- by company.

2 Of course this is in 2008. It wouldn't  
3 take into account the additional ones that were lost by  
4 Spring, and that joined Duffy's, since that was post year  
5 end.

6 THE CHAIRPERSON: And it also doesn't  
7 include the thirty (30) extra executive cars?

8 MR. SIDNEY SORONOW: Correct. Some -- I  
9 don't think so. No, they don't. That's a correct  
10 observation, Mr. Chairman.

11

12 CONTINUED BY MR. PAUL EDWARDS:

13 MR. PAUL EDWARDS: Okay. And just to be  
14 clear, on the accessible, this document -- and thank you,  
15 Mr. Soronow -- on page 4 of the '08 report lists twenty-  
16 four (24) as assessable.

17 Those are cabs that are accessible for  
18 disabled individuals, is that correct? They have that  
19 capacity? Is that -- or what does accessible mean?

20 MR. PHIL WALDING: They operate under the  
21 -- with the same guidelines as a standard taxicab, except  
22 they are wheelchair accessible.

23 MR. PAUL EDWARDS: Okay. And do  
24 accessible cabs then handle the same number of fares per  
25 day as a regular taxicab?

1 MR. PHIL WALDING: At the discretion of  
2 the owner of the cab and how much they want to work or  
3 not work, then yes.

4 MR. PAUL EDWARDS: Is it your experience  
5 that the accessible cabs, in fact, -- I mean and -- by  
6 the way, these are the -- of the non-transferable licence  
7 type, right, the accessible ones?

8 MR. PHIL WALDING: No. All of our  
9 accessible wheelchair vans are transferable.

10 MR. PAUL EDWARDS: Okay. So --

11 MR. PHIL WALDING: They were issued prior  
12 to 2001.

13 MR. PAUL EDWARDS: Thank you. So the  
14 accessible vans, they operate just like any other taxi,  
15 is that your evidence, in terms of the volume, the  
16 numbers, the fares, except they have the added advantage  
17 that they can accept disabled passengers?

18 MR. PHIL WALDING: They -- they are  
19 allowed access to -- to our standard taxicab trips, with  
20 the one proviso that anytime that a wheelchair accessible  
21 trip is requested by a customer, they're obligated to  
22 service it.

23 MR. PAUL EDWARDS: Okay. And -- and is  
24 it your experience that those accessible licences, in  
25 fact, do the same volume of business monetarily as -- as



1 a normal cab, or do they do better, or do they worse --  
2 do worse, or can you say?

3 MR. PHIL WALDING: Close to the same.  
4 One (1) thing that -- that does work against successful  
5 taxis is that in order to service wheelchair bound  
6 clientele, they tend to have to do more dead head miles  
7 to accomplish that, which will in turn cause them to lose  
8 a slight percentage of their gross income.

9 MR. PAUL EDWARDS: Okay. Now handicapped  
10 vans, those are solely dedicated to wheelchair accessible  
11 or wheelchair bound customers.

12 Is that correct?

13 MR. PHIL WALDING: The handi-vans, no.  
14 The handi-vans are -- have a -- a much higher meter. I  
15 believe they start at twelve dollars and sixty cents  
16 (\$12.60).

17 They're more of a specialty service.  
18 People who need to go up and down stairs. Perhaps in  
19 some instances, I know the company I ran, Gull Wing, was  
20 in the -- was in the handi-van industry, and we would  
21 quite often have passengers who -- who couldn't ride  
22 either regular transit or needed additional supervision  
23 than what could be offered in a standard taxi, and they  
24 would take the upscale handi-van taxis as a result. But  
25 they didn't necessarily have to be in wheelchairs.

1                   MR. PAUL EDWARDS:    Okay.  And -- and I  
2 notice, anyway, that all but two (2) of the handicap vans  
3 are operated by dedicated handi-van companies.

4                   MR. PHIL WALDING:    Yeah, and on your list  
5 were Holy Care, they no longer operate an accessible  
6 taxi.  That came into Duffy's, so they're exclusively  
7 handi-van now.

8                   MR. PAUL EDWARDS:    Okay, so, in fact, all  
9 of the handicap vans are specific dedicated handicap van  
10 companies, is that correct?

11                  MR. PHIL WALDING:    Yeah.

12                  MR. PAUL EDWARDS:    Okay.  And just moving  
13 over to the executive cars.  As the Chair has indicated,  
14 I note from this document there's a separate category:  
15 Limousine companies operate eight (8) of those.

16                  And you've indicated, or we've had  
17 evidence, there's approximately another thirty (30), I  
18 believe, that have recently been licensed to operate, is  
19 that -- that's your understanding?

20                  MR. PHIL WALDING:    I'm not sure the exact  
21 number, but thereabouts.

22                  MR. PAUL EDWARDS:    Okay.  And those again  
23 all -- let's say there are thirty-eight (38) now, just  
24 for argument's sake -- they are operated by dedicated  
25 limousine companies, or do Duffy's and Unicity operate

1 any of those limousines?

2 MR. SIDNEY SORONOW: I think Ms. Wilson  
3 may be a little bit more familiar with that subject and  
4 can answer your question.

5 MS. JOAN WILSON: I'm sorry, Mr. Edwards,  
6 could you repeat the question?

7

8 CONTINUED BY MR. PAUL EDWARDS:

9 MR. PAUL EDWARDS: I'm just asking about  
10 the limousines. There are -- in this '08 report there  
11 are eight (8) that are identified -- no, sorry, sixteen  
12 (16), my mistake, and they are all under limousine  
13 companies. It doesn't appear that Duffy's, or Unicity,  
14 or Spring have any of them.

15 Is that still the case?

16 MS. JOAN WILSON: Yes, that's correct.

17 MR. PAUL EDWARDS: Okay, so these  
18 additional licences were given to some of these limousine  
19 companies or -- or other dedicated limousine companies.

20 MS. JOAN WILSON: The thirty (30)  
21 licences were not only given to liz -- limousine  
22 companies, they were given to individual limousine  
23 operators as well.

24 MR. PAUL EDWARDS: Right, operating  
25 independently and just operating a limousine, is that

1 what you're saying?

2 MS. JOAN WILSON: Correct.

3 MR. PAUL EDWARDS: Okay.

4 MR. SIDNEY SORONOW: If I may, for  
5 clarification, Mr. Edwards, under the Taxicab Act, and  
6 Ms. Wilson can correct me if I'm wrong, if you own a  
7 limousine, the -- the executive car is kind of tied to  
8 the limousine. If you have a limo, you can apply for an  
9 executive car. And I believe Mr. Kozubal himself  
10 referred to that.

11 And of course, as explained to you,  
12 consequent upon what happened at the airport, there was  
13 this rush to continue to participate at the airport by  
14 having executive cars once their stretch limos were no  
15 longer going to be there.

16

17 CONTINUED BY MR. PAUL EDWARDS:

18 MR. PAUL EDWARDS: Right. Now in  
19 addition, just moving on this chart, we have seasonal  
20 taxis. They're all operated by taxicab companies, and  
21 it's noted that there are seventy (70) licences issued at  
22 least in '08.

23 Is that your understanding?

24 MS. JOAN WILSON: Yes, that is correct.

25 MR. PAUL EDWARDS: Now, from the

1 Tennessee report, I noticed that the seasonal licences  
2 have been typically issued for three (3) months.

3 That is correct, is it?

4 MS. JOAN WILSON: Yes.

5 MR. PAUL EDWARDS: And one (1) of the  
6 proposals in that report is that the seasonal licences  
7 would increase to five (5) months.

8 You understand that to be one (1) of the  
9 recommendations of the report?

10 MS. JOAN WILSON: Yes.

11 MR. PAUL EDWARDS: And one (1) of the  
12 reasons for that given is that the -- the complaint was  
13 that the economics didn't warrant the investment in the  
14 vehicle, and licensing, and so on and so forth, for just  
15 a three (3) month period. Mr. Mundy says, you know, it -  
16 - there are a number of options to deal with that.

17 One (1) of them to expand the seasonal  
18 licence to five (5) months, correct?

19 MR. SIDNEY SORONOW: If -- if I may, for  
20 clarification, before Ms. Wilson answers, I just wanted  
21 you to know, Mr. Edwards and members of the tribunal,  
22 that you -- you had asked a question in the Information  
23 request about, you know, the -- the history of what had  
24 happened at the Taxicab Board and our opposition.

25 But one (1) thing which we did

1 consistently in opposition indicate to the Board that we  
2 would not have an objection to increasing the seasonal  
3 licences from three (3) months to four (4) months or even  
4 up to five (5) months. So Dr. Mundy's response or his  
5 conclusion in that regard about the potential issuing for  
6 five (5) months is totally consistent with what we had  
7 ourselves offered to the Taxicab Board.

8 MR. PAUL EDWARDS: And I'm -- with great  
9 respect to Mr. Soronow, and I appreciate his  
10 interjections, I -- I am going to ask that he allow my  
11 cross-examination to be to his witnesses. And he will  
12 have that opportunity of re-examination, as he knows.

13

14 CONTINUED BY MR. PAUL EDWARDS:

15 MR. PAUL EDWARDS: So moving now to the  
16 seasonal licences or just sticking with that for a second  
17 just so I understand, it shows here that of the seventy  
18 (70), which the three (3) month seasonals for '08, in '08  
19 thirty (30) of those went to Unicity, twenty-five (25) to  
20 Duffy's.

21 So fifty-five (55) of the seventy (70)  
22 were issued to Unicity and Duffy's, at least according to  
23 this chart, is that -- is that correct?

24 MS. JOAN WILSON: Yes.

25 MR. PAUL EDWARDS: And of the fifty-five

1 (55) can you indicate how many of those seasonal licences  
2 you operated for the full three (3) months in '08?

3 MS. JOAN WILSON: I can speak for  
4 Unicity. We operated thirty (30).

5 MR. PAUL EDWARDS: For the full three (3)  
6 months?

7 MS. JOAN WILSON: Yes.

8 MR. PAUL EDWARDS: Okay. And Duffy's?

9 MR. PHIL WALDING: I believe we operated  
10 all twenty-five (25) for the full three (3) months.

11 MR. PAUL EDWARDS: Okay. So clearly --  
12 and -- and these are -- just to be clear, those three (3)  
13 months those are the winter months. Which months were  
14 they in '08?

15 MS. JOAN WILSON: From the 25th of  
16 November until the 28th of February.

17 MR. PAUL EDWARDS: Okay. And reading the  
18 Tennessee Report again, what I see is and I -- I -- and  
19 it's picked up again as well in -- in Mr. Kozubal's  
20 response to the Board of March 19th this year -- or March  
21 18th this year -- he indicates that the difference --  
22 this is obviously a highly seasonally affected industry -  
23 - Mr. Kozubal indicates that his conclusion or his  
24 opinion is that the July 2007 dispatched trips, which --  
25 which would be at the low end of the season, represented

1 46 percent of the December dispatched trips.

2 Is -- is -- can we take that as a -- a  
3 rough guide? It's twice as busy in the heat of -- or the  
4 -- the cold of the winter as it is in the heat of the  
5 summer, is that -- that your experience?

6 MS. JOAN WILSON: Approximately, yes.

7 MR. PAUL EDWARDS: Yeah. And, of course,  
8 in any given year -- we've had a particularly bad winter  
9 this year -- but I take it that the -- the weather, the  
10 length of the winter and the cold, has the -- unlike  
11 everyone else in the City who doesn't like the cold,  
12 actually increases business for cabs, that -- it is -- it  
13 is affected by weather, correct?

14 MS. JOAN WILSON: Correct. That plays a  
15 part.

16 MR. PAUL EDWARDS: Yeah. Now, I'm  
17 looking at Mr. Kozubal's report again, and this is the  
18 March 18th, 2009 response to the PUB's questions. And  
19 he, of course, as he did here, and in fact Professor  
20 Mundy did, complains about some of the lack of -- of  
21 concrete data of overall trips of cabs in the City of  
22 Winnipeg. So that -- that obviously a bit of a  
23 frustration for the Board. And -- and he mentions it in  
24 his document.

25 Do you know, Ms. Wilson, the total



1 dispatched trips for Unicity in 2008?

2 MS. JOAN WILSON: No, I do not.

3 MR. PAUL EDWARDS: Okay. Well, what --  
4 what we have then is not -- not having it from -- from  
5 Unicity itself, we know from Mr. Kozubal's responses  
6 here, that he takes the dispatched trips, the number of  
7 dispatched trips in July -- he -- he takes -- his method  
8 is he takes the number of dispatched trips in July '07 --  
9 or July '08, I should say, he then applies a multiplier  
10 for December, you know, and -- and then extrapolates that  
11 over the course of the year. And these are just  
12 dispatched trips, and he says, and this is page 2 of his  
13 report, second paragraph:

14 "Taking this calculation further, the  
15 annual number of dispatched taxicab  
16 trips for the whole taxicab industry in  
17 Winnipeg would exceed two million four  
18 hundred and seventeen thousand  
19 (2,417,000). This would exclude the  
20 Unicity Taxi airport trips, contracted  
21 trips, street hails, and taxicab  
22 stands."

23 So, do you concur that that's, albeit not  
24 a perfect number, that's the number, a -- a -- a  
25 reasonable number, Mr. Walding and -- and Ms. Wilson?

1                   MR. SIDNEY SORONOW:    I don't think Mr.  
2   Walding has in front of him or has reviewed the reply  
3   from the Taxicab Board.

4

5   CONTINUED BY MR. PAUL EDWARDS:

6                   MR. PAUL EDWARDS:    Well, I think this is  
7   an important issue.  Perhaps, Ms. Wilson can answer and  
8   while she is Mr. Walding can take a look at the second  
9   paragraph of page 2 of the -- the Kozubal document.

10

11   (BRIEF PAUSE)

12

13                   MS. JOAN WILSON:    In reading Mr.  
14   Kozubal's reply to the Public Utilities Board, he has  
15   taken our completed trips from the airport terminal  
16   building in July, 2008.  Certainly he supposes that it  
17   represents 59 percent of the total taxicabs in Winnipeg  
18   and he takes that data to the whole taxicab industry, in  
19   fact, of dispatched trips.

20   But if you look at the data for the  
21   Winnipeg airport on a twelve (12) month period, it is a  
22   consistent number within a few hundred of each other.  So  
23   by taking the number of trips from July from the airport,  
24   does not necessarily reflect the downturn that we have in  
25   that month in our dispatched trips.

1                   So, in and of itself, no, I would not  
2 agree.

3                   MR. PAUL EDWARDS:    Oh, okay.  And let me  
4 taken you back and just to correct some of that, Ms.  
5 Wilson.  I -- I think, and maybe it requires a reading of  
6 the first paragraph on page 2 as well.  What Mr. Kozubal  
7 has done is -- is not -- he -- he hasn't used the number  
8 of dispatched trips from the airport.  What he uses is  
9 the information Unicity gave to the Tennessee report, of  
10 eighty-eight thousand eight hundred and three (88,803)  
11 dispatched trips in July 2008.

12                   So that -- that eighty-eight thousand,  
13 eight hundred and three (88,803), that is the information  
14 Unicity gave to Mundy for July of 2008.  Is that correct  
15 or --

16                   MR. SIDNEY SORONOW:   Well, yeah, bef --  
17 before she answers let us have an opportunity to look at  
18 page 20 of the taxi study.

19                   MR. PAUL EDWARDS:    Good idea.

20

21                                   (BRIEF PAUSE)

22

23                   MR. SIDNEY SORONOW:    I think in fairness  
24 to the Witness this is Mr. Kozubal's calculations.  If  
25 you have an issue with them or -- or want to query them,

1 it seems to me you had the opportunity with Mr. Kozubal.  
2 It's not Ms. Wilson's letter.

3

4 (BRIEF PAUSE)

5

6 CONTINUED BY MR. PAUL EDWARDS:

7 MR. PAUL EDWARDS: Well I'd just like to  
8 continue, Mr. Chair. I'm asking Ms. Wilson -- she's now  
9 got page 20 of the -- of the study, the -- the Tennessee  
10 Study in front of her.

11 Do you -- do you, Ms. Wilson?

12 MS. JOAN WILSON: Yes, I do.

13 MR. PAUL EDWARDS: Okay. Now, you'll see  
14 that there, that study has a graph and it indicates that  
15 this information was provided by Unicity. And it shows  
16 there, for the month of July, 2008, completed trips  
17 running about 83 percent of the -- the calls. So the  
18 completed trips is eighty-eight thousand eight hundred  
19 and three (88,803).

20 That -- that's information that you  
21 provided to that study, is that correct?

22 MS. JOAN WILSON: Yes.

23 MR. PAUL EDWARDS: Okay. So now let's  
24 just go back to Mr. Kozubal's calculations. And I'm just  
25 seeking to have your input. It has intimately to do with

1 Unicity. I want to -- as Mr. Soronow has suggested, just  
2 to have your opinion on his conclusions.

3                   He takes that eighty-eight thousand eight  
4 hundred and three (88,803) for July. We've already  
5 agreed that July is about 46 percent of what December is.  
6 And he then extrapolates that based on Unicity having,  
7 you know, 59 percent of the total taxicabs, not -- not 59  
8 percent of the business, but 59 percent of the total  
9 taxicabs. And in that second paragraph he concludes a  
10 total dispatched trips for the industry to be in excess  
11 of two million four hundred and seventeen thousand  
12 (2,417,000).

13                   Now he admits that's imprecise; he did  
14 here under questioning. I'm asking for your conclusion  
15 on the -- that number as a rough estimate.

16 OBJ                   MR. SIDNEY SORONOW: Mr. Edwards, I'm  
17 going to object to the question and I'll tell you why. I  
18 looked at what Mr. Kozubal wrote here and there is leaps  
19 of -- I don't know if I'd call it leaps of faith, but  
20 mathematical leaps that aren't explained at all.

21                   And, for example, he jumps from a hundred  
22 and forty-six (146), to a total for a twelve (12) month  
23 period, no explanation of how he exactly did that,  
24 starting from one (1) number in July. And as to his next  
25 paragraph, also contains mathematical conclusions that

1 may or may not be right.

2                   When Ms. Wilson doesn't even know the  
3 total number of Unicity trips, she surely doesn't know  
4 the Duffy's or the Spring Taxi trips. So how can she  
5 give an opinion as to whether the total amount of  
6 industry trips that Mr. Kozubal is hypothesizing is  
7 correct?

8                   It's simply not fair, not logical, and I -  
9 - I think if my friend had more questions he wanted to  
10 make -- and -- and as simple a matter, by the way, is  
11 that you'll notice in the second paragraph he says,  
12 "Unicity Taxi has two hundred and fifty-five (255)  
13 taxicabs," which it doesn't; it has two hundred and  
14 twenty-five (225) taxicabs. So, you know, we're not here  
15 responsible for what Mr. Kozubal said or didn't say and I  
16 object to the question.

17                   MR. PAUL EDWARDS: Well in fact, my  
18 response is it's not complicated at all. And the two  
19 fifty-five (255) is -- is the standard plus the seasonal  
20 of thirty (30), and that's clear, that's in the document.

21                   MS. SUSAN PROVEN: Can I -- I'd like to  
22 ask Ms. Wilson, why don't you know the number of total  
23 trips that your co-operative makes in one (1) year?  
24 Like, maybe you don't know -- maybe you don't have it  
25 with you, but would you not be keeping records of that,

1 like the total number?

2 Now I -- I realize that perhaps as the  
3 cabbies drive by, they get hailed down by somebody and  
4 maybe they give somebody a ride, and it's maybe not  
5 coming out of the dispatch, the central dispatch, and  
6 maybe it doesn't go on the record books. I don't know,  
7 I'm surmising.

8 But, when you're dispatching cabs, do you  
9 not have records of, you know, the fact that the driver  
10 is doing this particular job, and then he does another  
11 one and then each day he does a total and those totals  
12 come in to you? Do you have those kind of records?

13 MS. JOAN WILSON: Our computer system is  
14 capable of getting those records, although all our taxis,  
15 as we have said before, stated, are shareholder owned and  
16 operated.

17 We are a dispatch company. We look after  
18 the dispatch part of that. The owner, under the  
19 regulations for the Manitoba Taxicab Board, is  
20 responsible for keeping those records on a daily basis  
21 for the Manitoba Taxicab Board. The company is not  
22 responsible for keeping those records, although we do  
23 keep records of all the dispatched trips that we do  
24 dispatch.

25 MS. SUSAN PROVEN: So, I guess I'm

1 understanding you're just the dispatch. You're the  
2 dispatch and the owner is a co-operative, right?

3 MS. JOAN WILSON: Yes.

4 MS. SUSAN PROVEN: A co-operative of --

5 THE CHAIRPERSON: No, the dispatcher is  
6 the co-op. The taxicab company is a company in itself.

7 MR. SIDNEY SORONOW: Just for  
8 clarification, so you can understand the model, every  
9 taxicab is registered and licenced to the individual  
10 owner, or in the case of Unicity, you know, mostly two  
11 (2) owners, and then the company is, I'll call it the  
12 dispatch arm. It -- all these people -- every person who  
13 owns a cab associated with Unicity, and, likewise, with  
14 Duffy's, will have a share -- one (1) share for each  
15 taxicab and will vote on the Board of Directors, et  
16 cetera, but the function primarily carried out by the  
17 company, Unicity or Duffy's, as the case may be, is a  
18 dispatch -- an organization dispatch function. The --  
19 the responsibility falls on the individual level under  
20 the Act by the individuals for the record keeping.

21 MS. SUSAN PROVEN: So I guess I -- I just  
22 find it strange that we can't get at this total, maybe  
23 not precisely, but that there isn't some way to get some  
24 information from this company.

25 MR. SIDNEY SORONOW: I -- I think I -- I



1 may say, from my experience in acting on behalf of the  
2 two (2) largest industry participants, that because of  
3 the competitive position amongst players in the industry,  
4 that is, in any event, regarded as very confidential  
5 information. All else aside, even if it is generateable  
6 through the computer, it's considered -- in the nature,  
7 I'll call it a trade secret information, because they do  
8 compete with each other in various venues.

9 THE CHAIRPERSON: Like, each cab,  
10 basically, is a company by itself?

11 MR. SIDNEY SORONOW: Precisely, Mr.  
12 Chairman. In fact, I think the -- Mr. Mangat mentioned  
13 it, or somebody did, in the sense that it's, you know,  
14 two hundred and twenty-five (225) cabs might be five  
15 hundred (500) entrepreneurs, individual entrepreneurs.  
16 That's really what it is.

17 THE CHAIRPERSON: Like, you could have  
18 one (1) entrepreneur that owns one (1) cabs, so their  
19 assets are the cab and their share in the co-op.

20 MR. SIDNEY SORONOW: That's correct.

21 THE CHAIRPERSON: And their --

22 MR. SIDNEY SORONOW: And the share in the  
23 co-op is -- is worth a dollar.

24 THE CHAIRPERSON: So the co-op, when it  
25 files its financial returns in a year, is responsible

1 simply for its dispatch service, any lobbying activities  
2 it may presume, et cetera, et cetera.

3                   The individual cab owners are responsible  
4 for filing their own income tax statements on an  
5 individual basis, correct?

6                   MR. SIDNEY SORONOW: Not only their own  
7 income tax, they all do their own GST filings. It's a  
8 very -- they're all -- each cab is its own business and  
9 is treated as such for virtually every purpose under the  
10 sun, including income tax, GST, workers comp, all of that  
11 retinue of -- of activities that you have  
12 intergovernmentally that an individual or business has.  
13 So every one (1) of them is its own business.

14                   THE CHAIRPERSON: So just to make it  
15 absolutely clear in our minds, from a business model  
16 perspective, technically speaking, a cab owner could  
17 switch from Unicity to Duffy's or Duffy's to Unicity.  
18 They're their own -- they own their own business,  
19 correct?

20                   MS. JOAN WILSON: No, that's not entirely  
21 correct. The Corporation, which is Unicity Taxi, and  
22 came together of three (3) companies, which would be  
23 Moore's, Grosvenor, and Yellow. When they did their  
24 constitution, part of the constitution is that these  
25 taxis would remain with Unicity Taxi, so, no.

1 THE CHAIRPERSON: I see. So, in other  
2 words, if the -- that the person could sell their cab, so  
3 to speak, the -- the transferrable licence could be sold,  
4 but it would still remain either within Duffy's group or  
5 Unicity's group?

6 MS. JOAN WILSON: That is correct.

7 THE CHAIRPERSON: Thank you. Sorry, Mr.  
8 Edwards.

9 MS. SUSAN PROVEN: So back to this  
10 situation, I think I'm beginning to see the picture, and  
11 that is that if these are individuals operators there's  
12 some advantage to having some under the counter type  
13 activity going on, because when you file your income tax  
14 I would imagine that if you did a certain number of rides  
15 that weren't registered or weren't acknowledged or  
16 weren't recorded, then you're not going to look like you  
17 made as much.

18 Is -- could that happen?

19 MS. JOAN WILSON: I would have no  
20 knowledge of that.

21 THE CHAIRPERSON: You are responsible,  
22 Ms. Wilson and Mr. Walding, respectively, for the two (2)  
23 -- the companies for the dispatch service?

24 MS. JOAN WILSON: That is correct. And  
25 we also answer to the Board or Directors.

1 THE CHAIRPERSON: Thank you.

2

3 CONTINUED BY MR. PAUL EDWARDS:

4 MR. PAUL EDWARDS: And, Ms. Wilson, I  
5 believe you said your computers have the ability and --  
6 to collect the number of dispatched -- dispatches, but  
7 it's an issue of the individual cab owners, licence  
8 holders, would've had to consent to the release of that  
9 information.

10 Is that the issue?

11 MS. JOAN WILSON: That is correct.

12 MR. PAUL EDWARDS: Okay. So did you  
13 request your board, your licence holders, to allow that  
14 information to be shared globally, not on a per licence  
15 basis, but globally, for the purposes of -- of this  
16 Hearing?

17 MS. JOAN WILSON: No, it hasn't come up.

18 MR. PAUL EDWARDS: So -- so there was no  
19 request made. They haven't said yes or no. There's just  
20 been no request made to share with this Board the number  
21 of dispatched trips for any period of time, say 2008 or  
22 some -- something similar to that?

23 MS. JOAN WILSON: There's been no formal  
24 request made, at least of Unicity Taxi, in that regard.

25 MR. SIDNEY SORONOW: And -- and you so

1 you can appreciate the task. There are approximately,  
2 what, four hundred (400) individual owners --

3 MS. JOAN WILSON: Mm-hm.

4 MR. SIDNEY SORONOW: -- four/five hundred  
5 (400/500)?

6 MS. JOAN WILSON: Mm-hm.

7

8 CONTINUED BY MR. PAUL EDWARDS:

9 MR. PAUL EDWARDS: Right. And you would  
10 have regular communication, bulletins, and so on and so  
11 forth, means of communication, I assume, on a fairly  
12 efficient basis to your ownership group.

13 MS. JOAN WILSON: In that regard, if we  
14 needed the permission of all the owners we would have to  
15 follow our corporation laws and we would have to send a  
16 letter out to each and every owner and perhaps have a  
17 membership meeting and a vote taken in regards to that.

18 MR. PAUL EDWARDS: Okay. And presumably,  
19 you went through that process when you shared the July  
20 2008 information with the -- Mr. Mundy?

21 MS. JOAN WILSON: Yes.

22 MR. PAUL EDWARDS: Okay.

23 THE CHAIRPERSON: Returning to Mr.

24 Edwards question, however, which was a bit of a dispute  
25 between Mr. Edwards and Mr. Sonorow, the way I understand

1 it, Mr. Edwards was simply asking Mr. Wilson her opinion  
2 as to whether Mr. Kozubal's guesstimates were within the  
3 range or not. It seems like a reasonable question.

4 MR. PAUL EDWARDS: Thank you, Mr. Chair.

5 MS. JOAN WILSON: I could answer, on the  
6 part of Unicity, that if there were eighty-eight thousand  
7 (88,000) dispatched trips in July, then, yes, it's  
8 possible there is a hundred and forty-six thousand  
9 (146,000) dispatched trips in December. I cannot speak  
10 for the rest of the industry.

11 THE CHAIRPERSON: Thank you.

12

13 CONTINUED BY MR. PAUL EDWARDS:

14 MR. PAUL EDWARDS: Okay. Fair enough.  
15 Now, I take -- and -- and I guess just to conclude on  
16 this point, there's been no effort to collect and there's  
17 no information before this Board to either confirm or  
18 dispute the numbers that Mr. Kozubal comes up with.

19 Is that -- would that be accurate?

20 MS. JOAN WILSON: That's correct.

21 MR. PAUL EDWARDS: Okay. Now, in  
22 addition, Mr. Kozubal -- that does not include the -- he  
23 says, in his report, the Unicity Taxi airport trips. And  
24 we know that those are recorded by the Winnipeg Airports  
25 Authority and it shares that with the Taxicab Board, and

1 we have a 2008 figure of two hundred forty-six thousand  
2 three hundred and fifty-three (246,353).

3 That -- that would be an accurate number,  
4 would it, Ms. Wilson? This is page 10 of the '08 report.

5

6 (BRIEF PAUSE)

7

8 MS. JOAN WILSON: Yes, that's correct.

9 MR. PAUL EDWARDS: Okay. Now, and -- and  
10 I'll ask this to both Mr. Walding and Ms. Wilson: What  
11 percentage of the trips -- and I -- I expect it may  
12 change depending on the -- the operator, but we have the  
13 two (2) main operators here-- what percentage of your  
14 trips are non-dispatched?

15 And I'm -- I'm not talking about the  
16 airport trips, Ms. Wilson, from the airport, and I'm not  
17 talking about the -- the dispatched trips. I'm talking  
18 about the ones that Ms. Proven was indicating and -- and  
19 are -- Mr. Kozubal references; that is contracted strip -  
20 - trips, street hails, taxicab stands, those types of  
21 things. Non-dispatched trips.

22 What -- what percentage would that be, in  
23 your experience?

24

25 (BRIEF PAUSE)

1                   MR. PHIL WALDING:    I can answer on behalf  
2 of Duffy's. We do not require any of our owner/operators  
3 to turn in their trip sheets to us, so, therefore, we  
4 have no ability to -- to contemplate that data. For me  
5 to answer the question would be pure speculation.

6                   MR. PAUL EDWARDS:    Okay.

7                   MS. JOAN WILSON:    I believe it would be  
8 the same for myself. But I would also like to add that  
9 it would depend on the weather or the time of year and  
10 what venues were going on in the city at the time.

11                   MR. PAUL EDWARDS:    Now, just before I get  
12 into -- so, again, do I take it that neither of you have  
13 any ability, other than going to the individual owners  
14 and asking them to share that information, neither  
15 Unicity nor Duffy's would in any way track the non-  
16 dispatched trips?

17                                Is that correct?

18                   MS. JOAN WILSON:    Yes.

19                   MR. PHIL WALDING:    Yes.

20                   MR. PAUL EDWARDS:    Okay. And just -- and  
21 I -- I missed one (1) point. Do you I take it part of  
22 the method by which the taxicab owners pay Unicity and  
23 Duffy's are -- are charged is on a per dispatch?

24                                Is that -- is that part of the pay  
25 methodology?



1 MS. JOAN WILSON: No, that's not correct.  
2 They pay a dispatch -- weekly dispatch fee.

3 MR. PAUL EDWARDS: Okay, thank you. And  
4 getting back to the non-dispatched trips, again, there's  
5 -- there's been no request now or for the Tennessee  
6 report or for this process, of those -- that ownership  
7 group to -- to ask, even generally, what percentage of  
8 trips are non-dispatched.

9 That's -- that's information that you  
10 haven't -- you don't know and you haven't asked for, is  
11 that correct?

12 MS. JOAN WILSON: That's correct.

13 MR. PAUL EDWARDS: Okay. And -- and I --  
14 I'm hesitant, because I've stood up and said don't  
15 speculate, but are you able to even -- is it -- on a  
16 yearly basis, is it -- are we talking 20 percent, or 30  
17 percent, or 5 percent?

18 I mean, can -- can you even give a range  
19 or is a complete unknown?

20 OBJ MR. SIDNEY SORONOW: In fairness, you  
21 know, every time I asked a question of that character, My  
22 Friend jumped in: It's just speculation, don't ask the  
23 witness to speculate. Now he's doing the same thing, so  
24 I'll take the same objection that he did.

25

1 CONTINUED BY MR. PAUL EDWARDS:

2 MR. PAUL EDWARDS: Well, it was -- it was  
3 so tempting because we've got so many years of experience  
4 in the industry here, but I'll -- I'll accept the -- that  
5 it -- that it's an unknown.

6 But, certainly, whatever that number is,  
7 there are those trips and they would be added to these  
8 figures, in terms of the overall cab trips in the city  
9 per year, correct?

10 MS. JOAN WILSON: Correct.

11 MR. PAUL EDWARDS: Okay. So -- and even  
12 without those non-dispatched trips, I'm taking, Mr.  
13 Kozubal's numbers, two million four hundred and seventeen  
14 thousand (2,417,000), I'm adding the two hundred and  
15 forty six three hundred and fifty-three (246,000,353)  
16 that we know were trips leaving the airport, and we're  
17 coming up with two million six hundred and sixty-three  
18 thousand three hundred and fifty-three (2,663,353).

19 So I'm going to suggest, give or take,  
20 we've got at least two point 2. -- or in the ballpark of  
21 2.7 million, and that would be probably a low estimate of  
22 total cab trips in the city of Winnipeg.

23 Would you agree with that, Ms. Wilson?

24 MS. JOAN WILSON: I can only speak for  
25 Unicity. I -- I can't speak for the industry.

1                   MR. PAUL EDWARDS:   Well, on Unicity --  
2 based your experience and role with Unicity, what's your  
3 opinion of that -- that global number?

4                   MS. JOAN WILSON:    I wouldn't know.

5                   MR. PAUL EDWARDS:    Okay.  Now, we know  
6 that there are the four hundred and ten (410)  
7 transferrable licences.  We know that apparently there  
8 are now an additional, approximately thirty-eight (38)  
9 seasonal licences, because we had -- or sorry, forty-six  
10 (46).  I'm sorry.  We had sixteen (16) and we have  
11 evidence there is now another thirty (30).  And we know  
12 that there are an additional twenty-four (24) of the  
13 accessible type.

14                   So, in terms of cabs or taking rides, we  
15 would have those three categories that would sort of  
16 factor in to the number, making up those 2.7 million  
17 trips per year.

18                   Those would be the three (3) categories we  
19 -- we should look at, correct?

20                   MR. SIDNEY SORONOW:   Which?  I'm sorry.

21                   MR. PAUL EDWARDS:    Well, we've got the  
22 four hundred and ten (410) licenced, standard.  We've got  
23 another twenty-four (24) accessible, which we've heard  
24 evidence are utilized in the same manner, albeit with  
25 slight differences.  And then in addition we've got

1 seventy (70) but they only function for the three (3)  
2 busiest months. Those are the three (3) categories we  
3 should look at as -- as operating the cab service in this  
4 city.

5 MR. SIDNEY SORONOW: I -- I -- I'm not  
6 certain, actually, Mr. Edwards, because I'm looking at  
7 Mr. Kozubal's letter on page 2 and he references  
8 "according". It is the third last paragraph, fourth  
9 line:

10 "According to Taxicab Board data there  
11 were five hundred and fifty-one (551)  
12 permanent taxicab business licences and  
13 seventy (70) seasonal."

14 So, I -- I'm not sure that the number's  
15 you're citing to the Witness coincide with what Mr.  
16 Kozubal is saying. And plus, of course, if we are  
17 looking currently that -- there might be more than that  
18 because of additional executive cars.

19

20 CONTINUED BY MR. PAUL EDWARDS:

21 MR. PAUL EDWARDS: Right. And -- and the  
22 five hundred and fifty-one (551), just to be clear, that  
23 Mr. Kozubal mentions, not including the seventy (70)  
24 seasonal, is all of that bottom line on page 4 of the '08  
25 report, except the seasonal. So it's not difficult math.

1 He's just taken all of the others: The specialty  
2 vehicle, the executive cars, classic, standard, handicap,  
3 accessible and standard.

4 So that's where that number comes, Mr.  
5 Soronow, I -- I think. So is that the number we should  
6 use then, the five hundred and fifty-one (551) licensed  
7 vehicles, not including the seasonal, Ms. -- Ms. Wilson?  
8 Or do you have an opinion on that?

9 MS. JOAN WILSON: I don't really have an  
10 opinion.

11 MR. PAUL EDWARDS: Okay, fair enough.  
12 And just within that group, I'm dealing with the group,  
13 not including the seasonals, the specialty vehicles,  
14 executive cars, classics and standard limousines, and  
15 handicap vans, those groups are not -- do not typically  
16 do the same volume, the same number of trips as the  
17 standard taxicabs, correct?

18 MS. JOAN WILSON: I can't answer that  
19 question. We do not have any of those types of vehicles  
20 within our fleet.

21 MR. PAUL EDWARDS: Okay, fair enough.  
22 And I see it's the same on this chart with Duffy's. you  
23 don't have any of those so you wouldn't be able to give  
24 that evidence?

25 MR. PHIL WALDING: No idea.

1 MR. PAUL EDWARDS: Okay. Okay, now --  
2 so, working with those numbers -- albeit, some guesswork  
3 involved in it. I've got 2.7 million, approximately,  
4 trips. We now have evidence from Avion here that we've  
5 got approximately, if things work out and it makes the  
6 money that the projections show, both Mr. Soronow and Mr.  
7 Saranchuk have done a good job of indicating and bringing  
8 out that that's kind of a -- a hoped-for result.

9 But, sixty-eight thousand (68,000),  
10 approximately, return trips, be about a hundred and  
11 thirty-six thousand (136,00) one (1) way fares. So I'm  
12 just doing the math here and I come up with approximately  
13 5 percent. That -- that -- if the were reached, that  
14 would be approximately 5 percent of the total number of  
15 taxi trips in a year in the City of Winnipeg.

16 Do you agree or disagree with that  
17 conclusion or have any comment on it, either of you?

18 MS. JOAN WILSON: No, I don't have any  
19 comment.

20 MR. PHIL WALDING: Your base number is  
21 not defensible so, therefore, I'd have no comment on the  
22 -- that percent.

23 MR. PAUL EDWARDS: By "base number," you  
24 mean the -- the 2.7 million?

25 MR. PHIL WALDING: Correct.

1                   MR. PAUL EDWARDS:    Okay.  You say it's  
2 not defensible.  Do you have any evidence you can provide  
3 to say it's not accurate, Mr. Walding?

4                   MR. PHIL WALDING:    I have as much  
5 evidence to say that it's not accurate as you have to say  
6 that it is accurate.

7                   MR. PAUL EDWARDS:    If it's not accurate,  
8 what is it?

9                   MR. PHIL WALDING:    I have no idea.

10                  MR. PAUL EDWARDS:    Thank you.  Now you've  
11 seen from the -- the Tennessee report, and I -- I take it  
12 that from your comments, Ms. Wilson, in direct, you were  
13 very complimentary to -- to the author of that report,  
14 and believe that it represents a -- an accurate and good  
15 report that has been put before this Board and should be  
16 relied upon by this Board in terms of the current status  
17 of the taxicab industry.

18                   Is that correct?

19                  MS. JOAN WILSON:    Yes.

20                  MR. PAUL EDWARDS:    Thank you.  And that  
21 report recommends a further eighty (80) seasonal licences  
22 for the five (5) busiest months of the year, correct?

23                  MS. JOAN WILSON:    No, that is not  
24 correct.  At the present time we have seventy (70)  
25 seasonal licences.  For the past fifteen (15) years we

1 have had seventy (70) seasonal licences. They are not  
2 asking for an additional eighty (80), they are asking for  
3 an additional ten (10).

4

5 (BRIEF PAUSE)

6

7 MR. PAUL EDWARDS: Okay. That certainly  
8 was not my understanding of the evidence of Mr. Kozubal.  
9 And I'm reading page 58 of the Tennessee Report.

10 MR. SIDNEY SORONOW: Give us a moment.

11 MR. PAUL EDWARDS: Sure.

12 THE CHAIRPERSON: I think, if you don't  
13 mind, the Board is just going to take a short break at  
14 this point in time. We need to stretch our legs a bit.  
15 Thanks.

16

17 --- Upon recessing at 10:49 a.m.

18 --- Upon resuming at 11:07 a.m.

19

20 THE CHAIRPERSON: Okay, folks. Time is  
21 fleeting. Tempus fugit.

22 Mr. Edwards...?

23

24 CONTINUED BY MR. PAUL EDWARDS:

25 MR. PAUL EDWARDS: Thank you very much.



1 I just want to pick up where we left off,  
2 Ms. Wilson, and/or Mr. Walding. I believe you were ex --  
3 expressing the opinion, Ms. Wilson, that the statement in  
4 -- at page 58 of the Tennessee report, to the effect that  
5 there -- and this is the recommendation,

6 "immediately add eighty (80) Christmas  
7 cars to the Winnipeg taxi system."

8 It goes on to say,

9 "The addition of eighty (80) Christmas  
10 cars"

11 and at the bottom of that page, last  
12 paragraph starts by saying,

13 "Should the additional eighty (80)  
14 Christmas cars..."

15 You're saying -- your interpretation of  
16 that is, it is inclusive of the seventy (70) which were  
17 issued in 2008?

18 MS. JOAN WILSON: It is not my  
19 assumption. We have had discussions with the Taxicab  
20 Board on this issue. Dr. Mundy has taken the four  
21 hundred and ten (410) standard taxis, taken 20 percent of  
22 that and have come up with the eighty (80) figure.

23 The Taxicab Board has told us that they  
24 will put on eighty (80) Christmas cars this season as  
25 opposed to seventy (70).

1 MR. PAUL EDWARDS: Right. So just to be  
2 clear, you're saying the Taxicab Board is -- is telling  
3 you already that they've made up their mind to -- to make  
4 the licence -- the seasonal licences this year eighty  
5 (80)?

6 MS. JOAN WILSON: That is correct.

7 MR. PAUL EDWARDS: Okay. So when Mr.  
8 Kozubal was here earlier or yesterday saying they're  
9 actively considering the -- the recommendation in respect  
10 of seasonal cars, it stands to reason then he -- he must  
11 talking about cars in addition to the ones they've  
12 already decided to issue.

13 Would -- would you agree with that?

14 MS. JOAN WILSON: No, I do not.

15 MR. PHIL WALDING: Okay. And -- and, in  
16 fact, in 2006/2007 I understand there were twenty-two  
17 (22) seasonal licences issued that -- that year, Ms.  
18 Wilson?

19 MS. JOAN WILSON: That is correct.

20 MR. PAUL EDWARDS: Okay. And then that  
21 went to seventy (70) in 2008. And we know that the  
22 Tennessee Report was issued in February of 2009, correct?

23 MS. JOAN WILSON: That is correct.

24 MR. PAUL EDWARDS: Okay. So we're  
25 assuming that the use of the word "additional three (3)

1 times" on page 58 by Mr. Mundy, he somehow ignored the  
2 fact or didn't know that there had been twenty-two (22)  
3 in 2006/2007 and seventy (70) in 2008. That -- that's  
4 your interpretation?

5 MS. JOAN WILSON: No, it is not. I do  
6 not know what Dr. Mundy knew or what he thought.

7 MR. PAUL EDWARDS: Okay. So you're  
8 assuming though that he was not aware of the seventy (70)  
9 having been issued in 2008. I just -- just want to be  
10 clear on your understanding of what he said.

11 MR. SIDNEY SORONOW: In fairness to the  
12 witness, she -- she can't account for how he writes a  
13 report. She can only tell you, based on her knowledge  
14 and the meetings that took place with the Taxicab Board,  
15 as to what everyone's mutual understanding was, namely,  
16 that it was eighty (80) in total.

17

18 CONTINUED BY MR. PAUL EDWARDS:

19 MR. PAUL EDWARDS: Right. And so when  
20 Mr. Kozubal says that the Board is actively considering  
21 this recommendation of eighty (80) additional, I take it,  
22 Ms. Wilson, certainly Unicity would oppose and will  
23 oppose, if given the opportunity, and make its views  
24 known to the Taxicab Board about whatever they're  
25 considering in terms of adding seasonal licences?

1 MS. JOAN WILSON: We have neither opposed  
2 nor have we agreed. At this point in time, we are in  
3 negotiations and talks with the Taxicab Board. And  
4 certainly as far as Unicity Taxi is concerned, we will do  
5 whatever is best for the travelling public during this  
6 time, the winter season.

7 MR. PAUL EDWARDS: Okay. And so just to  
8 finish off this, when Mr. Kozubal says, as he did, that  
9 there's active consideration, but no decision made with  
10 respect to this recommendation of eighty (80) additional,  
11 how -- what -- what's your understanding of how many  
12 they're considering added -- adding in addition to the  
13 eighty (80) they've already decided on for -- for '09?

14 MS. JOAN WILSON: I can't answer that. I  
15 do not know what the Taxicab Board thinks or what they're  
16 discussions are amongst themselves.

17 THE CHAIRPERSON: The impression we have  
18 up here is that you have suggested that what Mr. Mundy  
19 meant was eighty (80) seasonal cars rather than seventy  
20 (70), and that was the same understanding that the  
21 Taxicab Board has.

22 MS. JOAN WILSON: Yes. That is  
23 absolutely correct.

24 MR. PAUL EDWARDS: I -- I understand that  
25 and -- and, Mr. Chair, just to clarify on that point, I -

1 - I would invite the Board to review Mr. Kozubal's  
2 evidence because he certainly talked about active  
3 consideration of this issue. Had -- there had been no  
4 decision.

5 Ms. Wilson's evidence here is that there's  
6 already been a decision to put on eighty (80) for 2009.  
7 That means that the opposite is true, that -- that there  
8 must be an additional eighty (80) that is actively being  
9 considered.

10 MR. SIDNEY SORONOW: I, for one, do not  
11 recall Mr. Kozubal's evidence in that way, but we do have  
12 transcripts, and we can all consult those transcripts to  
13 see what was said. I thought he was simply indicating  
14 that they were considering all of the matters raised by  
15 Dr. Mundy.

16 And, as we know from his evidence, in  
17 fact, it was after they considered the report of Dr.  
18 Mundy that they dismissed all those applications for  
19 standard licences on the premise there was no need for  
20 them.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Well, we are going to  
25 have to sort this out, but carry on for now, Mr. Edwards.

1 CONTINUED BY MR. PAUL EDWARDS:

2 MR. PAUL EDWARDS: Thank you very much.

3 And the -- the seasonal cars for '09 that  
4 you understand are going to be put on the eighty (80)  
5 that the Board's already decided on, Ms. Wilson, do you  
6 understand those will be put on for the five (5) months  
7 this year?

8 MS. JOAN WILSON: No, that's not correct.  
9 The decision has not been made by the Taxicab Board as to  
10 the length of time for these vehicles.

11 MR. PAUL EDWARDS: Okay, but just to be  
12 clear, you understand, and -- and it's been communicated  
13 to you by the Board, that they've already decided to put  
14 on eighty (80) for '09, is that correct, that, I think,  
15 was your evidence earlier?

16 MS. JOAN WILSON: Yes, that discussion  
17 has -- we've had that discussion as an industry with the  
18 Taxicab Board.

19 MR. PAUL EDWARDS: Thank you.

20 THE CHAIRPERSON: I apologize, Mr.  
21 Edwards, I missed that exchange.

22 MR. PAUL EDWARDS: I simply asked for the  
23 witness to confirm that it is their understanding that  
24 the decision has been made by the Board to add eighty  
25 (80) -- to -- to put -- not add eighty (80), to have

1 eighty (80) seasonal cabs for '09. I believe she's  
2 confirmed that.

3 And, in addition, she's made clear that  
4 it's her understanding that it's not been decided whether  
5 it's going to be three (3) or five (5) months. I think -  
6 - think that was the witness' evidence.

7 MS. JOAN WILSON: That's correct.

8 THE CHAIRPERSON: I think earlier she  
9 said that Unicity had not opposed five (5) months as  
10 opposed to three (3) months. I recall that as well.

11 That's correct, is it not?

12 MS. JOAN WILSON: In Dr. Mundy's report  
13 we had stated to Dr. Mundy that if he felt that five (5)  
14 months was the length of time and the Taxi Board adopted  
15 that, that we would certainly follow the regulations of  
16 the Taxicab Board.

17 MR. SIDNEY SORONOW: And just for added  
18 clarification, Mr. Chairman, it was -- it was myself that  
19 actually mentioned that, that in the context of the  
20 Hearings, where we opposed these eight hundred (800)  
21 additional taxicabs, we had said that if the Taxi Board  
22 felt that the three (3) months should be extended, we  
23 were comfortable with that if that was their conclusion.

24

25 CONTINUED BY MR. PAUL EDWARDS:

1                   MR. PAUL EDWARDS:   Now, as the Tennessee  
2 report makes clear, because of the investment required,  
3 it's very difficult for companies other than Unicity or  
4 Duffy's to put on those seasonal cabs and, of course,  
5 that explains why they historically have gone, in large  
6 part, the vast majority, to Unicity or Duffy's.

7                   You -- you understa -- understand that to  
8 be the conclusion of -- of Mr. Mundy. And do you -- do  
9 you have any comment on that conclusion he draws, Ms.  
10 Wilson?

11

12   (BRIEF PAUSE)

13

14                   MS. JOAN WILSON:   The system of issuing  
15 seasonal licences has been in effect from the Taxicab  
16 Board probably for twenty (20) years. How they came up  
17 with the formula of how many cars are given to each  
18 company, I do not know.

19

20   (BRIEF PAUSE)

21

22                   MR. PAUL EDWARDS:   Mr. Chair, I -- and I  
23 -- I see you've -- you've been handed -- got some -- it  
24 would be beneficial, I think --

25

                  THE CHAIRPERSON:   Mr. Saranchuk was



1 looking in the transcripts to look for Mr. Kozubal's  
2 comments on this, and my fast look at it, it is  
3 indecisive, conclusive.

4 MR. WALTER SARANCHUK: At pages 46 and  
5 47.

6 MR. PAUL EDWARDS: Unfortunately, I don't  
7 have a hard copy of that, the transcript maybe --

8 THE CHAIRPERSON: Okay, here we are. On  
9 transcript page 46, it says:

10 "MR. JERRY KOZUBAL: As I mentioned,  
11 the Board is in the process of  
12 reviewing these applications. One (1)  
13 of the significant applications that  
14 will have an impact on the number of  
15 taxicabs in the city is looking at  
16 seasonal taxicabs.  
17 The study recommended eighty (80)  
18 seasonal taxicabs for a period of five  
19 (5) months and that these licences  
20 should be issued to drivers and not to  
21 owners as the Board has in the past,  
22 and we are currently looking at that  
23 situation."

24 MR. PAUL EDWARDS: Yes, and my only  
25 comment, Mr. Chair, is that the -- Mr. Kozubal's

1 indication that -- that he's currently looking at, that  
2 the Board is currently looking at, cannot be reconciled  
3 with the evidence we've now had twice from this witness  
4 about the existing decision for eighty (80) this year.

5                   So, Mr. -- the -- my -- that's my point is  
6 that the logical conclusion from his comments is, if  
7 you're still considering it, it must be something other  
8 than what's already been decided upon. That's the  
9 comment and, of course, that is consistent with the use  
10 of the word "additional" by Mr. Mundy. That's my --  
11 that's my only point.

12                   MR. SIDNEY SORONOW: Well, if I may -- if  
13 I may assist My Friend, it also appears at page 93 and  
14 his own question to Mr. Kozubal on this subject didn't  
15 use the word "additional." He says, "I," -- Mr. Edwards  
16 says, "I confess not every" -- that he didn't read every  
17 page.

18                   "But I did note that one (1) of the  
19 recommendations of course is the eighty  
20 (80) seasonal licences, and then  
21 there's a second part that..."

22                   And then he goes on about potentially  
23 forty (40) more. So the -- he -- he's not referencing,  
24 even in his own question, that it was an additional  
25 amount.

1 I think that Ms. Wilson has brought to  
2 your attention there are two (2) issues: The number and  
3 the time frame. And she has indicated that the industry  
4 has met with the Taxicab Board and they -- they draw the  
5 conclusion, from what they've said, that they're inclined  
6 to the eighty (80).

7 He indicates in his answer here, they're  
8 still looking at it because they're trying to get  
9 information from seasonal licence holders so that they  
10 can, you know, get a better handle precisely on what  
11 should be done. But there are two (2) issues: Number  
12 and time frame, and the indication seems to be probably  
13 eighty (80); time frame is still an open issue. So, yes,  
14 it is still an open question.

15 THE CHAIRPERSON: Yes, it's page 93 of  
16 the transcripts, Mr. Edwards. He concludes by saying:

17 "That's right, it's under review. In  
18 fact we are just doing a survey of  
19 previous seasonal licence holders to  
20 obtain information on the number of  
21 trips and their financial information."

22 MR. PAUL EDWARDS: Right. The point  
23 being if it's under review it can't be the same as this  
24 decision, which has already been made, of eighty (80) for  
25 this year.

1 THE CHAIRPERSON: We have your point.

2 MR. PAUL EDWARDS: And the only  
3 suggestion I might make through Mr. Saranchuk is, you  
4 know, we're -- we're obviously collecting some further  
5 additional information in the coming week. I would ask  
6 the Board to consider a -- a written clarification from  
7 Mr. Kozubal on that.

8 THE CHAIRPERSON: The Board will do  
9 exactly that and share with both parties.

10 MR. PAUL EDWARDS: Thank you very much,  
11 Mr. Chair.

12

13 (BRIEF PAUSE)

14

15 MR. SIDNEY SORONOW: I'm sorry, Ms. --  
16 Mr. Chairman, I'm -- I'm unclear as to what that last  
17 little interchange was about clarification from Mr.  
18 Kozubal. How did that end up there?

19 THE CHAIRPERSON: Well, as you said,  
20 there appeared to be two (2) questions, okay. And in a  
21 read of these various transcript pages, you could argue  
22 there's actually three (3).

23 I mean, one is -- Mr. Mundy's report says:  
24 "The addition of eighty (80) Christmas  
25 cars would have the effect of adding 20

1                   percent of taxi capacity to the peak  
2                   winter months."

3                   You could clearly read that as meaning  
4 what Ms. Wilson said, it's just ten (10) more rather than  
5 seventy (70) or, alternatively, you could read it as it's  
6 eighty (80) more because he goes on talking about the  
7 effect on the taxi industry and it might be significant,  
8 et cetera, et cetera.

9                   The second issue is -- the issue you said,  
10 whether it's again eighty (80) or seventy (70); and the  
11 third is the issue of three (3) months as opposed to five  
12 (5) months.

13                   And we might as well get a confirmation  
14 from Mr. Kozubal as to -- to confirm his testimony that's  
15 on the record right now. Is the Taxicab Board  
16 considering eighty (80) new cars or ten (10) more, as  
17 opposed to the previous seventy (70), and are they still  
18 reconsidering three (3) months or five (5) months?

19                   It seems relatively simple.

20                   MR. SIDNEY SORONOW: Thank you, Mr.  
21 Chairman, I -- I now understand the --

22                   THE CHAIRPERSON: Just to get rid of a --  
23 of a sort of not quite a, what do you call it, a hanging  
24 participle, but it of some nature.

25                   MR. PAUL EDWARDS: Thank you.

1

2 CONTINUED BY MR. PAUL EDWARDS:

3 MR. PAUL EDWARDS: Ms. Wilson, to  
4 conclude on this area of seasonal cars, you also  
5 recognized that, leaving aside this dispute over eighty  
6 (80), Mr. Mundy recommended an additional forty (40) for  
7 the following year should the additional eighty (80)  
8 Christmas taxicabs be absorbed in the Winnipeg taxi  
9 market and average twenty-five (25) to thirty (30) trips  
10 per shift during the peak winter seasons.

11 You -- you recognize that as well as one  
12 (1) of his recommendations.

13 MS. JOAN WILSON: Yes.

14 MR. PAUL EDWARDS: Okay. And so,  
15 frankly, whether it's ten (10) or another eighty (80),  
16 whether it's -- get to the additional forty (40), that  
17 addition of seasonal cars will have and those  
18 recommendations will potentially have a significant  
19 impact on the taxicab industry in this City, correct?

20 MS. JOAN WILSON: Correct.

21 MR. PAUL EDWARDS: Yeah. Far more  
22 significant than the potential for 5 percent -- potential  
23 for 5 percent of the business because -- because as a  
24 result of this application by Avion.

25 MS. JOAN WILSON: Then it would become in

1 addition to the eighty (80) Christmas cars.

2 MR. PAUL EDWARDS: I'm sorry, I'm just  
3 asking you to agree with me that the recommendations here  
4 on additional cars, generally, leaving aside the  
5 confusion we've still got, that's a far more significant  
6 potential impact on the taxicab industry in this City  
7 than what we've just gone through in terms of the numbers  
8 of the potential impact of Avion's application.

9 I'm asking you to agree or disagree with  
10 that conclusion. Well, I'd -- I'd prefer if Mr. Soronow  
11 didn't say "disagree" to his client.

12 MR. SIDNEY SORONOW: Mr. Chairman, I --  
13 I'm happy to show the flaw in My Friend's reasoning so I  
14 can tell it to him now or use it in argument when he has  
15 no opportunity to deal with it.

16 MR. PAUL EDWARDS: Well, I'd prefer  
17 argument. This is cross-examination. I'm entitled to do  
18 it and I'm entitled to have the answers of your witness  
19 unaided.

20 THE CHAIRPERSON: Ms. Wilson has  
21 indicated that she is very experienced, obviously, long  
22 serving in the particular industry. I am confident that  
23 she has an opinion as to whether or not the Avion shuttle  
24 service would represent a more serious threat or not to  
25 the addition of seasonal cars; whether they are one and

1 the same, they both represent risk.

2 MS. JOAN WILSON: They both represent  
3 risk. Avion, in the effect that, even though these  
4 Christmas cars will have a negative effect on -- on our  
5 current owner/operators, and they certainly did in 2008  
6 and 2009 but, as well, Avion will have a greater negative  
7 impact on us during our summer months.

8

9 CONTINUED BY MR. PAUL EDWARDS:

10 MR. PAUL EDWARDS: Well and, in  
11 particular, the difference between the Avion application  
12 and the seasonal licences is, Unicity, typically and  
13 traditionally, gets quite a few of the seasonal licences,  
14 so your own owner/operators don't lose.

15 In fact, they pick up a lot of those  
16 licences; isn't that true, Ms. Wilson?

17 MS. JOAN WILSON: I don't think, when you  
18 say that they don't lose, that that is an accurate  
19 statement. Certainly, these cars being on the road for  
20 three (3) months, they don't make a lot of money.

21 There is a tremendous amount of money  
22 spent just to put these cars on the road. We've put  
23 these cars on the road because we believe, during the  
24 winter months, that the people of the City of Winnipeg  
25 should not have to wait an exuberant amount of time for a



1 taxi. So, our owners are not making huge amounts of  
2 money off of these seasonal cars.

3 MR. PAUL EDWARDS: Understood, but  
4 they're certainly making some money and it forestalls  
5 others -- competitors taking business away from them.  
6 It's a good move to try to get these seasonal licences,  
7 assuming they're going to be issued, correct?

8 MS. JOAN WILSON: I disagree with that.

9 MR. PAUL EDWARDS: Okay. So are you  
10 intending then to stop applying for seasonal licences and  
11 let others have them?

12 MS. JOAN WILSON: In the past, when our  
13 business has not been that good and you have made comment  
14 about that in 2006 about the twenty-two (22) seasonal  
15 licences that were issued, that was done based on  
16 economic impact of the taxi business. Certainly anyone  
17 of an independent nature could've come and taken those  
18 licences and nobody stepped forward at that time.

19 MR. PAUL EDWARDS: Right. And -- and so  
20 Unicity has stepped forward and will continue to, I -- I  
21 think is your evidence. You're certainly going to apply  
22 for any additional seasonal licences should they be  
23 issued?

24 That would be a safe conclusion?

25 MS. JOAN WILSON: Yes.

1 MR. WALTER SARANCHUK: Mr. Chairman, if I  
2 may, I have some information that might now assist the  
3 process. The -- technology is wonderful these days and  
4 we now have an email to Mr. Gaudreau from Mr. Kozubal  
5 sent at 11:25 this morning --

6 MR. PAUL EDWARDS: This is fantastic.

7 MR. WALTER SARANCHUK: -- three (3)  
8 minutes ago. And it says:

9 "I indicated to the PUB that the  
10 Taxicab Board awarded thirty (30) new  
11 executive car licences in 2009. The  
12 decision was supported, to a large  
13 extent, by the WAA changing its policy  
14 to remove stretch limousines from  
15 picking up passengers at the airport  
16 terminal. Existing limousine licence  
17 holders who felt they needed an  
18 executive car to provide service at the  
19 airport applied for the new licences.  
20 The Winnipeg Taxi Study recommended  
21 that eighty (80) seasonal taxicabs be  
22 introduced during the winter months to  
23 meet the increased demand for taxicabs.  
24 As the Taxicab Board already allocates  
25 seventy (70) seasonal taxicabs, the

1                   increase would be ten (10) more  
2                   seasonal taxicabs for 2009/2010, if the  
3                   Board proceeds to implement the  
4                   recommendation."

5                   THE CHAIRPERSON:    Thank you, Mr.  
6                   Saranchuk.

7                   MR. PAUL EDWARDS:    Thank you, Mr.  
8                   Saranchuk, and thank you Mr. Gaudreau for that prompt  
9                   service, which saves us all time.

10  
11                   CONTINUED BY MR. PAUL EDWARDS:

12                   MR. PAUL EDWARDS:    In terms of the -- the  
13                   impacts on the taxi business, and this is both for Mr.  
14                   Walding and Ms. Wilson, there are -- we've -- we've  
15                   talked about the weather and the seasonality of the  
16                   business.

17                   We've talked about the effect of  
18                   recommendations, and -- and that come forward from this  
19                   Tennessee Report, and the -- the Board's consideration of  
20                   those.

21                   Those are certainly risks would can --  
22                   which can have a -- a negative or a positive effect on  
23                   your industry. Those are important things in terms of  
24                   the impact on your business, correct?

25                   MS. JOAN WILSON:    Correct.

1 MR. PAUL EDWARDS: And in addition, there  
2 may be other things that impact the business, such as the  
3 terms and the getting of or losing of contracts.

4 The contract with the Winnipeg Airport  
5 Authority comes up on a regular basis and would -- is a  
6 significant, you've indicated, Ms. Wilson, revenue  
7 generator for -- for your owners, correct?

8 MS. JOAN WILSON: Correct.

9 MR. PAUL EDWARDS: And in addition,  
10 you've indicated that both of you have contracts with  
11 hotels and those come up for renewal and could go to  
12 other competitors or not be renewed; and that would have  
13 an impact on your businesses, correct?

14 MR. PHIL WALDING: Correct.

15 MR. PAUL EDWARDS: And in addition, you  
16 mentioned, Mr. Walding, that with the economic ups and  
17 downs, as they are, companies like Convergys -- even in  
18 good times some companies can go under.

19 That -- if it's a significant customer,  
20 that can have a -- a -- an unexpected and significant  
21 impact on your business?

22 MR. PHIL WALDING: Yes.

23 MR. PAUL EDWARDS: And perhaps to a -- a  
24 different degree, but the City of Winnipeg considering  
25 bus corridors or rapid transit, other means of -- of

1 people moving within the city, upgrading services, that  
2 can certainly have an impact on use of taxicabs in the  
3 city; isn't that correct?

4 MR. PHIL WALDING: Yes.

5 MR. PAUL EDWARDS: And as well, just a  
6 moment here... Things like, and this may be specific to  
7 you, Ms. Wilson but, you know, there's a new Greyhound  
8 terminal at the airport. And they may chose, as they  
9 apparently did in the past, to operate their own shuttles  
10 for their passengers to and from certain places downtown.

11 They -- they may well do that. Isn't that  
12 correct?

13 MS. JOAN WILSON: I have no idea.

14 MR. PAUL EDWARDS: There's also, on the -  
15 - just as you've indicated, the rates are set by the  
16 Taxicab Board, but there's profound influences in the  
17 larger marketplace in terms of fuel prices, in  
18 particular, which can have a pretty profound effect on  
19 the revenue generation, the profitability of the  
20 taxicabs, correct?

21 MR. PHIL WALDING: Yes, but diminished  
22 with the use of hybrid vehicles.

23 MR. PAUL EDWARDS: Certainly. And of  
24 course the investment in hybrid vehicles moderates that  
25 influence, and that's why that investment was made,

1 presumably?

2 MR. PHIL WALDING: The cost of the  
3 vehicle is -- is static and established and offers no  
4 surprise as opposed to the price of fuel.

5 MR. PAUL EDWARDS: Right. Right. So  
6 there are a number, and -- and even at the airport  
7 itself, of course, the Winnipeg Airports Authority owns  
8 that facility and controls access to -- to the ramps and  
9 the -- and the facility itself.

10 So they -- making decisions like these,  
11 just allowing for one (1) stretch limo instead of more,  
12 and bringing in new executive cars, you've explained,  
13 decisions like that outside of your control can and do  
14 have an impact on -- on your business, correct?

15 MS. JOAN WILSON: Yes.

16 MR. PAUL EDWARDS: And some positive  
17 things, we've -- we've talked about the -- some of the  
18 improvements in the taxicab business itself, and  
19 improvements in vehicles, training of staff. But there  
20 are other things that happen like the promotional efforts  
21 for the City done by Destination Winnipeg and Travel  
22 Manitoba, building a new airport facility for -- with  
23 hundreds of millions of dollars.

24 Things like that generally are good for  
25 the hospitality industry are going to be good for

1 taxicabs, correct?

2 MS. JOAN WILSON: Correct.

3 MR. PAUL EDWARDS: So, there are a number  
4 of things which happen in a dynamic and competitive  
5 marketplace for you which, frankly, can have a  
6 significant impact on your business.

7 But neither your operations, nor the  
8 Taxicab Board control, correct?

9 MS. JOAN WILSON: Correct.

10 MR. PAUL EDWARDS: And what the Taxicab  
11 Board does, and I -- as I understand it, and -- and you  
12 know it far better than I is, and it has certain powers,  
13 but the main ones really economically have to do with the  
14 numbers of licences and the conditions attached to those  
15 licences, and the rates that they say have to be charged.

16 Tho -- those would be the two (2) main  
17 economic levers of the Taxicab Board; would -- would you  
18 agree with that?

19 MS. JOAN WILSON: I disagree with that.

20 MR. PAUL EDWARDS: Okay. Would you add  
21 some to that or -- or delete from that list?

22 MS. JOAN WILSON: I believe that the  
23 function, and the main function, of the Taxicab Board is  
24 not necessarily the regulator but to ensure that the  
25 public good and necessity are taken care of, as well as

1 the health and viability of the industry itself.

2 MR. PAUL EDWARDS: Right. And one (1) of  
3 the main ways that they can achieve that is to set rates  
4 and require all cabs to charge the same rates.

5 That -- that's one (1) of the levers they  
6 have to achieve those goals, correct?

7 MS. JOAN WILSON: Correct.

8 MR. PAUL EDWARDS: And another one (1) of  
9 the main levers that they have and powers, is to, as  
10 we've discussed, control the number of people who are  
11 allowed to drive cabs.

12 That's another major power that they have?

13 MS. JOAN WILSON: I do not believe that  
14 they control the number of people who are allowed to  
15 drive taxis, but they do control the number of licences.

16 MR. PAUL EDWARDS: Yes. Thank you for  
17 that clarification. In addition to those two (2) powers  
18 then, Ms. Wilson, are there others that you suggest the  
19 Board has that are significant in terms of achieving  
20 those goals that -- that you've just talked about?

21 MS. JOAN WILSON: I believe the Taxi  
22 Board, in the last two (2) or three (3) years, have done  
23 their due diligence by commissioning a report for the  
24 City of Winnipeg through the Tennessee firm of Dr.  
25 Mundy's, and it's actually come to fruition (sic) and



1 there is no more speculation about how the industry works  
2 and what is required within the regulatory body as to how  
3 many taxis should be allowed on the road.

4 MR. PAUL EDWARDS: Right. And so in  
5 terms of this application, as with the applications for  
6 new licences which were dealt with last year by the  
7 Board, it is in the interest of Unicity and Duffy's, it  
8 is in their financial interest, of course, to not have  
9 other forms of ground transportation which may well cut  
10 into the taxicab business in this city.

11 That's certainly -- you don't deny that's  
12 absolutely in the economic interests of both Unicity and  
13 Duffy's, correct?

14 MS. JOAN WILSON: I'll have to disagree  
15 with this statement. As the general manager of Unicity  
16 Taxi, my main concern is the health and viability of the  
17 industry itself.

18 Certainly, whether it be shuttles, whether  
19 it be vans, whether it be executive cars, whether it be  
20 rickshaws, for that matter, it all has an effect on the  
21 industry.

22 And, as Dr. Mundy has pointed out, a lot  
23 of these different avenues of transportation have a great  
24 negative effect on the industry. So as the industry, we  
25 would certainly oppose any form of transportation that

1 would affect our health and viability.

2 MR. PAUL EDWARDS: Right. And when you  
3 say "health and viability," I'm just seeking to confirm,  
4 what you're speaking of is the financial, the economic  
5 health and viability of your individual licence owners.

6 MS. JOAN WILSON: Yes, to a certain  
7 extent. We are not talking about an industry that is  
8 made up of a big corporation. We are talking about an  
9 industry that is made up of very small businessmen. They  
10 have a very narrow margin of profit in their -- in their  
11 businesses and, certainly, any impact on that -- on their  
12 bottom line is significant for them.

13 MR. PAUL EDWARDS: Right, so your concern  
14 would be, as I understand it and has been put forward in  
15 the documents which you've adopted, is that, if Avion  
16 reaches that projection of sixty-eight thousand (68,000),  
17 that will be a significant economic impact.

18 That -- that's the position taken here  
19 today.

20 MS. JOAN WILSON: Yes, we are -- you are  
21 talking about sixty-eight thousand (68,000), we are  
22 talking about that times two (2). That would be a great  
23 hit for our shareholders.

24 MR. PAUL EDWARDS: Right. And -- well,  
25 approximately 5 percent I think is what we've gone

1 through.

2                   And, Ms. Wilson, you understand that if  
3 Unicity had not, for some reason, been able to  
4 renegotiate a contract with the Winnipeg Airport  
5 Authority, that would have been a far greater hit  
6 economically to Unicity than -- than this application,  
7 you understand that.

8                   MS. JOAN WILSON:    Yes.

9                   MR. PAUL EDWARDS:    And you under -- and I  
10 believe, and we don't have it in front of us here, but  
11 that agreement was signed with the WA by Unicity, it was  
12 renewed. I think I became effective in December '07.

13                   When -- when was it signed off, do you  
14 recall?

15                   MS. JOAN WILSON:    No, I do not.

16                   MR. PAUL EDWARDS:    Was it before it  
17 became effective, or was it signed off and -- and applied  
18 retroactively?

19                   MS. JOAN WILSON:    I don't believe that I  
20 should comment on what the negotiations were with the  
21 WAA.

22                   MR. PAUL EDWARDS:    No, I'm just asking  
23 for the signing date.

24                   MS. JOAN WILSON:    I don't recall.

25                   MR. PAUL EDWARDS:    Okay, well, we're

1 going to get that. Certainly, while Unicity -- were you  
2 at the negotiating table, Ms. Wilson?

3 MS. JOAN WILSON: Yes, I was.

4 MR. PAUL EDWARDS: Okay. So, certainly,  
5 during those negotiations, the Avion application, you  
6 were well aware of it, well aware that it had not been  
7 withdrawn from this Board.

8 You -- you were aware of the potential for  
9 Avion's application to -- to go forward, correct?

10 MS. JOAN WILSON: Personally speaking, I  
11 was not aware that Avion had made any indication that it  
12 would revisit the application to the PUB. It came as a  
13 complete surprise for Unicity Taxi.

14 In discussions with the WAA, they were  
15 under the same understanding that we were - whether they  
16 were telling us the truth or not, I can't say - was that  
17 these shuttles were a dead issue.

18 MR. PAUL EDWARDS: Well, let me just be  
19 clear on that, are -- are you suggesting, Ms. Wilson,  
20 that you raised this at the negotiating table with the  
21 WAA and were advised that the Avion application would not  
22 be going ahead.

23 Is -- is that your suggestion?

24 MS. JOAN WILSON: Both myself and Mr.  
25 Mangat were at the negotiating tables for this particular

1 contract. We, in fact, had suggested that in the contract  
2 that we would put that we had the exclusive rights and  
3 that no shuttles would be at the WAA. And the WAA said  
4 that was not necessary as Avion did not have their  
5 application in front of the PUB.

6 MR. PAUL EDWARDS: Okay. Well, just to  
7 serve notice to Mr. Saranchuk and the Board, we'll  
8 certainly have to call further evidence and ask this  
9 Board to allow that to -- to occur to deal with that  
10 issue. It's a significant issue and one, obviously, that  
11 hadn't come up in the evidence before.

12 Based on that --

13 MR. WALTER SARANCHUK: You might have to  
14 give that notice to the Board as opposed to me as the  
15 counsel.

16 MR. PAUL EDWARDS: Well, I -- I think I  
17 said to Mr. -- to the Board through Mr. Saranchuk.

18 THE CHAIRPERSON: We heard you, and we  
19 agree it is a significant issue.

20 MR. PAUL EDWARDS: Yeah. Thank you.

21

22 CONTINUED BY MR. PAUL EDWARDS:

23 MR. PAUL EDWARDS: Now, Ms. Wilson, in  
24 terms of the -- the decisions of the airport, you -- you  
25 said you generally oppose -- or do I take it it -- it is

1 opposed that the stretch limos be reduced and -- and that  
2 they make these changes and have more executive cars.

3 That's something that Unicity is not happy  
4 with or do you have any opinion?

5 MS. JOAN WILSON: We were not consulted,  
6 nor do we have an opinion.

7 MR. PAUL EDWARDS: Right. Because the  
8 cabs, unlike those other vehicles, are corralled and then  
9 come forward in numbers to pick up rides as they are made  
10 available, correct?

11 MS. JOAN WILSON: Both taxis, executive  
12 cars are corralled in the same corral.

13 MR. PAUL EDWARDS: Right. But there's a  
14 corral -- what I'm -- what I'm saying is there's a -- a  
15 space for a few cars to come at a time, and they come as  
16 per the need on the -- on the ramp, correct?

17 MS. JOAN WILSON: Yes. They are called  
18 up by the GTMS system.

19 MR. PAUL EDWARDS: Right. So that's  
20 different than the -- what the stretch limos were doing.  
21 They -- they were not corralled, it's my understanding.  
22 They were actually using part of the ramp or have I got  
23 that wrong?

24 MS. JOAN WILSON: No. That is incorrect.  
25 When the stretch limos were allowed at the airport, they

1 were corralled in the same corral as our taxis.

2 MR. PAUL EDWARDS: Okay. And my  
3 understanding is there still is room for one (1) stretch  
4 limo at the airport. Is that your understanding?

5 MS. JOAN WILSON: To a degree that is  
6 correct, but the stretch limo is what they call on the  
7 fourth lane. They are not allowed to solicit at the  
8 airport, and they are far away from any doors or  
9 availability to customers. They're on demand only.

10

11 (BRIEF PAUSE)

12

13 MR. PAUL EDWARDS: Now, just talking a  
14 bit about the trends, we have a clear indication from the  
15 2008 data report from the airport -- this is the page 10  
16 that the number of dispatches from the airport has been  
17 increasing -- well, cer -- certainly according to this  
18 chart, every year in the past ten (10) years between 1998  
19 and 2008, correct?

20 MS. JOAN WILSON: Correct.

21 MR. PAUL EDWARDS: And, in fact, it's now  
22 two hundred and forty-six thousand (246,000) and ten (10)  
23 years ago is was one hundred and sixty-five thousand  
24 (165,000).

25 That's what that graph shows?

1 MS. JOAN WILSON: Correct.

2 MR. PAUL EDWARDS: And in addition you'll  
3 see at the bottom, percent of change yearly is nicely  
4 laid out between 2003 for taxis up to 2008. You will see  
5 the -- oh, I'm -- I'm -- and I'm sorry, there was -- 2001  
6 and 2002 there was a slight decline and then between 2003  
7 and 2008, the last six (6) years, there are inclines --  
8 you -- you -- various percentages.

9 You see that, Ms. Wilson?

10 MS. JOAN WILSON: Yes.

11 MR. PAUL EDWARDS: Okay. And those are  
12 cumulative numbers. I add them -- you can add them up  
13 and you get, I think, forty-one (41), but that's  
14 compounding every year, that's an additional percentage  
15 based on the prior years.

16 You -- you understand that?

17 MS. JOAN WILSON: Yes.

18 MR. PAUL EDWARDS: Okay. I haven't  
19 figured out what would be but it's certainly something in  
20 excess of 41 percent.

21 And you're also aware generally that the  
22 value of these licences has increased dramatically? We  
23 had some from Mr. Kozubal current -- just two (2) weeks  
24 ago. There's been dramatic increases over the years,  
25 which appears to be continuing in the transfer value of



1 these four hundred and ten (410) licences, correct?

2 MS. JOAN WILSON: Yes.

3 MR. PAUL EDWARDS: And we've heard some  
4 discussion about the reasons for those licence value  
5 increases, and Mr. Mundy as well had some comments on  
6 that. But the bottom line is, people -- pay that much  
7 money for a licence, they certainly use it, don't they?  
8 They -- it doesn't lie dormant. They certainly use that  
9 licence because they've put a lot of money into it.

10 They got to run the cab 24/7 to try to  
11 recoup as much money as possible, correct?

12 MS. JOAN WILSON: Correct.

13 MR. PAUL EDWARDS: So, in terms of  
14 willingness of people to continue to provide cab  
15 services, we can point to the transfer value and say,  
16 Well, it's not necessarily related to profitability, but  
17 the reality is increasing value means increasing demand,  
18 increasing willingness to live the life, albeit a  
19 difficult one, of a cab driver, correct?

20 MS. JOAN WILSON: That's a very  
21 simplistic way to put it, but, okay. Yes.

22 MR. PAUL EDWARDS: You became aware of  
23 the decision of the Taxicab Board on the issue of  
24 jurisdiction in or around November of 2006, isn't that  
25 correct, Ms. Wilson, when you were first --

1 MR. SIDNEY SORONOW: Misdescribed. It's  
2 not a decision, all there was was a letter. If that's  
3 what you're going ask about, ask about a letter, don't  
4 ask about a decision. As Mr. Kozubal said, there was no  
5 public representation; it was a letter.

6

7 (BRIEF PAUSE)

8

9 CONTINUED BY MR. PAUL EDWARDS:

10 MR. PAUL EDWARDS: Well, I'm not going to  
11 debate whether it was a decision or not, of course. I  
12 think Mr. Kozubal -- said differently, it was the product  
13 of a meeting and recorded as a decision of the Board.

14 But in any event, the determination --  
15 let's leave -- let's leave it there, a nice neutral term,  
16 perhaps -- by the Taxicab Board, communicated to the City  
17 that they did not have jurisdiction.

18 You certainly knew of that in or around  
19 October of '06 when this matter first arose you -- at the  
20 City of Winnipeg, correct?

21 MS. JOAN WILSON: No, that is not  
22 correct.

23 MR. PAUL EDWARDS: Okay. When do you say  
24 you learned about it?

25 MS. JOAN WILSON: We learned about it

1 after the meeting with the Taxicab Board which was held  
2 in camera, which means there was no industry or public  
3 input. We learned that Avion had gone to the city of  
4 Winnipeg, that the Transit had already okayed it. And we  
5 were given the documentation after the first meeting of  
6 the Executive Policy Committee by the member of the  
7 Taxicab Board, who sits on the Board, who is actually a  
8 councillor, and also sat on the EPC Policy Committee.

9 We were told after the fact. And we went  
10 to the city council and we met with the Executive Policy  
11 Committee, and the Mayor was kind enough to put it back  
12 to the first committee and begin it again because the  
13 industry had not been made aware, either by Avion, the  
14 city of Winnipeg, or the Taxicab Board, that this  
15 Application was before it.

16 MR. PAUL EDWARDS: Right. And just to be  
17 clear, that counsellor who sits on both council and sits  
18 on the Taxicab Board, that's counsellor Lazarenko,  
19 correct?

20 MS. JOAN WILSON: Correct.

21 MR. PAUL EDWARDS: Okay. But going back  
22 to my question, and I appreciate the background,  
23 certainly Unicity was aware that the Taxicab Board had  
24 determined it did not have jurisdiction over the Avion  
25 Application, and that, as a result, it did not oppose it?

1                   You were aware of that in and around late,  
2 I believe, November of 2006, is that correct?

3 OBJ                   MR. SIDNEY SORONOW:   Mr. Chairman, at  
4 this point, I'm going to take an objection. I don't know  
5 where this is going. You know, we were the ones who  
6 raised the jurisdiction issue. We have, for the moment,  
7 put it behind us. We're here to deal with this  
8 Application on its merits. We're never going to get  
9 finished if My Friend wants to try to revisit all of  
10 that.

11                   And I'll remind the Chair that nothing  
12 came from questioning, and, in fact, the first time I  
13 asked anything that had any scintilla of relationship to  
14 the jurisdiction, I said I was only doing it because it  
15 had been introduced by others.

16                   So we're here to deal with the merits. I  
17 don't know where my friend is going. And we've been at  
18 this and at this, and I've tried not interrupt his cross-  
19 examination, but at this juncture I am going to do so,  
20 because one (1) of the guiding principles is not simply  
21 that people can go anywhere they want in cross-  
22 examination, but it has to have relevance to the issues  
23 before the tribunal. And I don't think, at this  
24 juncture, the jurisdiction issue has relevance when we're  
25 here discussing the merits, and that's what we have

1 directed our attention to.

2

3 CONTINUED BY MR. PAUL EDWARDS:

4 MR. PAUL EDWARDS: Well, I'm not  
5 intending to delve into the merits of the jurisdictional  
6 issue. I'm just trying to get a framework of the timing.

7 And there is a document, and I believe  
8 it's been put before the Board, I'm having a hard time  
9 putting my finger on it, that in -- indicates that it was  
10 -- in fact, it was you, Ms. Wilson, that first requested  
11 the Taxicab Board -- asked the Taxicab Board for a copy  
12 of the letter that they had sent to the Standing  
13 Committee of the City.

14 You -- you made that request to Mr.  
15 Kozubal, correct?

16 MR. SIDNEY SORONOW: Mr. Chairman, I -- I  
17 made an objection. I didn't hear a ruling. And my  
18 friend has assumed that your ruling is to allow him to  
19 continue and I -- and I don't know that such a ruling was  
20 ever made, considering that the issues he's examining on  
21 are not relevant to these proceedings.

22 THE CHAIRPERSON: I think Mr. Edwards  
23 said he is not going into the jurisdictional issue, he  
24 was just trying to get a timeframe. I think the letter  
25 he is looking for is dated November 22nd, 2006, from

1 Jerry Kozubal to the city of Winnipeg. Is that it?

2 MR. PAUL EDWARDS: Yeah, that's it. I'm  
3 looking for a copy, and I -- I think I've found it.  
4 Yeah.

5  
6 CONTINUED BY MR. PAUL EDWARDS:

7 MR. PAUL EDWARDS: That -- that's  
8 correct, that November 22nd, 2006 letter, Ms. Wilson,  
9 just to -- that's a letter you were aware of shortly  
10 after November 22nd, 2006, correct?

11 MS. JOAN WILSON: I became aware of it at  
12 the EPC meeting when Avion mentioned it in their  
13 presentation.

14 MR. PAUL EDWARDS: Yeah, that would be  
15 the EPC meeting of, I believe, early December 2006,  
16 correct?

17 MS. JOAN WILSON: Or the end of November.

18 MR. PAUL EDWARDS: Okay. And during that  
19 City of Winnipeg process, you'll agree, I think you were  
20 at all of them, I was at some, there was an extensive --  
21 discussions on at least five (5) occasions which were  
22 public leading up to and culminating in the City Council  
23 decision of January 24th, 2007, correct?

24 MS. JOAN WILSON: Correct.

25 MR. PAUL EDWARDS: Okay. And at that --

1 at those various hearings, the issue of the economic  
2 impact of this Application on the taxicab industry was  
3 the main thrust of the -- the industry's position,  
4 certainly, as evidenced by Mr. Gorlick's (phonetic)  
5 presentation, which was before the City, correct?

6 MS. JOAN WILSON: Correct.

7 MR. PAUL EDWARDS: Now, in addition to  
8 the position that it will have a negative impact on the  
9 taxicab industry, many other points were made, including  
10 that there is no need for this.

11 That -- that's another position of  
12 Unicity, correct?

13 MS. JOAN WILSON: Our position is that  
14 public need and necessity has not been shown by Avion.

15 MR. PAUL EDWARDS: Okay. And so when you  
16 say "public need hasn't been shown," for instance one (1)  
17 of the positions put forward is -- is that there are  
18 alternative methods of transportation for groups that are  
19 in fact less expensive, like the stretch limos, correct?

20 That's one (1) of the positions taken  
21 here?

22 MS. JOAN WILSON: Correct. And I should  
23 also mention that there are several limousine services  
24 that offer fifteen (15) passenger van service, as well.

25 MR. PAUL EDWARDS: Right. For -- for

1 dedicated trips and events there are existing companies  
2 that -- that will come and pick up groups and take them  
3 to places.

4 That -- that already exists, right?

5 MS. JOAN WILSON: Correct. And on  
6 demand, as well.

7 MR. PAUL EDWARDS: Yes. By that meaning  
8 not scheduled, but -- but upon -- you call and book them  
9 and they'll do trips?

10 MS. JOAN WILSON: Correct.

11 MR. PAUL EDWARDS: Okay. So one (1) of  
12 the positions then is that -- that there -- there are  
13 other alternatives, less cost. Another position taken, I  
14 believe is, is that, you know, Winnipeg just has a  
15 downtown that isn't that far away like Halifax or  
16 Edmonton, and so again, the cost factor comes in and a  
17 cab is as or less expensive.

18 That's another position taken?

19 MS. JOAN WILSON: Correct.

20 MR. PAUL EDWARDS: And another position  
21 is that in fact cabs provide as good or better service;  
22 the people are trained, the cabs are clean, the service  
23 is good.

24 That -- that's a position that's put  
25 forward, here suggesting that passengers are certainly



1 well served and -- and wouldn't have a need for this  
2 service, correct?

3 MS. JOAN WILSON: Correct.

4 MR. PAUL EDWARDS: Okay. And in  
5 addition, there's the comment that the travellers,  
6 whether it be business travellers or tourists, they won't  
7 chose the shuttle because it's -- would take longer, it's  
8 not a dedicated trip; you're hotel might be number seven  
9 (7) or whatever else.

10 There are other reasons that you believe  
11 people won't chose this business in sufficient numbers to  
12 make it viable, correct?

13 MS. JOAN WILSON: That is my position. I  
14 have not been shown any other data to suggest anything  
15 else.

16 MR. PAUL EDWARDS: Right. And part of  
17 our position must also relate back to the fact that  
18 Unicity itself tried this, you've now clarified, in the  
19 '60s for what -- I didn't write that down; was that a few  
20 years you tried it?

21 MS. JOAN WILSON: I believe it was about  
22 four (4) or five (5) years.

23 MR. PAUL EDWARDS: Yeah. So does that  
24 factor into your decision, or your position, as well,  
25 that it -- it's not viable, that Unicity tried it already

1 and it wasn't viable?

2 MS. JOAN WILSON: It wasn't viable for  
3 Unicity Taxi, that's all I can state.

4 MR. PAUL EDWARDS: Right. And so -- oh,  
5 and by the way on that, what -- what were the studies  
6 done prior to Unicity starting up that business, in terms  
7 of the public need?

8 MS. JOAN WILSON: I can't answer that. I  
9 was no involved in that personally.

10 MR. PAUL EDWARDS: Right. And what were  
11 the negative economic impacts of that business on the  
12 taxicab industry in Winnipeg?

13 Do you have any information on that?

14 MS. JOAN WILSON: I do not.

15 MR. PAUL EDWARDS: No. And the only  
16 reason that that business was stopped was because it  
17 wasn't profitable, correct? That's -- was your earlier  
18 evidence?

19 MS. JOAN WILSON: Correct.

20 MR. PAUL EDWARDS: Okay. So there are  
21 lots of reasons why, according to your evidence, this  
22 isn't needed. I'm just going to suggest to you, Ms.  
23 Wilson, that that exactly contradicts and is contrary to  
24 your first position, which is it's going to have a  
25 significant economic -- negative economic impact.

1                   It seems to me -- and I'm going to put  
2 this to you and ask you for a comment -- you're kind of  
3 saying one (1) thing and then the exact opposite. Either  
4 it's going to be successful, in which case the cab  
5 industry, in your view, will be injured or it won't be  
6 successful, in which case you're suggesting it shouldn't  
7 be allowed to try.

8                   MR. SIDNEY SORONOW: I think, Mr.  
9 Chairman, this is entering into what really is just  
10 argument, at the end of the day. We've set out our  
11 position, and Mr. Edwards has captured it in large  
12 measure and articulated it. We stand by that position  
13 and we'll argue what all that means.

14                   THE CHAIRPERSON: I grant to you, Mr.  
15 Soronow, that it certainly falls in the category of  
16 argument. On the other hand, Ms. Wilson is an  
17 acknowledged witness in the field, expert in the field,  
18 and I think it's all on the balance. It's right in the  
19 middle there, Mr. Soronow.

20                   MR. PAUL EDWARDS: Well, and I -- I'm  
21 drawing on exactly your comment, her experience in the  
22 field, and I'm simply pointing out what I perceive to be  
23 a contradiction in the positions taken and I'm asking her  
24 to comment on it. I see them as entirely contradicting  
25 each other, and I'm asking her to comment on that.

1 THE CHAIRPERSON: Fair enough.

2 Ms. Wilson...?

3 MS. JOAN WILSON: What happened in the  
4 '60s, as you have said, there was far less travelling  
5 public at that time. Although I wasn't there for any  
6 negotiations or how it was handled, I cannot answer to  
7 what happens in the '60s.

8 But I am assuming that, with what Avion  
9 has put forward in their proposal, they are confident,  
10 after the first year of operation, that these numbers  
11 will be approximately the number of passengers that they  
12 will be taking. And at that point in time, Unicity Taxi  
13 and the industry takes a position that this will have a  
14 negative effect on us.

15

16 CONTINUED BY MR. PAUL EDWARDS:

17 MR. PAUL EDWARDS: I see. So of the two  
18 (2), your assessment of the -- of the two (2) positions,  
19 1) is it will be successful and hurt the taxicab  
20 industry, or it won't be successful, and therefore  
21 there's no need.

22 Of those two (2), you're saying, it's your  
23 opinion, that, in fact, it will be successful. Is that -  
24 - is that, on balance, your view?

25 OBJ MR. SIDNEY SORONOW: Mr. Chairman, I am

1 going to object again. We have made it quite clear --

2 THE CHAIRPERSON: It's okay, Mr. Soronow.  
3 I think we are done with this part.

4 MR. PAUL EDWARDS: Thank you.

5

6 CONTINUED BY MR. PAUL EDWARDS:

7 MR. PAUL EDWARDS: Now, in terms of -- in  
8 terms of generally speaking, Ms. Wilson -- and I  
9 recognize you're here giving evidence together, Unicity  
10 and Duffy's, but -- but you are competitors in the  
11 taxicab industry, correct?

12 MS. JOAN WILSON: Correct.

13 MR. PAUL EDWARDS: You dominate the  
14 market, but there are other competitors, certainly Spring  
15 Taxi, as well, correct?

16 MS. JOAN WILSON: Correct.

17 MR. PAUL EDWARDS: All right. And you  
18 understand that competition in any marketplace serving  
19 consumers is certainly a good thing and in the public  
20 interest.

21 MS. JOAN WILSON: Correct.

22 MR. PAUL EDWARDS: Okay. And you also  
23 understand that the marketplace serving consumers, as you  
24 do, as Avion does, it's dynamic. There are new products,  
25 new services which come to the fore, things like you've

1 described that Unicity is now doing.

2                   You got to stay on top of this stuff if  
3 you want to survive in a competitive marketplace,  
4 correct?

5                   MS. JOAN WILSON:    Correct.

6                   MR. PAUL EDWARDS:    So, really what Avion  
7 is proposing her, it being a new service, that adds a --  
8 an unpredictable element into your marketplace, and what  
9 I think you're saying is, certainly Unicity, and I -- I  
10 have the reasons clear, I think, certainly Unicity would  
11 not want competitively to have to deal with this new  
12 service, correct?

13                   MS. JOAN WILSON:    I disagree.

14                   MR. PAUL EDWARDS:    Okay, why do you  
15 disagree?

16                   MS. JOAN WILSON:    You were saying that  
17 Unicity does not want to compete with Avion. I don't  
18 think it's a matter of competition. I think it's a  
19 matter of how many people actually take transportation  
20 services; it's a finite number. And, certainly, I think  
21 we welcome competition.

22                   We certainly welcome competition from my  
23 Learned Friend besides -- side me, who is representing  
24 Duffy's, as well as Spring Taxi. It's not a matter of  
25 competition; it's a matter of the economics.

1 MR. PAUL EDWARDS: Right. And to the  
2 extent that a new service might negatively effect the  
3 economics, you would prefer not to have to deal with it,  
4 correct?

5 MS. JOAN WILSON: I disagree again.

6 MR. PAUL EDWARDS: Okay, explain that.  
7 I'm having a hard time understanding.

8 MS. JOAN WILSON: Well, Mr. Edwards, you  
9 said that we would prefer not to deal with it. It's not  
10 a matter of preferring not to deal with it. As I said  
11 before, the Winnipeg Taxi Study has gone into great  
12 lengths and great details of our business, and our  
13 viability within the marketplace.

14 I believe that Avion, putting three (3)  
15 vans on, taking nine (9) passengers a van, thirty-two  
16 (32) times a day, in an optimum situation, if you think  
17 for one (1) moment that it's not going to have a negative  
18 effect on the industry, I certainly would beg to differ.

19 MR. PAUL EDWARDS: Right. And the three  
20 hundred (300) or so licence applications Mr. Kozubal told  
21 us about, Unicity and Duffy's, obviously, very hotly  
22 opposed those -- the granting of those licences in front  
23 of the Taxicab Board back in 2008, correct?

24 MS. JOAN WILSON: That's correct.

25 MR. PAUL EDWARDS: Then in -- a few

1 months later, Unicity and I think Duffy's, went to the  
2 Taxicab Board and said, Well, but if you are going to  
3 give them, give them to us. That was basically it,  
4 right?

5 MS. JOAN WILSON: No, I disagree.

6 MR. PAUL EDWARDS: Okay. What -- what --  
7 because I -- I have your quote in a press report -- maybe  
8 I'll just get it.

9 MR. SIDNEY SORONOW: Mr. Edwards, don't  
10 take everything that appears as a quote in the newspapers  
11 as necessarily representing what the person said.

12 MR. PAUL EDWARDS: I've been quoted  
13 enough to know that's true. That's why I'm going to put  
14 it to this witness.

15

16 CONTINUED BY MR. PAUL EDWARDS:

17 MR. PAUL EDWARDS: Here it is here, Ms.  
18 Wilson. And this was an editorial in the Winnipeg Free  
19 Press, Thursday, January 8th, 2009, written by Mr. Martin  
20 Cash (phonetic) and he interviewed you.

21 Do you recall that interview and that  
22 article, Ms. Wilson?

23 MS. JOAN WILSON: I recall the article.

24 MR. PAUL EDWARDS: Yeah. And one (1) of  
25 the statements that you made clear was that --



1                   MR. SIDNEY SORONOW:    Can I just see that,  
2 or stand --

3                   MR. PAUL EDWARDS:    Well I don't have --  
4 yeah, sure.  You can stand here.  I don't have a copy.

5  
6 CONTINUED BY MR. PAUL EDWARDS:

7                   MR. PAUL EDWARDS:    One (1) of the comments  
8 you made was that -- and this was triggered by Unicity's  
9 appearance at the Board asking to be granted any new  
10 licences if they were to -- to be approved.

11                   Do you recall that appearance at the  
12 Board?

13                   MS. JOAN WILSON:    I recall the  
14 appearance, yes.

15                   MR. PAUL EDWARDS:    Yeah, and what -- what  
16 was the position of Unicity with respect to these new  
17 licences that were still pending at that time?

18                   MS. JOAN WILSON:    One (1) moment.

19                   MR. SIDNEY SORONOW:    Mr. Edwards, you  
20 captured it.  Unicity -- and I was open about this, and I  
21 probably reflected in, to some extent, in that article,  
22 that Unicity and Duffy's took the position that there was  
23 no need whatsoever for any more licences.

24                   But if contrary to our belief and our  
25 evidence, the Board were to determine they were going to

1 issue any licences, we said that the licences should be  
2 shared between Unicity and Duffy's, being the only  
3 companies in Winnipeg having the resources and technology  
4 to handle those licences.

5                   And they should be split -- I think at  
6 that time it was forty-eight (48) -- forty-two/fifty-  
7 eight (42:58), which was the respective ratios of their  
8 then existing cabs.

9

10 CONTINUED BY MR. PAUL EDWARDS:

11                   MR. PAUL EDWARDS:    So Ms. -- Ms. Wilson,  
12 do you adopt the answer of your counsel on that issue?

13                   MS. JOAN WILSON:    Yes.

14                   MR. PAUL EDWARDS:    Okay.  So one (1) of  
15 the statements made in this article is, and I'm going to  
16 read, it's just a sentence:

17                                "Whatever this bizarre move by Unicity  
18                                and Duffy's is about, Wilson did not  
19                                deny it's really about protecting  
20                                market share.  It will not make the  
21                                Taxicab Board's job any easier."

22                   Did you make that statement, as reflected  
23 there, that you did not deny your position was really  
24 about protecting market share?

25                   MS. JOAN WILSON:    I deny that --

1 MR. PAUL EDWARDS: Okay.

2 MS. JOAN WILSON: -- and I did have a  
3 conversation with Mr. Cash over that issue.

4 MR. PAUL EDWARDS: Okay. In any event,  
5 the message, as described by your counsel, I'd like to  
6 summarize as, no, there's no need for new licences, but  
7 if you do decide against that and decide to give them,  
8 give them to us.

9 That's basically the message?

10

11 (BRIEF PAUSE)

12

13 MS. JOAN WILSON: It could be. I suppose  
14 people could think that, but that certainly wasn't our  
15 message.

16 MR. PAUL EDWARDS: Right. And -- and  
17 similar now, I'm going to suggest to you, you can kind of  
18 come around to that same statement here, Ms. Wilson, No,  
19 there's no need for this shuttle service, but if there  
20 is, no one should be able -- allowed to do it, even  
21 though we did.

22 MS. JOAN WILSON: No, I totally disagree  
23 with that statement.

24 MR. PAUL EDWARDS: Right. Ms. Wilson,  
25 you recognize that -- well, there's one (1) company here,



1 that to be -- you don't dispute that, do you?

2 THE CHAIRPERSON: It seems pretty  
3 straightforward, Mr. Soronow.

4 MR. SIDNEY SORONOW: Well, yes, and --  
5 and for what's it worth, we don't know the circumstances  
6 in any of those jurisdictions where there is, although we  
7 have cited Halifax.

8 THE CHAIRPERSON: We understand there is  
9 differences.

10 MS. JOAN WILSON: I agree.

11

12 CONTINUED BY MR. PAUL EDWARDS:

13 MR. PAUL EDWARDS: Thank you. And just  
14 for a moment on this service that is offered here in  
15 Winnipeg for events, I happen to see that it was -- I  
16 think I had the leaflet from it here.

17 There's a company, a Winnipeg Shuttle  
18 Service, that currently offers that. I think their  
19 vehicles are black. Yeah, black vehicles. You're  
20 familiar with that service that's offered here in  
21 Winnipeg for -- for -- if you book?

22 MS. JOAN WILSON: It is one (1) of the  
23 shuttle services.

24 MR. PAUL EDWARDS: Oh, there's more than  
25 that operating?

1 MS. JOAN WILSON: Yes.

2 MR. PAUL EDWARDS: Okay, so there's  
3 already a number of shuttle services doing that per --  
4 not scheduled, but -- but being booked.

5 Certainly, the Taxicab Board would have  
6 jurisdiction over them expanding their service, or  
7 promoting it, or anything like that, would they?

8 MS. JOAN WILSON: Those particular  
9 services are covered under limousine licences.

10 MR. PAUL EDWARDS: I see. So those  
11 companies do -- are granted limousine licences?

12 MS. JOAN WILSON: Yes, they're regulated  
13 by the Taxicab Board.

14 MR. PAUL EDWARDS: Okay. And in those,  
15 would they be -- so there are stretch limos and then  
16 other limos, or if you have a limo licence, you can have  
17 either, how does that work, do you know?

18 MS. JOAN WILSON: Well, a limo is a broad  
19 term. A limo could be a six (6) seater, and eight (8)  
20 seater, a large SUV, fourteen (14), eighteen (18), some  
21 of them are twenty (20) passengers, or it could be a  
22 fifteen (15) passenger van.

23 MR. PAUL EDWARDS: Right. Now, and I'm  
24 going to ask for a break just in a minute and review my  
25 notes, but I have one (1) more question before I do

1 before I forget it.

2 Do you track or know what the average tip  
3 is on a cab fare in Winnipeg, or what information do you  
4 have on -- on tipping?

5 MS. JOAN WILSON: I don't have a lot of  
6 information. There is no specific amount to be tipped.  
7 Some customers tip; some do not.

8 MR. PAUL EDWARDS: Yeah, but you don't  
9 have any statistics on the number of people who tip and  
10 average amounts of tip and -- you don't have any of that  
11 information?

12 MS. JOAN WILSON: No, I do not.

13 MR. PAUL EDWARDS: Okay, you understand  
14 that the practice, certainly the industry is such that,  
15 the vast majority of the time, I accept what you're  
16 saying. It doesn't always happen.

17 But certainly like the restaurant  
18 business, the vast majority of the time, people tip,  
19 correct?

20 MS. JOAN WILSON: It's possible.

21 MR. PAUL EDWARDS: What do you mean  
22 that's possible? You've been in the industry thirty (30)  
23 years.

24 Do you accept that that is a generalized  
25 statement, Ms. Wilson, or not, that the vast majority of

1 taxicab riders will tip the cab.

2 Is -- I'm asking you to just confirm that  
3 that's, in fact, a custom.

4 MS. JOAN WILSON: Yes.

5 MR. PAUL EDWARDS: Thank you. Let's --  
6 I'll ask for a break, Mr. Chair.

7 THE CHAIRPERSON: Okay, just before we  
8 do, just housekeeping, in a sense, kind of along the  
9 lines, a couple of comments came up in the cross-  
10 examination.

11 When did seasonal cars come about?

12 MR. SIDNEY SORONOW: Are you asking what  
13 year, for example?

14 THE CHAIRPERSON: Yeah, approximately.

15 MR. SIDNEY SORONOW: To the best of her  
16 --

17 THE CHAIRPERSON: Yeah, to the best of  
18 her knowledge, when did they come about?

19 MS. JOAN WILSON: As far as I know, it's  
20 been a practice for more than twenty-five (25) years.

21 THE CHAIRPERSON: So the change up to  
22 seventy (70) was relatively recent then? I gathered from  
23 something you said before about twenty-three (23) or  
24 something.

25 MS. JOAN WILSON: There has been the



1 availability of seventy (70) seasonal cars for many  
2 years.

3                   The difference now is that the industry  
4 has made a commitment to the Taxicab Board that whether  
5 or not we make any money with these vehicles, that we are  
6 committed to doing whatever the Taxicab Board recommends  
7 to us and whatever the -- Dr. Mundy's report has stated.

8                   THE CHAIRPERSON:    So in prior years then,  
9 although you would have seasonable cabs, it was your  
10 management decision as to whether or you are going leave  
11 them on the road or not then?

12                   MS. JOAN WILSON:    Yes.

13                   THE CHAIRPERSON:    So what has changed is,  
14 basically, you've gone from a situation in which you had  
15 the ability to pull them off if they were not making  
16 money to a commitment to leave them on; is that the  
17 difference?

18                   MS. JOAN WILSON:    Yes, because we believe  
19 that the Winnipeg Taxi Study was an important part of our  
20 industry and we wanted to ensure that we were on the same  
21 page as the Taxicab Board and in order for us to become a  
22 healthy viable business, that they would -- we would take  
23 their recommendations.

24                   THE CHAIRPERSON:    Okay. Along the same  
25 lines, and this comes about by Mr. Kozubal's latest

1 communications here, and I -- it may have come up before  
2 but rather than me leafing through all the transcripts, I  
3 think I understand how these new executive cars came  
4 about.

5 I'm wondering, did Unicity/Duffy's attend  
6 a Hearing at the Taxicab Board where the new executive  
7 cars were discussed?

8 MS. JOAN WILSON: We actually attended  
9 several Hearings at the Taxicab Board. Most of these  
10 vehicles are one (1) owner people. So there was  
11 approximately twenty (20), twenty-five (25) applications  
12 for these executive cars.

13 Unicity and Duffy's both opposed these  
14 executive cars but the Taxicab Board felt that on the  
15 recommendation of a letter written by the Winnipeg  
16 Airport Authority that they would grant these thirty (30)  
17 cars to the owners of these limousines.

18 And what basically happened is the owner  
19 of the limousines, who had spent a considerable amount of  
20 money on these large vehicles, were no longer able to  
21 take them to the airport and it was felt that they needed  
22 some sort of income and they were allowed to receive  
23 these executive car --

24 THE CHAIRPERSON: So did the executive  
25 car applications to the Taxicab Board come before or

1 after the WAA's decision on the limousines?

2 MS. JOAN WILSON: It came about the same  
3 time. They were made aware of it before negotiations in  
4 April. I believe it was the year before, perhaps six (6)  
5 months before, they had sort of been getting the nod from  
6 the airport that their limos would not be allowed there.

7 THE CHAIRPERSON: Now, you had indicated  
8 before that Unicity had about fifty (50) cars dedicated  
9 to the airport --

10 MS. JOAN WILSON: That's correct.

11 THE CHAIRPERSON: -- that's correct? So  
12 thirty (30) executive cars is a lot of cars compared to  
13 fifty (50) then, is it not?

14 MS. JOAN WILSON: It's a terrific amount  
15 of cars, yes.

16 THE CHAIRPERSON: In the Taxicab Board  
17 discussions, did it get into the effect of the addition  
18 of the thirty (30) executive cars on the taxis?

19 MS. JOAN WILSON: Yes. We argued that,  
20 certainly, based on the -- the airport in particular.  
21 Previous to this thirty (30) cars being granted, any  
22 other executive car that was put on the road or licence  
23 that was given, was given based on the fact that they  
24 would not be allowed to go to the airport.

25 They had showed public need for these

1 particular cars within the City of Winnipeg as per -- as  
2 -- as opposed to just the airport. But based on the  
3 letter that was given to all limousine drivers by the  
4 Winnipeg Airport Authority, Mr. Scott Marohn, the Taxicab  
5 Board felt that there was enough business for them.

6 THE CHAIRPERSON: So this is another  
7 factor in your accounting about reduced taxi rides from  
8 the airport --

9 MS. JOAN WILSON: Yes, --

10 THE CHAIRPERSON: -- this year mixed in  
11 with the recession, et cetera?

12 MS. JOAN WILSON: Yes. And I'm very  
13 anxious to see the statistics from the first six (6)  
14 months of this year because I would think, and Mr.  
15 Kozubal alluded to that, that it has gone down about 10  
16 percent.

17 THE CHAIRPERSON: Mr. Edwards, Ms. Wilson  
18 at one (1) point touched on the negotiations with the  
19 Winnipeg Airport Authority in the contracting. You made  
20 some comment about that too. I'm wondering whether or  
21 not you want to, over the lunch hour, make some effort to  
22 get some indication from the Winnipeg Airport Authority,  
23 with respect to their discussions as to whether or not  
24 they can confirm what Ms. Wilson indicates was said to  
25 them?

1                   MR. PAUL EDWARDS:   Well, certainly I will  
2 make contact and -- and relay what's been testified to  
3 here today and -- and seek their opinion on that and  
4 I'll, you know, bring it back to the Board. I'll take  
5 the -- the issue under advisement, Mr. Chair, and -- and  
6 will make that contact.

7                   THE CHAIRPERSON:   Okay, very good.

8

9   --- UNDERTAKING NO. 5:           Mr. Edwards to get an  
10                                    indication from the Winnipeg  
11                                    Airport Authority what was  
12                                    negotiated between themselves  
13                                    and Unicity, in regards to  
14                                    contracting

15

16                   THE CHAIRPERSON:   Well --

17                   MR. PAUL EDWARDS:   If I might, I'm -- and  
18 I'm -- I apologize, but given that you've asked those  
19 couple of questions, I -- I'd -- I just simply did have  
20 one (1) or two (2) more flowing from your questions, Mr.  
21 Chair. I --

22                   THE CHAIRPERSON:   Okay, carry on.

23

24 CONTINUED BY MR. PAUL EDWARDS:

25                   MR. PAUL EDWARDS:   Ms. Wilson, just to be

1 clear, it's only the four hundred and ten (410) licences  
2 that -- what we're calling the standard licences. Those  
3 are the only ones which are bought and sold at these high  
4 prices, all others are -- are not transferrable.

5 Is that correct?

6 MS. JOAN WILSON: No, that is not  
7 correct.

8 MR. PAUL EDWARDS: Okay. So in addition  
9 to the four hundred and ten (410), what -- what other of  
10 these licences are transferrable?

11 MR. BYRON WILLIAMS: There are handi  
12 accessible vans, there are limousines.

13 MR. PAUL EDWARDS: Okay. And the -- so  
14 the key then is the 2001 date, when they stopped issuing  
15 the transferrable licence, is that -- is that the key?

16 MS. JOAN WILSON: That's correct.

17 MR. PAUL EDWARDS: Okay. One (1) other  
18 question. The seasonals, those are subject to the  
19 decision of the Taxicab Board on a -- on an annual basis?  
20 They're going -- they -- they would be able to revisit  
21 that each and every year as to how many seasonals they --  
22 they issued?

23 MS. JOAN WILSON: Yes, they could.

24 MR. PAUL EDWARDS: Okay. Thank you.

25 THE CHAIRPERSON: Okay. Thank you.

1                   Our lunch situation is a lot easier than  
2 some of the rest of yours, so do you prefer an hour and  
3 fifteen (15) minutes?

4                   MR. SIDNEY SORONOW:    My -- I would, but I  
5 -- I also hope to get some indication from Mr. Edwards  
6 how much longer he expects to be so that we can try to  
7 look at some of the timing, in terms of completion of  
8 this at a reasonable hour.

9                   THE CHAIRPERSON:    Mr. Edwards --

10                  MR. SIDNEY SORONOW:    I -- I wasn't --

11                  THE CHAIRPERSON:    -- do you have a --

12                  MR. SIDNEY SORONOW:    -- clear if he was  
13 saying he was finished.

14                  MR. PAUL EDWARDS:    No, I didn't say that,  
15 Mr. Soronow.  And -- and I'm not.  And so I'm not able to  
16 predict.  I will review my notes.  And I think we're all  
17 committed to just doing what needs to be done and keeping  
18 going and -- and that's what we'll do.

19                  And if it's an hour and a quarter,  
20 whatever, I -- I'm easy, Mr. Chair, whatever that suits  
21 the Board.

22                  THE CHAIRPERSON:    Mr. Soronow, do you  
23 want an hour and a quarter or an hour?  It sounds like  
24 it's up in the air.

25                  MR. SIDNEY SORONOW:    I would prefer -- we

1 -- we're fine with an hour because we are very committed  
2 to trying to get this matter completed and -- and -- and  
3 do so at an hour that's not terribly late considering  
4 it's a Friday of a sunny summer's day.

5 THE CHAIRPERSON: You would remind us of  
6 that, yes. Okay, we will see you all back at 1:30.  
7 Thank you.

8

9 --- Upon recessing at 12:26 p.m.

10 --- Upon resuming at 1:37 p.m.

11

12 THE CHAIRPERSON: Okay. Welcome back.  
13 Mr. Edwards...?

14 MR. PAUL EDWARDS: Thank you, Mr. Chair,  
15 and I propose to continue and complete my cross-  
16 examination of this panel. I -- I did mention to Mr.  
17 Saranchuk that I was able to make some calls over the  
18 lunch hour, so, I -- I have got some information and  
19 there is a witness en route which hopefully will be here  
20 soon and we can talk about procedure after that. But I  
21 think for now, I'll just proceed with my cross-  
22 examination. Thank you.

23 THE CHAIRPERSON: Please.

24 MR. PAUL EDWARDS: Thank you.

25



1 CONTINUED BY MR. PAUL EDWARDS:

2 MR. PAUL EDWARDS: Ms. Wilson, I -- I  
3 want to go back to the evidence you gave earlier today  
4 regarding negotiations with the Winnipeg Airport  
5 Authority on the renewal of the -- of the taxi dispatch  
6 agreement.

7 You, as I had your evidence mentioned --  
8 indicated that, essentially, this issue had been raised  
9 by Unicity, the possibility of a shuttle, and I think you  
10 said Unicity had asked for wording in the new agreement  
11 to give the comfort to Unicity that there would be no  
12 shuttle service allowed at the airport and then I think  
13 you went on to say that someone from the Airport  
14 Authority advised Unicity that that wording was not  
15 necessary because the shuttle application was not  
16 proceeding.

17 Have I -- have I got your evidence  
18 correct?

19 MS. JOAN WILSON: Yes, to a certain  
20 extent.

21 MR. PAUL EDWARDS: Okay. I want to be  
22 clear because it's very -- become a very important issue.  
23 You used the words "to a certain extent." Please clarify  
24 that.

25 Have I got it right or not?

1                   MS. JOAN WILSON:    In our negotiations  
2 with the airport, it was a huge concern to Unicity Taxi  
3 about being able to be the sole provider of  
4 transportation at the airport. We had just finished with  
5 the City of Winnipeg, it had gone forward to the PUB, a  
6 letter was written to Avion and then we received a letter  
7 from the PUB saying that Avion had decided not to go  
8 ahead with the Application.

9                   When we looked at our contract in 2004,  
10 and we had discussed this with the airport, we realized  
11 that we did not, in fact, have an exclusive contract or  
12 become the sole provider.

13                   When we were speaking with the airport I  
14 believe it was on our first or second occasion when we  
15 were beginning the negotiations with the airport, we  
16 brought up the concern and asked that we have sole  
17 provider put into the contract.

18                   The airport had the same feeling that  
19 Unicity Taxi had at that time was that Avion had  
20 withdrawn their application to the PUB and it was  
21 probably unnecessary to put that wording into the  
22 contract but there were discussions about the shuttle and  
23 the fact that it was no longer an issue because you had  
24 withdrawn your application from the PUB.

25                   MR. PAUL EDWARDS:    I'm advised by the WAA

1 that there were two (2) individuals involved in the  
2 negotiations for the WAA: one was Mr. Scott Marohn who is  
3 -- was the author of Exhibit Duffy's Number 4, so that's  
4 M-A-R-O-H-N, and he's the Manager of Parking and Terminal  
5 Operations. The other one was a gentleman by the name of  
6 Mike O'Gorman, O'-G-O-R-M-A-N, who holds the position of  
7 Vice -- Vice President Operations.

8 And then I'm advised that the only other  
9 individual who became involved in the final meeting was a  
10 gentleman of Mr. -- by the name of Mr. Michael Rodyniuk,  
11 R-O-D-Y-N-I-U-K, whose position is -- he's also a vice  
12 president. Is that your recollection, Ms. Wilson?

13 MS. JOAN WILSON: My recollection was Mr.  
14 Rodyniuk was at the first meeting, not at the final  
15 meeting.

16 MR. PAUL EDWARDS: Okay, but have I got  
17 in right that in terms of the negotiations, other than  
18 that first or last meeting that Mr. Rodyniuk was there,  
19 these were conducted by Mr. O'Gorman and/or Mr. Marohn.

20 MS. JOAN WILSON: That is correct.

21 MR. PAUL EDWARDS: And from Unicity's  
22 perspective, the negotiations were conducted, I take it,  
23 by yourself and is it Mr. Man -- Mandeet?

24 MS. JOAN WILSON: Mr. Mangat.

25 MR. PAUL EDWARDS: Mangat. I'm sorry.

1 Was it you two (2) who conducted negotiations for  
2 Unicity?

3 MS. JOAN WILSON: That is correct.

4 MR. PAUL EDWARDS: Okay, so in terms of  
5 the conversation you've described about the shuttle  
6 service, who did you have it with of those individuals  
7 from WAA?

8 MS. JOAN WILSON: It was definitely Mr.  
9 Marohn. I don't recall whether Mr. O'Gorman was there,  
10 and I believe Mr. Rodyniuk was not there.

11 MR. PAUL EDWARDS: Okay, and you -- do  
12 you -- in the negotiations do you recall when? Was --  
13 was it at the first meeting or the first couple of  
14 meetings? I -- may -- maybe you've already said that.

15 MS. JOAN WILSON: It was within the first  
16 couple of meetings that we brought that up.

17 MR. PAUL EDWARDS: Okay, and do you have  
18 any documents which evidenced that concern, any proposed  
19 wording, any notes of meetings sugge -- confirming your  
20 recollection of these conversations in respect of the  
21 shuttle?

22 MS. JOAN WILSON: I may have notes in my  
23 journal. I -- I don't know.

24 MR. PAUL EDWARDS: Okay, you're not able  
25 to produce any notes here today now?

1 MS. JOAN WILSON: No, not at -- right  
2 this second, no.

3 MR. PAUL EDWARDS: Okay. I'll leave it  
4 to your counsel as to whether or not you -- you want to  
5 check. I want to advise you, Ms. Wilson, that over the  
6 noon hour I spoke to all three (3) of those gentlemen and  
7 all three (3) of them say, Absolutely, there was no  
8 discussion about the shuttle service, and they completely  
9 reject your evidence on this point in its entirety.

10 So I want to be clear on that, and ask you  
11 whether or not you are certain and confirm under oath  
12 here that -- that those conversations happened, because  
13 there will be evidence, I expect, from Mr. O'Gorman,  
14 who's the one (1) individual who will appear, if the  
15 Board allows it, this afternoon.

16 And he and I have both had conversations  
17 with the other two (2), so I'm going to ask you to think  
18 about it carefully. Do you -- do you confirm that  
19 evidence, Ms. Wilson?

20 MS. JOAN WILSON: Yes, I absolutely do.

21 MR. PAUL EDWARDS: And needless to say,  
22 even since that agreement came into place in December of  
23 '07, we're now a year and a half later and, of course,  
24 the Avion application has been going before this Board  
25 full-bore since -- since that agreement was put in place

1 in December of '07, the Application from Avion has been  
2 proceeding and you've been aware of it proceeding through  
3 this Board over the last, I guess, eight (8) or nine (9)  
4 months now or more.

5 And at no time has Unicity or you or Mr.  
6 Mangat gone to the WAA and complained and said, Hey, I  
7 thought we had a deal.

8 MS. JOAN WILSON: As I said before, the  
9 wording was never put into the agreement because of our  
10 understanding that your -- you had decided against going  
11 to the PUB. Unicity felt that at that point it was a  
12 dead issue.

13 Whether you came back to this Board or not  
14 in 2007, certainly Unicity Taxi, nor our lawyer, was ever  
15 informed of that until November 2008.

16 MR. PAUL EDWARDS: So let me just be  
17 clear. Did you have a lawyer involved in the  
18 negotiations with WAA of this new agreement?

19 MS. JOAN WILSON: No, we did not.

20 MR. PAUL EDWARDS: Okay. To be clear,  
21 since November of '08 when you became aware of this  
22 Application moving forward, neither you nor your lawyer  
23 nor anyone you know from Unicity has ever raised even a  
24 concern with the WAA that this alleged commitment had  
25 been broken; correct?

1 MS. JOAN WILSON: You call it a  
2 commitment.

3 MR. PAUL EDWARDS: Well, what do you call  
4 it?

5 MS. JOAN WILSON: It was a conversation.  
6 We took it on good faith. Certainly even your client  
7 will say that Avion, even though it's a wholly owned  
8 subsidiary of the WAA, does not necessarily report to the  
9 WAA about all its actions and the WAA has told us that  
10 they are not aware of everything that Avion does.

11 MR. PAUL EDWARDS: And just to be clear,  
12 you've used the word -- I used the word "commitment." I  
13 took it from your earlier evidence you felt it was a  
14 commitment made at the -- at the negotiating in the  
15 negotiations.

16 Are you saying now you didn't raise it  
17 with the WAA or go back to them because you don't believe  
18 it was a commitment that you could raise with them?

19 MS. JOAN WILSON: No, absolutely not. I  
20 believed at the time that we were both dealing and  
21 bargaining in good faith in our negotiations and, in all  
22 fairness, I believed that the WAA perhaps did not know of  
23 the intentions of Avion at that point and perhaps thought  
24 the same things that Unicity Taxi thought that it was, in  
25 fact, a dead issue.

1                   MR. PAUL EDWARDS:    Okay.  So to conclude,  
2  you believe these statements were made; they were made by  
3  Mr. Marohn you believe in the first one (1) or two (2)  
4  meetings; but you do not believe they constituted any  
5  kind of a commitment that could be relied upon by  
6  Unicity.

7                   Have I got that right?

8                   MS. JOAN WILSON:    Well, I believe that if  
9  the Airport Authority was truly committed to that  
10 statement, they would have put "sole contractor" into our  
11 agreement.

12                  MR. PAUL EDWARDS:    Right, but answer my  
13 question, if you would, on my summary of what I believe  
14 you're saying and -- and I think it is important, Ms.  
15 Wilson.

16                  I'm not trying to belabour this but I need  
17 to know if you agree with my summary of what you're  
18 saying here and, in particular, that whatever was said  
19 you have not, do not now, never viewed as a commitment  
20 that it was even worthy of going back to the WAA to  
21 confront them with?

22                  MS. JOAN WILSON:    I believed that we were  
23 negotiating in good faith.  I believed that the Airport  
24 Authority when telling us that we needn't have to worry  
25 about it, I took their verbal word for it, and in regards



1 to not going back to the airport, certainly the previous  
2 board of directors did have meetings with Mr. Marohn in  
3 regards to this Avion issue.

4 MR. PAUL EDWARDS: Are you saying that  
5 the board of Unicity raised this issue with Mr. Marohn  
6 since the -- since the -- the new taxicab agreement has  
7 been in place with the WAA?

8 MS. JOAN WILSON: They raised the concern  
9 of Avion going back to the Public Utilities Board and  
10 resurrecting their proposal.

11 MR. PAUL EDWARDS: I see, and did they  
12 say to Mr. Marohn, by the way, you made this commitment  
13 in the negotiations? Did they -- did they raise that  
14 with him and confront him with that?

15 MS. JOAN WILSON: No, I believe not.

16 MR. PAUL EDWARDS: Right. And just to be  
17 clear, Mr. Marohn says, Ms. Wilson, absolutely there was  
18 never any discussion raised by anybody in these  
19 negotiations.

20 MS. JOAN WILSON: That is Mr. Marohn's  
21 prerogative. I was at those negotiations and I can say  
22 with 100 percent confidence, I am under oath, that we did  
23 discuss Avion and we did discuss the shuttles. Mr.  
24 Mangat is sitting beside me. He was the president of the  
25 company. We -- it was a part of our conversation in

1 regards to our negotiation.

2 MR. PAUL EDWARDS: Right, and just to be  
3 clear, your version of discussions which did not lead to  
4 any kind of commitment - to use your words - I used it  
5 originally, I think you rejected it. You -- you do not  
6 believe it was a commitment from the WAA.

7 Have I got that right?

8 MS. JOAN WILSON: If they were fully  
9 committed to not having the shuttles at the airport, then  
10 I would say that they would have put it in our contract.

11 MR. PAUL EDWARDS: Okay. Now the  
12 agreement itself we've talked about, we haven't seen it,  
13 but it's coming to the Board, the Hotel Concession  
14 Agreements. I've seen the two (2) that were produced by  
15 your counsel.

16 Neither of those gives any exclusivity to  
17 Unicity or Duffy's with respect to a shuttle service,  
18 correct?

19 MR. SIDNEY SORONOW: I think that's a  
20 legal conclusion. You can argue what you want when it  
21 comes time to argue.

22 MR. PAUL EDWARDS: Well, it uses the  
23 words, I think, "taxis and limos" so --

24 MR. SIDNEY SORONOW: Well, it --

25 MR. PAUL EDWARDS: -- that's the only

1 exclusivity, is -- is that terminology "taxis and limos",  
2 correct?

3 MR. SIDNEY SORONOW: Argue what you will.

4 MR. PAUL EDWARDS: Okay. Well, I'm  
5 asking your client --

6 MR. SIDNEY SORONOW: No, I'm not going to  
7 have my client answer what is a legal conclusion.  
8 Indeed, when I was questioning your witness, you were  
9 taking the same character --

10 MR. PAUL EDWARDS: Yeah.

11 MR. SIDNEY SORONOW: -- of objection, and  
12 I -- I discontinued the -- the question.

13 MR. PAUL EDWARDS: Well, and I'm not  
14 intending to ask for a legal conclusion. I'm asking with  
15 respect to the positions which your clients did put on  
16 the record, albeit, over my objections.

17

18 CONTINUED BY MR. PAUL EDWARDS:

19 MR. PAUL EDWARDS: In terms of the -- the  
20 hotels, what was the arrangement with the hotels -- well,  
21 let me ask this.

22 How long have these -- your companies had  
23 arrangements with hotels? Does this go back many  
24 decades? Have there -- is that a recent phenomena having  
25 these concession agreements, or is it longstanding?

1                   MR. JOAN WILSON:    It's longstanding with  
2 some hotels; other hotels, perhaps not as long.

3                   MR. PAUL EDWARDS:    Okay.  Would the  
4 concession agreements, to your knowledge, go back with  
5 some of these downtown hotels, back to the '60s when you  
6 had your -- your shuttle service operating?

7                   MS. JOAN WILSON:    No.

8                   MR. PAUL EDWARDS:    Okay.  So, and you're  
9 aware that all over this country and I'm sure you've  
10 travelled and there are many shuttle services going to  
11 downtown hotels, you're aware that it's pretty routine  
12 for shuttles and cabstands to operate at downtown hotels,  
13 both -- all over this country.

14                   You're aware of that?

15                   MS. JOAN WILSON:    It's possible.

16                   MR. PAUL EDWARDS:    Yeah, and you're aware  
17 that, as we've discussed, a number of these hotels  
18 currently operate their own vans and they may or may not  
19 stop using those; not clear at this point, but that -- if  
20 they did, that would sort of free up space on the ramp as  
21 well.

22                   You're aware of that?  You've heard that  
23 evidence?

24                   MS. JOAN WILSON:    They don't sit on our  
25 ramp.

1                   MR. PAUL EDWARDS:   Well, they sit in  
2 front of the hotel. They sit in front of the hotel door.  
3 I've seen them.

4                   MR. SIDNEY SORONOW:   I think the evidence  
5 was quite the contrary. Evidence was to the fact that  
6 the shuttles of the hotels sit off somewhere, not in  
7 front of the hotel, and are called on demand when they're  
8 needed.

9                   MR. PAUL EDWARDS:   Sure, let's clarify.  
10

11 CONTINUED BY MR. PAUL EDWARDS:

12                   MR. PAUL EDWARDS:   I'm talking about what  
13 this Avion Shuttle Service would do, which is not park  
14 and wait for rides, but would show up like the vans do,  
15 collect passengers, load up and then leave. They're  
16 there for a matter of minutes.

17                   Your -- you -- you've seen that and are  
18 aware of that being done at Winnipeg Hotels surely, Ms.  
19 Wilson.

20                   MS. JOAN WILSON:   On occasion.

21                   MR. PAUL EDWARDS:   Yeah, so in terms --  
22 and -- and you -- you heard Mr. Baker, he's the Hotel  
23 Association Representative, and he -- Mr. Baker  
24 represents the Hotel Association. It certainly would be,  
25 as he said, in their interests to have a very healthy cab

1 service servicing the hotels.

2 They rely on the cabs, too, don't they?

3 MS. JOAN WILSON: Yes, they do.

4 MR. PAUL EDWARDS: Yeah, so, Mr. Baker  
5 makes the point that the hotels -- the Hotel Association,  
6 they want this shuttle service. They feel they can  
7 accommodate it.

8 You dispute what he says. You're saying  
9 that -- that he's wrong; that in your view, this is going  
10 to be bad for the hotels because it's going to be bad for  
11 the cab service to the hotels?

12 MR. SIDNEY SORONOW: I don't think Mr.  
13 Baker said anything about accommodating. He's speaking  
14 in a very generic and global fashion on behalf of an  
15 association. He wasn't subject to any examination, so,  
16 we don't know what he might have said if pointed in the  
17 direction of specific hotels and -- and wouldn't have had  
18 any authority to speak on their behalf anyways.

19 THE CHAIRPERSON: In fairness, I think  
20 Mr. Edwards is just asking Ms. Wilson some fairly  
21 straightforward questions.

22

23 CONTINUED BY MR. PAUL EDWARDS:

24 MR. PAUL EDWARDS: Do you want me to  
25 repeat it?

1                   Mr. Baker testified that the hotels  
2 supported this, including the hotels that are downtown  
3 and prospective users of this service, and you've  
4 confirmed with me that, of course, the hotels need a  
5 healthy good cab service servicing their hotels.

6                   My suggestion to you, Ms. Wilson, is that  
7 Mr. Baker representing the Hotel Association would  
8 certainly be in a better position than you to determine  
9 whether or not this service can be accommodated and still  
10 maintain the -- the cab service and it certainly would  
11 not be in his interest, or his members' interests, to do  
12 things which hurt the cabs. What do you say to that?

13                   MS. JOAN WILSON: I don't know which  
14 hotels that Mr. Baker talked to. I don't know if he is  
15 aware of the lack of space for any vehicles at the  
16 downtown hotels. He didn't give any specifics to which  
17 hotels were in favour or were not in favour and,  
18 certainly, I can't answer for him as to what his  
19 intention was.

20                   MR. PAUL EDWARDS: Fine, but you will  
21 acknowledge Mr. Baker here on behalf of the Hotel  
22 Association certainly is an expert in hotel patrons and  
23 those visitors to our City using hotels.

24                   He would certainly be in a position to  
25 comment on -- on that industry in this City, correct?

1 MS. JOAN WILSON: Correct.

2 MR. PAUL EDWARDS: Yeah, and -- and I  
3 think it was maybe Mr. Walding but the comment I think  
4 was made in the context of the hotels that this was going  
5 to mean a denigration, a reduction of the cab service  
6 available to hotels.

7 I'll ask either one of you, I mean what  
8 evidence do you have of that? Have you talked to any  
9 hotels about how this would be accommodated? Had any  
10 discussions about how this would work in terms of the  
11 ramps?

12 MR. PHIL WALDING: I don't believe that  
13 we indicated that there would be any denigration, only  
14 that the service would switch from onsite to on-demand.

15 MR. PAUL EDWARDS: Okay, thanks for that  
16 clarification.

17 MR. WALTER SARANCHUK: Just before you  
18 move on, Mr. Edwards, just for the record there should be  
19 a clarification. You did at one (1) time when referring  
20 to Mr. Bakers' commentary indicate that he commented.  
21 Earlier, though, you did mention that he testified --

22 MR. PAUL EDWARDS: Yes.

23 MR. WALTER SARANCHUK: -- and of course  
24 he did not testify.

25 MR. PAUL EDWARDS: He presented.



1 MR. WALTER SARANCHUK: He presented,  
2 right.

3 MR. PAUL EDWARDS: Thank you, Mr.  
4 Saranchuk, I appreciate that.

5  
6 CONTINUED BY MR. PAUL EDWARDS:

7 MR. PAUL EDWARDS: The hotel concession  
8 agreements, are they -- and I -- again, I haven't looked  
9 at the two (2), are they renewed annually, biannually?  
10 What's the pattern?

11 MR. PHIL WALDING: It varies on a case-  
12 by-case basis.

13 MR. PAUL EDWARDS: What -- what would be  
14 the norm? They -- they all do have terms, though? They  
15 -- they go for a year or two (2) or three (3) years and  
16 then they're renewed or do some carry on indefinitely?

17 MS. JOAN WILSON: Usually three (3) to  
18 five (5) years.

19 MR. PAUL EDWARDS: Okay. And those -- is  
20 there a -- a payment to the hotel on a per-dispatched  
21 ride? How does that work, the payment routine?

22 MS. JOAN WILSON: It's a fixed monthly  
23 payment.

24 MR. PAUL EDWARDS: I see, regardless of  
25 how many rides?

1 MS. JOAN WILSON: Correct.

2 MR. PAUL EDWARDS: Now, in terms of the  
3 airport, and that agreement we're going to see it later,  
4 but my understanding is that the airport gets paid on a  
5 per-dispatched ride to Unicity, Ms. Wilson, correct?

6 MS. JOAN WILSON: Correct.

7 MR. PAUL EDWARDS: Yes, so it's in their  
8 interest to have the cabs take more rides, they make more  
9 money, right?

10 MS. JOAN WILSON: Correct.

11 MR. PAUL EDWARDS: Yeah. One (1) little  
12 point. You were talking about the logistics coordinator  
13 that is an employee of Avion and you made the comment I  
14 believe, Ms. Wilson, that their job was to greet everyone  
15 coming off the plane and ask if they wanted a cab.

16 You remember giving that evidence?

17 MS. JOAN WILSON: Taxi or limo, ground  
18 transportation.

19 MR. PAUL EDWARDS: Yeah. Yeah, key  
20 distinction. You're aware that they're very clearly  
21 instructed that 50 percent of the time they have to say  
22 "taxi" or "limo" and the other 50 percent of the time  
23 they have to say "limo" or "taxi."

24 You're aware of that, right?

25 MS. JOAN WILSON: In a perfect world,

1 sure.

2 MR. PAUL EDWARDS: That -- that certainly  
3 is the way those staff are instructed, correct?

4 MS. JOAN WILSON: Correct.

5 MR. PAUL EDWARDS: Okay. A key concern  
6 being that the key to that position is they're there to  
7 coordinate it, to assist people getting what they want,  
8 but they're not to reflect any bias towards one (1) type  
9 of ground transportation or the other, correct?

10 MS. JOAN WILSON: Correct.

11 MR. PAUL EDWARDS: Okay. A comment was  
12 made in your direct -- again, I think this was Ms.  
13 Wilson, perhaps it was Mr. Walding, with respect to the  
14 decrease in business in the last two (2) or three (3)  
15 years and I had a comment noted here that in restaurants,  
16 evening and night business has decreased in the last two  
17 (2) to three (3) years 50 percent; is that -- is that the  
18 evidence I have?

19 MS. JOAN WILSON: Correct.

20 MR. PAUL EDWARDS: Okay. And that, of  
21 course, would be evidenced if we had any information  
22 about the number of overall dispatches because even  
23 though as we've discussed earlier that -- that  
24 information may be available in terms of the dispatches  
25 but we don't any information on -- to -- to support that

1 before us, do we?

2 MS. JOAN WILSON: The only information  
3 that you would have on our dispatched trips would be  
4 available in the Winnipeg Taxi Study. We made available  
5 to Dr. Mundy our records from the dispatch companies,  
6 both Duffy's and Unicity.

7 MR. PAUL EDWARDS: You mean you made  
8 available the July 2008 statistics, dispatch statistics,  
9 from Unicity? Those are the ones you -- that's what  
10 you're referring to?

11 MS. JOAN WILSON: We also made available  
12 December 2007.

13 MR. PAUL EDWARDS: The full month?

14 MS. JOAN WILSON: The full month.

15 MR. PAUL EDWARDS: Okay. And in terms of  
16 the timing -- and I -- I confess I can't point to it now,  
17 I -- I did review the Tennessee Report, I didn't see  
18 anything in there suggesting or confirming this assertion  
19 that 50 percent of the business -- evening business has  
20 gone down in the last two (2) or three (3) years.

21 Is that in there? Can -- can you point to  
22 it?

23 MS. JOAN WILSON: I don't know what Mr.  
24 -- or Dr. Mundy's assumptions made of our business within  
25 the last two (2) or three (3) years. He looked at a

1 winter month in 2007 and a summer month in 2008. That is  
2 what he asked us for and that is what we supplied.

3 MR. PAUL EDWARDS: Right, and he  
4 concluded that in the winter months there should be more  
5 cabs on the road. He certainly didn't conclude there  
6 should be less anytime of the year, he concluded there  
7 should be more, right?

8 MS. JOAN WILSON: He concluded there  
9 should be more taxis on the road in the winter.

10 MR. PAUL EDWARDS: Yeah, yeah.

11 MS. SUSAN PROVEN: Mr. Edwards, while  
12 you're taking a moment I'd just like to ask a quick  
13 question of both Duffy's and Unicity.

14 My son told me last night that when he  
15 makes the call on a Friday or a Saturday night to try and  
16 get a cab, he gets a voice message that says the lines  
17 are busy and he says it's usually about a ten (10) minute  
18 wait before he actually gets somebody that says I will  
19 send a cab. He's quite pleased at how fast the cab  
20 comes, but he said he finds it very irritating that it  
21 takes ten (10) minutes to get through and so I just  
22 thought I'd quickly ask about that.

23 We're talking here about that night trade,  
24 you know, the young people that decide that they're going  
25 to take a cab, so why would that happen?

1 MS. JOAN WILSON: We find that when the  
2 bars let out, that is the only time that our cars are  
3 busy. They may be busy for half an hour or forty-five  
4 (45) minutes. Everybody wants to go home at the same  
5 time and so our phones may be a little busy at that point  
6 but, certainly, the taxis are waiting and they're  
7 available and there is really no wait time as far as the  
8 taxis are concerned.

9 MS. SUSAN PROVEN: So even though it's an  
10 automated system, it's still kind of jammed up for a  
11 short period of time?

12 MS. JOAN WILSON: It can be.

13 MS. SUSAN PROVEN: Okay, thank you.

14 MR. PHIL WALDING: I'd also like to note  
15 that if your son has a hard time getting through on the  
16 phones, we also have online call booker available at both  
17 Duffy's and Unicity, and there is no wait time to get  
18 through on that at all.

19

20 CONTINUED BY MR. PAUL EDWARDS:

21 MR. PAUL EDWARDS: Thank you. And I --  
22 I'm almost done, I assure everybody. But I -- I just  
23 want to pick up on the comment made by Ms. Wilson or Mr.  
24 Walding about the 50 percent in the night business the  
25 last two (2) or three (3) years.

1                   Mr. Walding concluded by indicating that,  
2 in his view, these operators were "teetering on  
3 bankruptcy," was the term used.

4                   MR. PHIL WALDING:   Actually, that comment  
5 was not related to that.  That comment was related to the  
6 fact that if Avion were to expand its shuttle to pick up  
7 people from houses and transport them to the airport,  
8 that that would cause them to teeter on the brink --

9                   MR. PAUL EDWARDS:   I see, thanks for the  
10 clarification.  So you're not suggesting now -- or the  
11 effect of this Application would cab -- as it's stated,  
12 which is just servicing downtown hotels -- you're not  
13 suggesting that would lead to cab drivers teeter -- or  
14 licence owners teetering on bankruptcy?

15                   You're not suggesting that?

16                   MR. PHIL WALDING:   Solely, no, but it  
17 could contribute.

18                   MR. PAUL EDWARDS:   Right.  And yet the  
19 only tract (phonetic) verifiable information we have,  
20 which doesn't come from your companies, but comes from  
21 the WAA, relates to the airport dispatches, and it has  
22 done nothing but go up.  And the only tract information  
23 we have on what the market will pay for these cab  
24 licences indicate it's done nothing but go up.

25                   Now, I suppose that could be contradicted

1 if you could show the traffic -- the fares were down or  
2 static, but there's nothing before this Board to verify  
3 or back up your statements that this industry hasn't done  
4 anything but grow.

5 Agree or disagree?

6 MS. JOAN WILSON: I disagree. We have  
7 not grown.

8 MR. PAUL EDWARDS: Those are my -- those  
9 are my questions in cross-examination. Perhaps, I'll ask  
10 at this point for the Board's guidance. I notice Mr.  
11 O'Gorman is here.

12 THE CHAIRPERSON: Well, we should proceed  
13 with him so we don't have to hold him for a whole  
14 afternoon.

15  
16 (UNICITY/DUFFY'S PANEL RETIRES)

17  
18 MR. PAUL EDWARDS: Well, and I'm going to  
19 need a few minutes with him prior to calling him, and so  
20 we can take that now, or we can do it after Mr.  
21 Saranchuk's cross-examination.

22 THE CHAIRPERSON: We will take it now.

23 MR. PAUL EDWARDS: Okay. Perhaps I can  
24 ask -- I don't need a lot, perhaps ten (10) minutes, till  
25 twenty (20) after.



1 THE CHAIRPERSON: Sure, that's fine, Mr.  
2 Edwards.

3 MR. PAUL EDWARDS: Thank you very much.

4

5 --- Upon recessing 2:09 p.m.

6 --- Upon resuming at 2:24 p.m.

7

8 THE CHAIRPERSON: Okay, Mr. Edwards.

9 MR. PAUL EDWARDS: Thank you very much,  
10 and thank you to the Board for altering the proceedings  
11 schedule. The Witness to my right is -- gentleman to my  
12 right is Mr. Michael O'Gorman, O'-G-O-R-M-A-M.

13 THE CHAIRPERSON: Welcome, sir.

14 MR. PAUL EDWARDS: And Mr. O'Gorman has  
15 kindly agreed to come down on short notice to deal with  
16 this issue which has come up, in order to try and assist  
17 in trying to finish this today. So, we're prepared to  
18 have him sworn and -- and testify in these proceedings at  
19 this time.

20 THE CHAIRPERSON: Mr. Gaudreau...?

21

22 AVION PANEL 2:

23 MICHAEL O'GORMAN, Sworn

24

25 THE CHAIRPERSON: Thank you, sir. Okay,

1 Mr. Edwards.

2

3 EXAMINATION-IN-CHIEF BY MR. PAUL EDWARDS:

4 MR. PAUL EDWARDS: Thank you. Mr.  
5 O'Gorman, can you indicate what your position is with the  
6 Winnipeg Airports Authority?

7 MR. MICHAEL O'GORMAN: Vice President of  
8 Operations.

9 MR. PAUL EDWARDS: And how long have you  
10 been in that position?

11 MR. MICHAEL O'GORMAN: Approximately two  
12 and a half (2 1/2) years.

13 MR. PAUL EDWARDS: And prior to that were  
14 you employed with the Winnipeg Airports Authority or did  
15 you just come to work for them two and a half (2 1/2)  
16 years ago?

17 MR. MICHAEL O'GORMAN: No, I was -- I was  
18 employed as Director of Operations.

19 MR. PAUL EDWARDS: Okay. So how long  
20 have you been with the Airports Authority?

21 MR. MICHAEL O'GORMAN: Five and a half (5  
22 1/2) years.

23 MR. PAUL EDWARDS: Okay. And in your  
24 duties, your current duties, what responsibility do you  
25 have for the taxicab servicing of the airport?

1                   MR. MICHAEL O'GORMAN:    The -- the ground  
2 transportation service is -- is in my department under a  
3 -- under another manager, which I oversee.

4                   MR. PAUL EDWARDS:    Does that other  
5 manager report to you?

6                   MR. MICHAEL O'GORMAN:    Yes.

7                   MR. PAUL EDWARDS:    And is that other  
8 manager responsible for the taxicab services, Mr. Scott  
9 Marohn?

10                  MR. MICHAEL O'GORMAN:    Yes.

11                  MR. PAUL EDWARDS:    M-A-R-O-H-N, I  
12 believe?

13                  MR. MICHAEL O'GORMAN:    That's correct.

14                  MR. PAUL EDWARDS:    Okay.  Mr. O'Gorman,  
15 we've heard some evidence here today about a set of  
16 negotiations between the WAA and Unicity, which led to a  
17 renewal of the, what I'm going to call the -- the taxicab  
18 dispatch contract between the -- Unicity and the WAA.

19                  Were you involved in -- in those  
20 negotiations?

21                  MR. MICHAEL O'GORMAN:    Yes.

22                  MR. PAUL EDWARDS:    From the WAA's end of  
23 -- who was involved from the WAA in those negotiations?

24                  MR. MICHAEL O'GORMAN:    I suppose at  
25 different times it would have been myself, Scott, and

1 Michael Rodyniuk.

2 MR. PAUL EDWARDS: Okay. And what  
3 position does Michael Rodyniuk hold?

4 MR. MICHAEL O'GORMAN: COO.

5 MR. PAUL EDWARDS: Okay. Do you report  
6 to MR. Rodyniuk or -- or...?

7 MR. MICHAEL O'GORMAN: Yes.

8 MR. PAUL EDWARDS: Okay. And tell us  
9 about those negotiations. Were there meetings? Were  
10 there phone calls? How -- how and when did they unfold,  
11 to the best of your recollection?

12 MR. MICHAEL O'GORMAN: Well, I would  
13 imagine there was probably both. From -- I think from  
14 what I can recall there was probably four (4) face-to-  
15 face meetings.

16 MR. PAUL EDWARDS: And were there some  
17 phone calls in addition to that?

18 MR. MICHAEL O'GORMAN: There may have  
19 been.

20 MR. PAUL EDWARDS: Did they occur over a  
21 period of months or years, and -- and if so can you  
22 indicate at all when -- when they took place?

23 MR. MICHAEL O'GORMAN: It was -- Jesus,  
24 2007 or '08, so I -- I would say over a month or six (6)  
25 weeks, two (2) months.

1 MR. PAUL EDWARDS: And in the course of  
2 those meetings, three (3) or four (4) meetings you said  
3 and -- and telephone calls, were -- were you involved in  
4 all of those or some of those?

5 MR. MICHAEL O'GORMAN: I think I was  
6 involved in two (2).

7 MR. PAUL EDWARDS: Two (2) meetings?

8 MR. MICHAEL O'GORMAN: Yeah. Yes.

9 MR. PAUL EDWARDS: Were there any phone  
10 calls you had in addition to those two (2) meetings?

11 MR. MICHAEL O'GORMAN: There may have  
12 been.

13 MR. PAUL EDWARDS: Okay. Who did you  
14 deal with in -- from Unicity's side at those meetings and  
15 -- and/or in those phone calls?

16 MR. MICHAEL O'GORMAN: It would have been  
17 Joan.

18 MR. PAUL EDWARDS: Joan Wilson?

19 MR. MICHAEL O'GORMAN: Yes.

20 MR. PAUL EDWARDS: And we've heard  
21 evidence, Mr. O'Gorman, that there was some -- this is  
22 from Ms. Wilson today -- that there -- Unicity raised the  
23 issue with the Airport Authority of the shuttle service  
24 proposed by Avion, and sought assurances that it would  
25 not be allowed to compete with Unicity.

1                   At the meetings you were at and the  
2 telephone conversations you had was there any discussion  
3 about the shuttle service at all, to the best of your  
4 recollection?

5                   MR. MICHAEL O'GORMAN:    No.

6                   MR. PAUL EDWARDS:    Are you certain of  
7 that, sir?

8                   MR. MICHAEL O'GORMAN:    The meetings I  
9 attended there wasn't.

10                  MR. PAUL EDWARDS:    And the phone calls?

11                  MR. MICHAEL O'GORMAN:    No.

12                  MR. PAUL EDWARDS:    Now, when you were not  
13 present in these other meetings or phone calls who was  
14 for the WAA? Was that Scott or Michael, or how did it  
15 work?

16                  MR. MICHAEL O'GORMAN:    Yeah, it would  
17 have been -- it would have been Scott.

18                  MR. PAUL EDWARDS:    Okay. And in terms of  
19 Mr. Rodyniuk, what participation did he have in -- in  
20 those meetings?

21                  MR. MICHAEL O'GORMAN:    If I can recall, I  
22 think he was probably just at the last meeting.

23                  MR. PAUL EDWARDS:    Okay. And in -- would  
24 you discuss with Mr. Marohn the issues that came up when  
25 you had telephone calls and he wasn't present, or he had

1 calls and you weren't present? Or how did this work, in  
2 terms of your relationship with Mr. Marohn over these  
3 negotiations?

4 MR. MICHAEL O'GORMAN: Well, we -- we  
5 probably didn't have too much conversation, actually. I  
6 mean if it was something extraordinary outside of the  
7 contract, he probably would have discussed with me, but,  
8 no.

9 MR. PAUL EDWARDS: Now, in your  
10 discussions with Mr. Marohn and/or Mr. Rodyniuk, did they  
11 ever raise with you at any time in these negotiations, to  
12 the best of your recollection, any issue about the Avion  
13 Shuttle Service?

14 MR. MICHAEL O'GORMAN: No.

15 MR. PAUL EDWARDS: Are you certain of  
16 that, sir?

17 MR. MICHAEL O'GORMAN: Yes.

18 MR. PAUL EDWARDS: Now, we've heard  
19 evidence that -- from Ms. Wilson, the WAA and -- actually  
20 stated that the shuttle service was not going to go  
21 ahead, and so, therefore, there was not a need to change  
22 the contract wording to -- to deal with it.

23 Is that something, Mr. O'Gorman, that the  
24 Winnipeg Airports Authority would have considered saying  
25 or doing?

1 MR. MICHAEL O'GORMAN: No.

2 MR. PAUL EDWARDS: Why is that, can you  
3 explain?

4 MR. MICHAEL O'GORMAN: Well, I think from  
5 our pro -- you know, ground transportation at the  
6 airport, I guess we're of the opinion that we will let  
7 the market drive the business out there and that's kind  
8 of our way forward.

9 MR. PAUL EDWARDS: And have you spoken to  
10 Mr. Rodyniuk and Mr. Marohn today as a result of my  
11 conversation with you about this -- this issue of raising  
12 the shuttle in these negotiations?

13 OBJ MR. SIDNEY SORONOW: Before the Witness  
14 answers, I'd raise an objection because I can see there's  
15 going to be an attempt here at what is constituted as  
16 hearsay evidence. If the individuals are available to  
17 have been talking to this Witness, then they could have  
18 been produced.

19 So I'd like this Witness to confine  
20 himself to what he knows, not what other people tell him.

21 THE CHAIRPERSON: Well, we take a few  
22 leaves from strict Court processes in Administrative  
23 Tribunals, Mr. Soronow.

24 Go ahead, Mr. Edwards.

25 MR. PAUL EDWARDS: Thank you, Mr. Chair.



1

2

3 CONTINUED BY MR. PAUL EDWARDS:

4 MR. PAUL EDWARDS: Mr. O'Gorman, have you  
5 had discussions today, as a result of my conversation  
6 with you, with Mr. Marohn and Mr. Rodyniuk, regarding  
7 this issue of Ms. Wilson's evidence on the -- on the  
8 shuttle in these negotiations?

9 MR. MICHAEL O'GORMAN: Yes.

10 MR. SIDNEY SORONOW: Mr. Chair -- Mr.  
11 Chairman, before he goes further, perhaps whilst you say  
12 that you're flexible, perhaps you can direct me how I am  
13 supposed to cross-examine these individuals who are not  
14 here, based on what he says?

15 THE CHAIRPERSON: We haven't heard what  
16 Mr. O'Gorman is going to say so far.

17

18 CONTINUED BY MR. PAUL EDWARDS:

19 MR. PAUL EDWARDS: Mr. O'Gorman, what was  
20 their response to you in the conversation of the last  
21 hour on this issue -- these issues of the shuttle being  
22 raised in the negotiations?

23 MR. MICHAEL O'GORMAN: They both say that  
24 -- that was never said.

25 MR. PAUL EDWARDS: Those are my

1 questions. Thank you, Mr. O'Gorman.

2 THE CHAIRPERSON: Thank you, Mr. O'Gorman  
3 and Mr. Edwards.

4 Mr. Soronow...?

5

6 CROSS-EXAMINATION BY MR. SIDNEY SORONOW:

7 MR. SIDNEY SORONOW: Mr. O'Gorman, you  
8 have been quite clear about certain parts of the evidence  
9 you gave. 1) That you said that you estimated there was  
10 probably four (4) meetings, correct?

11 MR. MICHAEL O'GORMAN: That's correct.

12 MR. SIDNEY SORONOW: Okay. And you  
13 indicated that you were present at two (2) of these  
14 meetings.

15 MR. MICHAEL O'GORMAN: Yes.

16 MR. SIDNEY SORONOW: Okay. That would  
17 mean that there were two meetings that you were not  
18 present at.

19 MR. MICHAEL O'GORMAN: That's correct.

20 MR. SIDNEY SORONOW: So, you are not in  
21 any personal position to say what transpired at the two  
22 (2) meetings you didn't attend.

23 MR. MICHAEL O'GORMAN: That's correct.

24 MR. SIDNEY SORONOW: Okay. And tell me,  
25 sir, were you aware of the proceedings, if we can call

1 them that, that had occurred at the City of Winnipeg  
2 concerning the Avion issue and their seeking approval  
3 from the City of Winnipeg?

4                   Were you aware of that?

5                   MR. MICHAEL O'GORMAN:    From what I read  
6 in the newspapers, yeah.

7                   MR. SIDNEY SORONOW:    Okay.  And from what  
8 you read in the newspapers you were therefore well aware  
9 that Unicity in particular, but Unicity and Duffy's had  
10 opposed approval being given by the City of Winnipeg?

11                  MR. MICHAEL O'GORMAN:    Yes.

12                  MR. SIDNEY SORONOW:    Okay.  And You would  
13 have appreciated that -- were you aware as to how many of  
14 those meetings there were at the City of Winnipeg?

15                  MR. MICHAEL O'GORMAN:    No.

16                  MR. SIDNEY SORONOW:    Okay.  But did you  
17 get the impression it was a hot issue?

18                  MR. MICHAEL O'GORMAN:    I think so.

19                  MR. SIDNEY SORONOW:    Okay.  And  
20 vigorously advanced by Unicity and -- and Duffy's that it  
21 shouldn't be approved?  There was a vigorous approach by  
22 those two (2) parties, as best you gathered from the  
23 newspaper?

24                  MR. MICHAEL O'GORMAN:    From the  
25 newspaper, yeah.

1                   MR. SIDNEY SORONOW:    Yeah.  Okay.  And so  
2  -- and -- and you would recognize that if the Avion  
3  shuttle went into effect that it would draw away trips  
4  from Unicity?  That's not a surprise to you?

5                   MR. MICHAEL O'GORMAN:    I can't answer  
6  that.  I don't know -- maybe, maybe not.  Maybe they'll  
7  take limousine trips, I don't know.

8                   MR. SIDNEY SORONOW:    So you're saying --  
9  let me understand something:  Do you involve yourself in  
10 the affairs of Avion?

11                  MR. MICHAEL O'GORMAN:    No.

12                  MR. SIDNEY SORONOW:    Okay.  And so you're  
13 saying as far as you know, you don't know what, if any  
14 impact, the existence of Avion shuttle would have on  
15 Unicity?

16                  MR. MICHAEL O'GORMAN:    Not -- not really,  
17 no.

18                  MR. SIDNEY SORONOW:    And it's beyond your  
19 bailiwick, is that right?  It's --

20                  MR. MICHAEL O'GORMAN:    Yeah.

21                  MR. SIDNEY SORONOW:    -- outside of your  
22 purview?  Okay.

23                  But you did, through the newspaper  
24 reporting, become aware that it was the position of  
25 Unicity that it would take trips from them.  Whether --

1 whether you knew -- knew it intuitively, you at least  
2 knew that was the position they were taking in the -- in  
3 those proceedings? It was reported on in the newspaper.

4 MR. MICHAEL O'GORMAN: If -- yeah, if  
5 that's what it said.

6 MR. SIDNEY SORONOW: Okay. So it -- it  
7 wouldn't be any large surprise to you if Unicity were to  
8 raise with WAA the concern that they should have an  
9 exclusive? It wouldn't be a surprise to you having gone  
10 through a whole process where they were fighting against  
11 Avion, taking the position that they would be losing  
12 trips, and then subsequently being in negotiations with  
13 WAA? It wouldn't be a big surprise that they might raise  
14 that issue wanting to secure an exclusive to avoid having  
15 to deal with the Avion?

16 That wouldn't be a surprise to you?

17 MR. MICHAEL O'GORMAN: I suppose not.

18 MR. SIDNEY SORONOW: Okay. So -- and did  
19 you at some point come to know that Avion had made an  
20 application to the Public Utilities Board, this tribunal,  
21 for approval of -- of their service, consequent upon  
22 their, quote, "agreement with the City"?

23 Did you come to know that?

24 MR. MICHAEL O'GORMAN: Yes.

25 MR. SIDNEY SORONOW: Okay. And did you

1 also come to know that there came a point in time, which  
2 would be prior to the negotiations that you're  
3 referencing, that Avion withdrew or asked their -- or  
4 asked their Application to be not processed further?

5 Did you come to know that?

6 OBJ MR. PAUL EDWARDS: I'm going to object,  
7 as My Friend did. He -- he knows full well that the  
8 request which was made and granted and communicated to  
9 Unicity was to abeyance.

10 MR. SIDNEY SORONOW: But I'm asking this  
11 Witness what his knowledge was.

12

13 CONTINUED BY MR. SIDNEY SORONOW:

14 MR. SIDNEY SORONOW: What knowledge, if  
15 any, did you come to have about the fact that the Avion  
16 Application was not then going forward?

17 MR. MICHAEL O'GORMAN: In all honesty, I  
18 don't remember, but I would suggest that I just didn't  
19 hear any more about it.

20 MR. SIDNEY SORONOW: You didn't hear any  
21 more about it --

22 MR. MICHAEL O'GORMAN: Well, since it  
23 went to the --

24 MR. SIDNEY SORONOW: -- in the  
25 newspapers? From whom?

1 MR. MICHAEL O'GORMAN: No, I mean, once -  
2 - once it was at the Board, I really didn't hear much  
3 about it after that.

4 MR. SIDNEY SORONOW: Okay. Did you come  
5 to know that there was a point in time when -- it doesn't  
6 matter, I'm not going to get involved in a -- a semantics  
7 argument -- it either was abeyanced, it was not  
8 proceeding, was withdrawn. It just was not moving  
9 anywhere?

10 Did you come to know that?

11 MR. MICHAEL O'GORMAN: Well, I -- I think  
12 the only reason I come to know that is because I didn't  
13 see it going anywhere.

14 MR. SIDNEY SORONOW: Okay.

15 MR. MICHAEL O'GORMAN: It just seemed to  
16 disappear.

17 MR. SIDNEY SORONOW: Okay, okay. Give me  
18 a moment, Mr. Chairman.

19

20 (BRIEF PAUSE)

21

22 MR. SIDNEY SORONOW: A point of  
23 clarification, sir. When asked who was negotiating on  
24 behalf of Unicity, you referenced Ms. Wilson, correct?  
25 Do you recall anyone else involved in those negotiations

1 for Unicity?

2 MR. MICHAEL O'GORMAN: I believe there  
3 was Board members there.

4 MR. SIDNEY SORONOW: Okay. The gentleman  
5 sitting to her right is Mr. Mangat.

6 Do you recall his presence?

7 MR. MICHAEL O'GORMAN: I believe so.

8 MR. SIDNEY SORONOW: Okay. So when you  
9 said and identified only Ms. Wilson as being the  
10 participant for Unicity, that wasn't quite accurate?  
11 There was more than one (1) participant for Unicity, at  
12 least Mr. Mangat, as well?

13 MR. PAUL EDWARDS: I think the record  
14 will show the question was, "Who were you dealing with?"  
15 and the answer was, "Ms. Wilson."

16

17 CONTINUED BY MR. SIDNEY SORONOW:

18 MR. SIDNEY SORONOW: Okay. Do you  
19 remember Mr. Mangat being there. Is it the fact that  
20 you're saying he didn't participate, only Ms. Wilson  
21 spoke? Or you don't recall?

22 MR. MICHAEL O'GORMAN: I -- I mean, the  
23 Board was in the room while there was discussions taking  
24 place, yes, but for the most part, we -- we deal directly  
25 with Ms. Wilson.



1 MR. SIDNEY SORONOW: Okay.

2

3 (BRIEF PAUSE)

4

5 MR. SIDNEY SORONOW: And -- and so it's  
6 your evidence under oath that Mr. Mangat was not the lead  
7 spokesman at the meetings?

8 MR. MICHAEL O'GORMAN: It didn't appear  
9 to be.

10 MR. SIDNEY SORONOW: Well, okay, when you  
11 say "didn't appear to be," was it the case that he was  
12 speaking, but you didn't regard him as the important  
13 voice? I'm trying to understand what you mean by "didn't  
14 appear to be."

15 Was he speaking at those meetings?

16 MR. MICHAEL O'GORMAN: May have been. I  
17 -- I don't have the minutes, so I don't know.

18 MR. SIDNEY SORONOW: Well, is it fair to  
19 say that in the horizon and landscape of all the matters  
20 you attend to, this particular negotiation, it was not  
21 one of your premier tasks or most important issues on  
22 your desk?

23 MR. MICHAEL O'GORMAN: I would suggest it  
24 probably was.

25 MR. SIDNEY SORONOW: You're saying it was

1 one of the more important or was not?

2 MR. MICHAEL O'GORMAN: Well, for the  
3 Airport Authority, it probably was. We needed -- we need  
4 ground transportation services.

5 MR. SIDNEY SORONOW: Okay. But not  
6 important enough that you were at every meeting? You  
7 weren't?

8 MR. MICHAEL O'GORMAN: That's correct.

9 MR. SIDNEY SORONOW: Okay. Before  
10 completing with this Witness, I'd like just a minute with  
11 my clients.

12 THE CHAIRPERSON: That's fine.

13 MR. SIDNEY SORONOW: Okay.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Well, we were lonely  
18 there for a while but I see everybody's back.

19 Mr. Edwards...?

20 MR. SIDNEY SORONOW: I think, Mr.  
21 Chairman, I was in the midst of cross-examination.

22 THE CHAIRPERSON: I've forgotten, it's so  
23 long ago, Mr. Soronow.

24 MR. SIDNEY SORONOW: I can well  
25 appreciate that, Mr. Chairman.

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CONTINUED BY MR. SIDNEY SORONOW:

MR. SIDNEY SORONOW: Mr. O'Gorman, you mentioned the name is it pronounced Mike Roinik (sic)? Is that -- how do you...?

MR. MICHAEL O'GORMAN: Rodyniuk.

MR. SIDNEY SORONOW: Rodyniuk?

MR. MICHAEL O'GORMAN: Yeah.

MR. SIDNEY SORONOW: Okay. And you told the Board, in answer to a question previously from Mr. Edwards, that Mr. Rodyniuk was only at the last meeting?

MR. MICHAEL O'GORMAN: From -- from what I recall, yes.

MR. SIDNEY SORONOW: So is it possible he was only at the first meeting, wasn't at the last meeting at all?

MR. MICHAEL O'GORMAN: That's possible.

MR. SIDNEY SORONOW: Okay. Those are my questions.

CROSS-EXAMINATION BY MR. WALTER SARANCHUK:

MR. WALTER SARANCHUK: I just have a few questions, Mr. O'Gorman. You've indicated that this series of meetings was held over a six (6) week to two (2) month period, approximately, to the best of your

1 recollection?

2 MR. MICHAEL O'GORMAN: From what I can  
3 remember, yes.

4 MR. WALTER SARANCHUK: And do you  
5 remember what year?

6 MR. MICHAEL O'GORMAN: 2007.

7 MR. WALTER SARANCHUK: And you -- do you  
8 recall where these meetings were held? Were they all at  
9 the same location?

10 MR. MICHAEL O'GORMAN: The only ones that  
11 I attended were -- would have been at the airport.

12 MR. WALTER SARANCHUK: And so is it a  
13 fact that you don't know where the other ones were held,  
14 or is it your best recollection that it's all -- in all  
15 likelihood the others were held there, too?

16 MR. MICHAEL O'GORMAN: In all likelihood.

17 MR. WALTER SARANCHUK: And you indicated  
18 that you attended two (2) meetings, is that correct?

19 MR. MICHAEL O'GORMAN: Again, I would  
20 have to look. I'm sure I attended at least two (2)  
21 meetings, but I don't think any more.

22 MR. WALTER SARANCHUK: Okay, just on that  
23 score, though, we heard perhaps four (4) meetings were  
24 held but, again, you're not sure on that score, are you?

25 MR. MICHAEL O'GORMAN: No.

1 MR. WALTER SARANCHUK: So there could  
2 have been more than four (4) meetings held?

3 MR. MICHAEL O'GORMAN: It's possible.

4 MR. WALTER SARANCHUK: Could there have  
5 been fewer than four (4) meetings held?

6 MR. MICHAEL O'GORMAN: I would have to --  
7 I'm not -- I don't think so. I'm sure there was at least  
8 four (4).

9 MR. WALTER SARANCHUK: And were you -- in  
10 respect of the meetings that you did not attend, were you  
11 briefed on what transpired at those meetings?

12 MR. MICHAEL O'GORMAN: Probably, briefly.  
13 I mean, as mentioned, unless there was something out of  
14 the ordinary I may not have, you know, discussed it.

15 MR. WALTER SARANCHUK: And was there any  
16 discussion -- when you were being briefed on the meetings  
17 where you were not in attendance, was there any  
18 discussion about who from Unicity was negotiating with  
19 your people, so to speak?

20 MR. MICHAEL O'GORMAN: No.

21 MR. WALTER SARANCHUK: And you indicated  
22 that Mr. Mangat was in attendance, to your recollection,  
23 when you were attending the meetings.

24 Is that correct?

25 MR. MICHAEL O'GORMAN: To my

1 recollection, yes.

2 MR. WALTER SARANCHUK: And that, of  
3 course, I think you indicated that the main uptake on the  
4 negotiations from Unicity, to the best of your  
5 recollection, was given by Ms. Wilson?

6 MR. MICHAEL O'GORMAN: Yes.

7 MR. WALTER SARANCHUK: Let me ask you,  
8 sir, is there an operations group within the WAA?

9 MR. MICHAEL O'GORMAN: The department,  
10 yes.

11 MR. WALTER SARANCHUK: And is that made  
12 up of your ground transportation, and your airfield  
13 operations, and your ground site operations?

14 MR. MICHAEL O'GORMAN: Yes. And terminal  
15 operations, emergency response services.

16 MR. WALTER SARANCHUK: And let me ask  
17 you, sir, when was it that you first learned about  
18 Avion's endeavour, relative to a proposed shuttle  
19 service? I'm talking about you, personally.

20 MR. MICHAEL O'GORMAN: I'm not sure. I  
21 can't...

22 MR. WALTER SARANCHUK: Would it have been  
23 -- no -- yeah, let me ask you, would it have been prior  
24 to these negotiations with Unicity, relative to the  
25 agreement?

1 MR. MICHAEL O'GORMAN: It -- it may have  
2 been.

3 MR. WALTER SARANCHUK: And do you recall,  
4 sir, attending any meeting where Ms. Tataryn attended to  
5 speak with the operations group, relative to Avion's  
6 decision to pursue an airport shuttle service operation?

7 MR. MICHAEL O'GORMAN: I don't recall.

8 MR. WALTER SARANCHUK: It may have  
9 occurred?

10 MR. MICHAEL O'GORMAN: It may have.

11 MR. WALTER SARANCHUK: And in terms of  
12 the negotiations that were being conducted with Unicity,  
13 what was the actual purpose of those negotiations?

14 MR. MICHAEL O'GORMAN: I -- I guess the -  
15 - the pick-up fee was probably one, and the customer  
16 service initiatives, and that sort.

17 MR. WALTER SARANCHUK: So this is  
18 effectively a renewal -- the consideration given to a  
19 renewal of Unicity's airport access privileges.

20 Is that correct?

21 MR. MICHAEL O'GORMAN: That's correct,  
22 with -- with the additional, you know, the service levels  
23 and training.

24 MR. WALTER SARANCHUK: And I think you  
25 indicated that during those negotiations your

1 recollection is that the question of the shuttle service  
2 -- the proposed shuttle service by Avion -- was never  
3 discussed --

4 MR. MICHAEL O'GORMAN: No, no.

5 MR. WALTER SARANCHUK: Is that to the  
6 best of your recollection?

7 MR. MICHAEL O'GORMAN: No -- but any  
8 meeting that I was in attendance of, it was not  
9 discussed.

10 MR. WALTER SARANCHUK: And you indicated  
11 that your first coming to learn about Avion's intended  
12 shuttle service may or may not have been prior to these  
13 meetings that you were having on Unicity's airport access  
14 privileges --

15 MR. MICHAEL O'GORMAN: Yes.

16 MR. WALTER SARANCHUK: -- is that  
17 correct?

18 MR. MICHAEL O'GORMAN: That's correct.

19 MR. WALTER SARANCHUK: Let me ask you,  
20 during the course of your negotiations, the meetings that  
21 you attended, did it cross your mind that an airport  
22 shuttle service operated by Avion might contravene the  
23 spirit of this agreement that you were negotiation?

24 MR. MICHAEL O'GORMAN: No.

25 MR. WALTER SARANCHUK: And the reason for



1 that being, sir?

2 MR. MICHAEL O'GORMAN: I -- I mean, I  
3 think, from the airport's point of view, we're fairly  
4 well open to all options of transportation, so, no, it  
5 really didn't.

6 MR. WALTER SARANCHUK: And it didn't  
7 matter to you that the initiative was to be undertaken by  
8 the Airport Authority's subsidiary?

9 MR. MICHAEL O'GORMAN: No.

10 MR. WALTER SARANCHUK: Those are all my  
11 questions.

12 THE CHAIRPERSON: Thank you, Mr.  
13 Saranchuk.

14

15 CONTINUED BY MR. WALTER SARANCHUK:

16 MR. WALTER SARANCHUK: Oh, I'm sorry, I  
17 do have a couple of other questions as a follow-up. I  
18 just overlooked them.

19 Mr. O'Gorman, did you or a group within  
20 WAA, in which you were involved, make the decision on  
21 exiting limousines?

22 MR. MICHAEL O'GORMAN: It may have been  
23 within the department, yes.

24 MR. WALTER SARANCHUK: And if so, would  
25 you have participated?

1 MR. MICHAEL O'GORMAN: I may have.

2 MR. WALTER SARANCHUK: You don't recall?

3 MR. MICHAEL O'GORMAN: I mean, I don't  
4 recall, no.

5 MR. WALTER SARANCHUK: Do you -- you do  
6 recall that decision, though?

7 MR. MICHAEL O'GORMAN: Yes.

8 MR. WALTER SARANCHUK: And can you give  
9 us an idea, since you may have been involved -- well, let  
10 me ask you this: If you weren't involved would you have  
11 been briefed at least on that decision?

12 MR. MICHAEL O'GORMAN: Yes.

13 MR. WALTER SARANCHUK: And so I take it  
14 there was a reason why that decision was being made,  
15 correct?

16 MR. MICHAEL O'GORMAN: Yes.

17 MR. WALTER SARANCHUK: And what was the  
18 reason?

19 MR. MICHAEL O'GORMAN: I -- I recall that  
20 due to customer comments received at the airport, that, I  
21 mean, customers felt -- the business traveller felt,  
22 coming to Winnipeg, they would rather take an executive  
23 car than a stretched limousine on the curb, which was in  
24 the line and had to wait till the next trip.

25 MS. SUSAN PROVEN: What do you mean by

1 "in the line" and "had to wait for the next trip"?  
2 Because these things are lined up and the person has to  
3 take the limo?

4 MR. MICHAEL O'GORMAN: Yes.

5 MS. SUSAN PROVEN: But they don't have  
6 take the limo, do they?

7 MR. MICHAEL O'GORMAN: As far as I'm  
8 aware, that the -- the policy was that first in line,  
9 first in, first out, and if you happened to be two (2)  
10 stretched limousines, that's what was on the curb and you  
11 had -- you had to take those vehicles first.

12 MS. SUSAN PROVEN: If you were taking a  
13 limo.

14 MR. MICHAEL O'GORMAN: If you were taking  
15 -- yeah, if you were taking a limo.

16 MR. WALTER SARANCHUK: I'm sorry, I  
17 didn't catch the last exchange. What was it?

18 MS. SUSAN PROVEN: I was asking about  
19 whether the person absolutely had to take the limo, but  
20 they didn't, according to Mr. Edwards. You're shaking  
21 your head.

22 So if they didn't want to get into the  
23 limo could they get into a cab?

24 MR. MICHAEL O'GORMAN: Oh, yeah. No, no,  
25 no, sorry. I mean, where it is on the curb, if there was

1 two (2) stretched limousines parked there, you didn't  
2 have the option to take an executive car should you  
3 decide to. I mean, that's all. You'd have to -- they'd  
4 have to get rid of the two (2) stretched limousines first  
5 before the next car could come in, but that's just with  
6 the taxis -- or the limos and not the taxis obviously.

7 THE CHAIRPERSON: So the limos and the  
8 executive cars were in the same category, so to speak?

9 MR. MICHAEL O'GORMAN: That's correct. I  
10 mean, you know, there may need some clarification, but to  
11 my recollection that was the policy.

12

13 CONTINUED BY MR. WALTER SARANCHUK:

14 MR. WALTER SARANCHUK: And following the  
15 decision, relative to the limousines, did the Airport  
16 Authority request the Taxicab Board to grant executive  
17 car licences to the individuals who owned limousines and  
18 who were affected by WAA's decision?

19 MR. MICHAEL O'GORMAN: There again, from  
20 -- from my recollection I think the stretched limousine  
21 operators were notified about two (2) years ago, through  
22 discussions of our plan to move forward with an executive  
23 -- with executive cars. So, you know -- and I think in  
24 doing so we did provide the Taxicab Board with  
25 information stating, you know, you should probably start

1 to get the guys ramping up if they're coming in to  
2 replace their -- their stretched limousines. If they  
3 want to work at the airport, now's the time to start  
4 thinking about town cars or executive cars.

5 MR. WALTER SARANCHUK: So if you didn't  
6 specifically request that that be done, you at least  
7 supported the measure?

8 MR. MICHAEL O'GORMAN: Yes.

9 MR. WALTER SARANCHUK: Is that correct,  
10 sir?

11 MR. MICHAEL O'GORMAN: Yes.

12 MR. WALTER SARANCHUK: Those are all my  
13 questions.

14 THE CHAIRPERSON: Thank you, Mr.  
15 Saranchuk. Thank you, Mr. -- oh, do you have any re-  
16 direct for the Witness?

17 Thank you, Mr. O'Gorman. Thank you for  
18 attending.

19 MR. MICHAEL O'GORMAN: Okay, thank you.

20

21 (WITNESS STANDS DOWN)

22

23 MR. WALTER SARANCHUK: I now have some  
24 questions of the Unicity/Duffy panel, Mr. Chairman.

25

1 UNICITY/DUFFY'S PANEL RESUMED:

2 JOAN WILSON, Resumed

3 PHIL WALDING, Resumed

4 GURMAIL MANGAT, Resumed

5

6 CROSS-EXAMINATION BY MR. WALTER SARANCHUK:

7 MR. WALTER SARANCHUK: This is directed  
8 to, I guess, both Ms. Wilson and Mr. Walding. And I wish  
9 you just, for the reporter's sake, you don't answer at  
10 exactly the same time.

11 But do you agree with and adopt the  
12 contents of the submissions made on your behalf by your  
13 counsel and the evidence given in response to the PUB's  
14 Information Requests of your companies?

15 MS. JOAN WILSON: Yes.

16 MR. PHIL WALDING: Yes.

17 MR. WALTER SARANCHUK: Thank you. Just  
18 before I proceed any further, dealing with these  
19 negotiations with the WAA, relative to the renewal of  
20 Unicity's contract for airport access privileges, as I  
21 understand it, Ms. Wilson, Mr. Mangat was in attendance  
22 at these meetings with you?

23 MS. JOAN WILSON: Yes, that's correct.

24 MR. WALTER SARANCHUK: Do you recall how  
25 many meetings there were?

1 MS. JOAN WILSON: I believe for sure  
2 there were four (4), possibly five (5).

3 MR. WALTER SARANCHUK: And was Mr. Mangat  
4 accompanying you on each of those occasions?

5 MS. JOAN WILSON: He was actually the  
6 lead in -- in each meeting for the Company.

7 MR. WALTER SARANCHUK: What do you mean  
8 by that?

9 MS. JOAN WILSON: He was the person who  
10 was negotiating with the Airport Authority on various  
11 issues that we had.

12 MR. WALTER SARANCHUK: All right, thank  
13 you.

14 And, Mr. Mangat, let me ask you, sir:  
15 During the course of your negotiations, and you as the,  
16 quote, "lead person so to speak" end of quote, did you  
17 raise the issue of the airport shuttle service or  
18 proposed airport shuttle service by Avion when you were  
19 negotiating with the WAA representatives?

20 MR. GURMAIL MANGAT: Yes, our team did,  
21 sir.

22 MR. WALTER SARANCHUK: Your team did?

23 MR. GURMAIL MANGAT: Yes.

24 MR. WALTER SARANCHUK: Does that mean you  
25 did?

1 MR. GURMAIL MANGAT: That time, Ms. Joan.

2 MR. WALTER SARANCHUK: Words -- your  
3 colleague, Joan Wilson --

4 MR. GURMAIL MANGAT: Yes.

5 MR. WALTER SARANCHUK: -- raised that?

6 MR. GURMAIL MANGAT: That's right, sir.

7 MR. WALTER SARANCHUK: Were you there at  
8 that time when that issue was raised?

9 MR. GURMAIL MANGAT: Yes, sir.

10 MR. WALTER SARANCHUK: What, to the best  
11 of your recollection, did she say? Go slowly, please,  
12 because the Reporter has to get this down.

13 MR. GURMAIL MANGAT: We have -- we have  
14 concern about Avion. We had big demonstration show up in  
15 City Hall. Industry was in a panic. They are concerned  
16 naturally when time we're negotiating this issue came to  
17 us in second meeting.

18 MR. WALTER SARANCHUK: This was at the  
19 second meeting. And --

20 MR. GURMAIL MANGAT: That's right, sir.

21 MR. WALTER SARANCHUK: All right. And  
22 what did Ms. Wilson say?

23 MR. GURMAIL MANGAT: She mention about  
24 Avion because we wanted to have a sole transport  
25 provider. We like to get assurance from them, so in



1 future they can -- Avion's thing should not come. So in  
2 that context, she -- she talked to.

3 MR. WALTER SARANCHUK: And did she  
4 specifically request that there be some provision in the,  
5 quote, "new", end of quote, agreement with WAA addressing  
6 that particular issue?

7 MR. GURMAIL MANGAT: That's right, sir.

8 MR. WALTER SARANCHUK: What did she ask  
9 for?

10 MR. GURMAIL MANGAT: She ask, like, to  
11 our concerns already by the Industry. Any agreement we  
12 sign we do like to have sole transport provider, like a -  
13 - a sole providers.

14 MR. WALTER SARANCHUK: Well, but you  
15 always were the sole -- or Unicity always was the sole  
16 provider.

17 MR. GURMAIL MANGAT: This time we have  
18 concern because never ever before we have situation like  
19 Avion there.

20 MR. WALTER SARANCHUK: You had Avion  
21 there, and so that was a concern that you hadn't had  
22 before?

23 Is that what you were saying, sir?

24 MR. GURMAIL MANGAT: Other negotiations,  
25 I was not there. Usually with three (3) to five (5) year

1 agreements with the Airport, especially Avion thing came  
2 up before the negotiation we started. They were fresh.  
3 They were our concern.

4 So in the future we have our long-time  
5 plans too, so that -- that why we brought them, so we can  
6 be sure that we have no -- no other than our company at  
7 the Airport.

8 MR. WALTER SARANCHUK: And do you agree  
9 with that evidence, Ms. Wilson?

10 MS. JOAN WILSON: Yes.

11 MR. WALTER SARANCHUK: And what was the  
12 reason -- first of all, Mr. Mangat, at the second meeting  
13 when this was mentioned, who from Winnipeg Airport  
14 Authority was in attendance?

15 MR. GURMAIL MANGAT: The two (2) person,  
16 Scott and O'Gorman, just person was here.

17 MR. WALTER SARANCHUK: That is Mr. Marohn  
18 and Mr. O'Gorman were present.

19 MR. GURMAIL MANGAT: That's right, sir.

20 MR. WALTER SARANCHUK: And was there a  
21 response given to this indication by Ms. Wilson  
22 addressing the shuttle service?

23 MR. GURMAIL MANGAT: There -- yes, sir.

24 MR. WALTER SARANCHUK: Who responded to  
25 it?

1 MR. GURMAIL MANGAT: Mr. -- Scott, sir.

2 MR. WALTER SARANCHUK: Mr. Marohn...?

3 MR. GURMAIL MANGAT: Yes, sir.

4 MR. WALTER SARANCHUK: What, to the best  
5 of your recollection -- and please remember you're under  
6 oath -- what did he say?

7 MR. GURMAIL MANGAT: He said, you know,  
8 the Application not going anywhere, they said.

9 MR. WALTER SARANCHUK: He said -- he said  
10 -- I'm sorry, go slowly.

11 MR. GURMAIL MANGAT: He said -- he said,  
12 sir, the -- even application is not going anywhere now.  
13 You don't have worry about this one. This kind of  
14 assurance he give us.

15 MR. WALTER SARANCHUK: That was -- you  
16 took that as an assurance from him?

17 MR. GURMAIL MANGAT: Yes, as an  
18 assurance, I'll say.

19 MR. WALTER SARANCHUK: And as a result of  
20 hearing what Mr. Marohn said, was there any further  
21 discussion on that point?

22 MR. GURMAIL MANGAT: No, sir.

23 MR. WALTER SARANCHUK: And I know that  
24 this was addressed in greater depth or great depth by My  
25 Learned Friend Mr. Edwards, but let me ask you, Ms.

1 Wilson, once you came to learn that the gloves were off,  
2 so to speak, and that Avion was indeed serious about this  
3 matter and was going to pursue it, I take it from what  
4 you said that you did not, or no one else on behalf of  
5 Unicity, communicated any concern about that either to  
6 Avion or to the Winnipeg Airport Authority?

7 Is that correct?

8 MS. JOAN WILSON: Some of our board  
9 members did speak to the WAA in regards to the Avion  
10 application.

11 MR. WALTER SARANCHUK: Okay, can you  
12 identify who those members of your board were?

13 MS. JOAN WILSON: It would have been Mr.  
14 Gurmail Gill and Mr. Paul Rhandhawa at a meeting with  
15 Scott Marohn.

16 MR. WALTER SARANCHUK: Okay, would you  
17 please spell those two (2) names for the Reporter's  
18 benefit?

19 MS. JOAN WILSON: Oh, dear.

20 MR. WALTER SARANCHUK: And if you're  
21 having difficulty you can appreciate the Reporter's  
22 situation.

23 MS. JOAN WILSON: Gurmail, G-U-R-M-A-I-L,  
24 last name Gill, G-I-L-L. Paul, P-A-U-L, Rhandhawa, R-H-  
25 A-N-D-H-A-W-A.

1 MR. WALTER SARANCHUK: Thank you very  
2 much. Now, how did you come to learn of these  
3 conversations?

4 MS. JOAN WILSON: We had gone to the  
5 airport on another matter.

6 MR. WALTER SARANCHUK: When you say "we"  
7 you mean who?

8 MS. JOAN WILSON: Mr. Gill, Mr.  
9 Rhandhawa, and myself.

10 MR. WALTER SARANCHUK: All right, please?

11 MS. JOAN WILSON: We went to the airport  
12 on another matter. We inquired from Scott regarding the  
13 Application for Avion. Mr. Marohn told us that he was  
14 not aware that Avion had gone back to the Public  
15 Utilities Board or that it had been sort of revived and  
16 was ongoing again.

17 At that point, the board members did not  
18 really say anything else to Mr. Marohn as it appeared  
19 that he was not aware of the situation.

20 MR. WALTER SARANCHUK: And you were  
21 present when those conversations took place?

22 MS. JOAN WILSON: Yes, I was.

23 MR. WALTER SARANCHUK: And where was  
24 that, ma'am?

25 MS. JOAN WILSON: It was at the Winnipeg

1 Airport Authority. It was in their boardroom upstairs.

2 MR. WALTER SARANCHUK: And can you give  
3 me an idea of when this was?

4 MS. JOAN WILSON: It would have been in  
5 January 2009 sometime.

6 MR. WALTER SARANCHUK: So about six (6)  
7 months ago?

8 MS. JOAN WILSON: That's correct.

9 MR. WALTER SARANCHUK: And you say you  
10 were going there on another matter?

11 MS. JOAN WILSON: That's correct.

12 MR. WALTER SARANCHUK: Do you recall what  
13 the purpose of that was?

14 MS. JOAN WILSON: It was in a matter in  
15 regard to how our cars were going to be lining up at the  
16 airport.

17 MR. WALTER SARANCHUK: And a result of  
18 the conversation that you witnessed, was the question of  
19 airport shuttle service raised at any subsequent time by  
20 Unicity with anybody from Avion or WAA?

21 MS. JOAN WILSON: No, it wasn't.

22 MR. WALTER SARANCHUK: And in terms of  
23 that discussion or conversation, when you heard the reply  
24 that was given to you or given in reply to the question  
25 raised by your two (2) colleagues attending, did -- what

1 did you say, if anything, because I take it you knew that  
2 the matter was being pursued?

3 MS. JOAN WILSON: Yes, I was aware that  
4 the matter was being pursued. But I also realize that  
5 anytime that we did talk to the Winnipeg Airport  
6 Authority about the Avion Application, whether it was in  
7 2006 or 2009, the Airport Authority would constantly tell  
8 us they were unaware of -- of what the proceedings -- or  
9 what was going on.

10 MR. WALTER SARANCHUK: Did it concern you  
11 when you were given that same relative -- in relative  
12 terms, that same kind of answer in January of this year?

13 MS. JOAN WILSON: Yes, it did.

14 MR. WALTER SARANCHUK: Did you do  
15 anything about it?

16 MS. JOAN WILSON: At that time, I knew,  
17 perhaps, when we were negotiating originally, that we had  
18 made a mistake.

19 In our 2004 contract, which you have  
20 before you as well, it does show exclusive taxi service.  
21 Unfortunately, when Avion first went to the city of  
22 Winnipeg, we asked our lawyer about this and our -- the  
23 legal opinion we were giving -- given at that time was,  
24 yes, we had exclusive taxi service, but it did not cover  
25 shuttles.

1 MR. WALTER SARANCHUK: And just as a  
2 final question, relative to this matter, was there any  
3 suggestion, request, overture made on behalf of Unicity  
4 to the WAA, to revisit that issue and amend the agreement  
5 to provide for it?

6 MS. JOAN WILSON: No.

7 MR. WALTER SARANCHUK: And the reason for  
8 that was...?

9 MS. JOAN WILSON: I believe that the  
10 Board of Directors at the time perhaps thought that that  
11 would -- the WAA would not amend the agreement.

12 MR. WALTER SARANCHUK: I'm sorry, what do  
13 you mean "perhaps thought?" Do you know for a fact what  
14 they thought?

15 MS. JOAN WILSON: No, I can't say what  
16 they thought for sure.

17 MR. WALTER SARANCHUK: So in terms of  
18 answering my question, you can only speak in your own  
19 personal knowl -- knowledge.

20 Can you answer it tha -- those terms then?

21 MS. JOAN WILSON: No, I don't think I --  
22 I could.

23 MR. WALTER SARANCHUK: You personally  
24 made no request of anybody at Unicity, or you yourself  
25 didn't pursue that avenue, vis-a-vis Avion, that is to



1 amend the agreement or raise it again?

2 MS. JOAN WILSON: That is correct.

3 MR. WALTER SARANCHUK: Now, just moving  
4 on to page 14 of your submission. That's the one dated  
5 December 10th, 2008.

6 MR. SIDNEY SORONOW: Is that page 14?  
7

8 CONTINUED BY MR. WALTER SARANCHUK:

9 MR. WALTER SARANCHUK: Fourteen, yes.  
10 You indicated that the queuing period for cab drivers at  
11 the airport is approximately thirty-five (35) to fifty  
12 (50) minutes.

13 This is in the second paragraph, Ms.  
14 Wilson, do you see that?

15 MS. JOAN WILSON: Yes, I do.

16 MR. WALTER SARANCHUK: And let me ask  
17 you: Would that not create an environment where cab  
18 drivers would try to avoid short trips leading to low  
19 fares?

20 MS. JOAN WILSON: No.

21 MR. WALTER SARANCHUK: Why not?

22 MS. JOAN WILSON: Because with a short  
23 fare, they go back to the front of the line at the  
24 airport and they are queued as the next car out for the  
25 front of the airport again.

1                   MR. WALTER SARANCHUK:   And so you say  
2 that the fact that there would be this waiting time all  
3 over again that they would experience would dissuade  
4 them?

5                   MS. JOAN WILSON:   I believe so, yes.

6                   MR. WALTER SARANCHUK:   Well --

7                   MR. SIDNEY SORONOW:   I'm sorry, I think,  
8 Mr. Saranchuk you've misunderstood.  When you take a  
9 short trip, she said, you complete the trip, you get to  
10 go to the front of the queue.

11                  MR. WALTER SARANCHUK:   To the front of  
12 the queue, I see.  I'm sorry, I missed that.  Yes, all  
13 right.

14

15 CONTINUED BY MR. WALTER SARANCHUK:

16                  MR. WALTER SARANCHUK:   Okay.  So you go  
17 to the front of the queue, what does that mean?  I mean,  
18 why would that have an impact on whether or not you would  
19 avoid or pursue short trips?

20                  MS. JOAN WILSON:   Well, certainly if you  
21 go to the front of the queue, that means the next number  
22 up would be your taxi number.  You would directly go to  
23 the front of the airport and you would get another trip.  
24 You would bypass, for instance, the fifty (50) cars that  
25 were sitting in the corral.

1 (BRIEF PAUSE)

2

3 MR. WALTER SARANCHUK: Now, in its  
4 submission, Avion estimates that it will service  
5 approximately sixty-eight thousand (68,000) two (2) way  
6 trips, ostensibly displacing sixty-eight thousand  
7 (68,000) cab rides and hotel van shuttle rides.

8 Based on the information provided by the  
9 Winnipeg Taxi Study that suggests that a taxi has  
10 approximately twelve thousand (12,000) trips a year, do  
11 you accept the premise that the impact by the shuttle  
12 service would displace five (5) to six (6) taxicabs?

13 THE CHAIRPERSON: Mr. Saranchuk, just to  
14 remind you, they were talking about sixty-eight thousand  
15 (68,000) two (2) ways.

16 MR. WALTER SARANCHUK: Yes. Oh, I'm --  
17 yes, that's what I said, sixty-eight thousand (68,000)  
18 two (2) ways, so we're talking approximately, I guess,  
19 thirteen thousand (13,000), thirteen thousand six hundred  
20 (13,600) trips.

21 MR. SIDNEY SORONOW: A hundred and  
22 thirty-six thousand (136,000).

23

24 CONTINUED BY MR. WALTER SARANCHUK:

25 MR. WALTER SARANCHUK: I'm sorry -- yes, a

1 hundred and thirty-six thousand (136,000) trips. And do  
2 you accept the premise that that would displace five (5)  
3 to six (6) taxicabs?

4 MS. JOAN WILSON: I believe it would be  
5 more.

6 MR. WALTER SARANCHUK: And the basis for  
7 that belief, sir -- ma'am.

8 MS. JOAN WILSON: The basis for that  
9 belief is if you are looking at Mr. Kozubal's figures  
10 which Mr. Edwards had pointed me to, saying that in a  
11 twelve (12) month period we have, perhaps, 1.3 million  
12 dispatched trips, if they take away a hundred and thirty-  
13 six thousand (136,000) trips, you know, that would be  
14 closer to, probably, 10 percent of our business.

15 MR. WALTER SARANCHUK: And that would  
16 translate into a displacement of how many taxicabs in  
17 your estimation?

18 MS. JOAN WILSON: With two hundred and  
19 twenty-five (225) cars, I would assume it would be closer  
20 to twenty (20) taxis.

21 MR. WALTER SARANCHUK: Now, with  
22 reference to page 15 of your submission, you indicate  
23 that the taxicab service -- the fare for it is still in  
24 the -- I'm sorry, is in the fourteen (\$14) to sixteen  
25 dollar (\$16) range from airport to downtown.

1 Is that correct?

2 MS. JOAN WILSON: Yes.

3 MR. WALTER SARANCHUK: Has that changed  
4 since that submission was made or prepared --

5 MS. JOAN WILSON: No.

6 MR. WALTER SARANCHUK: -- or do you still  
7 hold to that?

8 MS. JOAN WILSON: Yes, we do.

9 MR. WALTER SARANCHUK: And on page 15,  
10 the second paragraph from the bottom, Ms. Wilson, you'll  
11 see that it is stated, quote:

12 "Unlike other major centres, Winnipeg  
13 has the good fortune that the average  
14 wait time for a passenger to be  
15 serviced by a taxicab or a limousine at  
16 the airport is virtually nil, except  
17 for the most extraordinary of  
18 circumstances." End of quote.

19 Do you see that?

20 MS. JOAN WILSON: Yes.

21 MR. WALTER SARANCHUK: On what facts do  
22 you rely in making that assertion?

23 MS. JOAN WILSON: Based on the reports  
24 from the airport. We have a contract with the WAA. I  
25 believe you now have a copy of our new contract.

1                   MR. SIDNEY SORONOW:    Can we stop there  
2 just for a second.  I understood that Mr. O'Gorman  
3 brought down with him a copy of the current contract and,  
4 if so, that it might be in your possession, Mr. Edwards,  
5 and we can just have it marked now.

6                   MR. PAUL EDWARDS:    No, I don't know where  
7 you got that understanding.

8                   MR. SIDNEY SORONOW:    I thought I heard  
9 that being discussed.  I may have misheard that.  That's  
10 not true; you don't have a copy?

11                  MR. PAUL EDWARDS:    No, I'm waiting for  
12 you to --

13                  MR. JOAN WILSON:    Okay, and -- and we  
14 shall.  In our new contract there are stiff penalties if  
15 a taxi is not at the front of the airport within five (5)  
16 minutes of a customer standing there waiting.

17                  The only time that perhaps that would not  
18 happen is during a extreme weather conditions such as a  
19 very bad blizzard where no taxis or cars or anyone is  
20 moving.

21                  As well, we are finding with all the  
22 construction at the airport, it is taking longer for our  
23 taxis to get from the corral to the front of the airport.

24

25 CONTINUED BY MR. WALTER SARANCHUK:

1                   MR. WALTER SARANCHUK:   And also in the  
2 sentence just following the one that I quoted, it's  
3 indicated that the average wait for customers to obtain  
4 taxicabs throughout our city, generally, is  
5 extraordinarily low compared with other cities.

6                   Do you have any evidence or facts upon  
7 which you rely in making or supporting that statement?

8                   MS. JOAN WILSON:   Yes, we rely on our  
9 dispatch system from the time the car is dispatched until  
10 the time the car turns its meter on and picks up the  
11 customer.  Every car that is not within our twelve (12)  
12 minute sort of mandate for our cars to be somewhere, it  
13 is shown on our supervisor's screen as a late meter.  We  
14 are able to track how many late meters there are.

15                   As well, we are what they call "GPS  
16 dispatched."  We have specific zones.  The cars must be  
17 sitting within these zones in order for them to accept a  
18 trip so your car's not coming from the other side of the  
19 city to pick you up, the car is within a twelve (12)  
20 minute range of your residence.

21                   MR. SIDNEY SORONOW:   And if I could add  
22 for your assistance, Mr. Saranchuk, as it relates to  
23 Unicity and Duffy's if you're asking for anything further  
24 beyond what Ms. Wilson has mentioned, just review the  
25 Winnipeg Taxi Study which found that response times by

1 Unicity and Duffy's were one (1) of the best in North  
2 America.

3

4 CONTINUED BY MR. WALTER SARANCHUK:

5 MR. WALTER SARANCHUK: Yes, now let me  
6 ask the Witness, Ms. Wilson, from your standpoint what  
7 knowledge or information do you have relative to the  
8 comparison with other cities other than what your counsel  
9 just alluded to?

10 MS. JOAN WILSON: I rely on what our  
11 computers tell us, what our dispatch system tells us, and  
12 I certainly rely on what the customer tells us.

13 MR. WALTER SARANCHUK: Do you have access  
14 to such information insofar as the experience out of  
15 Winnipeg is concerned?

16 MS. JOAN WILSON: Sorry, other than  
17 Winnipeg?

18 MR. WALTER SARANCHUK: Out of Winnipeg,  
19 yes, other than Winnipeg.

20 MS. JOAN WILSON: No, I -- no, I do not.

21 MR. WALTER SARANCHUK: So in terms of the  
22 comparison that you make, other than the one that your  
23 counsel alluded to, is there some empirical evidence that  
24 you rely on that you can share with the Board when you  
25 compare your operation with the experience in other



1 cities?

2 MS. JOAN WILSON: Only from the material  
3 that we read in regards to studies from other major  
4 cities.

5 MR. WALTER SARANCHUK: When you say "we"  
6 you mean yourself of course?

7 MS. JOAN WILSON: Correct.

8 MR. WALTER SARANCHUK: And what material  
9 is it that you read?

10 MS. JOAN WILSON: It could be newspaper  
11 articles, it could be studies from Alberta, Saskatchewan,  
12 British Columbia. Several provinces have undertaken  
13 studies the same way as the Manitoba Taxicab Board.

14 MR. WALTER SARANCHUK: And you have  
15 familiarized yourself with the experience then based on  
16 that -- those readings?

17 MS. JOAN WILSON: Correct.

18 MR. WALTER SARANCHUK: Now, I don't mean  
19 to dwell on this because I realize that you didn't have  
20 very much information about it, but, with reference to  
21 Unicity's -- if I can use the term, quote "aborted" end  
22 of quote, airport shuttle service some number of years  
23 ago, I think it was back in the '60s I think you said, at  
24 -- and this is alluded to at pages 15 and 16 of your  
25 submission, and could you describe again just very much

1 at a high level what that endeavour included?

2 I think you said that there were some  
3 vehicles that were designated for that particular  
4 purpose. Just remind me, please, because I have a  
5 question as a follow-up?

6 MS. JOAN WILSON: Yes, as far as I can  
7 remember there was a van, an airport shuttle van, and it  
8 would take people from the airport to downtown hotels and  
9 vice versa.

10 MR. WALTER SARANCHUK: So appreciate that  
11 -- I appreciate that you're talking about a single van,  
12 but other than that, from what you have concluded  
13 relative to Avion's application, is the service that  
14 Avion is proposing different in any respect from the  
15 actual service that Unicity was employing at that time?

16 MS. JOAN WILSON: I don't believe so.

17 MR. WALTER SARANCHUK: And in a nutshell,  
18 as it's set out in your submission, is it a fact that  
19 there was no significant demand for that shuttle service  
20 and as a result the Unicity endeavour was discontinued?

21 MS. JOAN WILSON: Correct.

22 MR. WALTER SARANCHUK: And at the root of  
23 that of course was that it wasn't making any money,  
24 correct?

25 MS. JOAN WILSON: I believe that would be

1 the reason.

2 MR. WALTER SARANCHUK: And do you recall  
3 what, if any, steps -- and if you don't recall say so,  
4 but please try to make your best attempt to recall what  
5 steps Unicity took to get approval to operate that  
6 service?

7 MS. JOAN WILSON: I believe, at the time,  
8 the Manitoba Taxi Board was not the same as it is now. I  
9 believe that there was no licensing requirements back in  
10 the '60s for that kind of service.

11 MR. WALTER SARANCHUK: Thank you. And  
12 just before I leave the matter, can I ask you, was the  
13 impact on the overall taxi industry taken into account by  
14 Unicity when it -- and pursued that endeavour of the  
15 shuttle service?

16 MS. JOAN WILSON: I believe, at the time,  
17 because we were at the airport and the downtown hotels,  
18 it was an enhancement to our service as opposed to a --  
19 taking someone else's business away.

20 MR. WALTER SARANCHUK: Thank you. Now in  
21 terms of these hotel-operated shuttle services that we've  
22 heard about, and I'm not talking about the ones where you  
23 have a contract with hotels but the hotel-operated  
24 gratuitous service, if you will, do you expect that  
25 Avion's shuttle service would have an impact on those?

1 MS. JOAN WILSON: Yes, I do.

2 MR. WALTER SARANCHUK: And on what basis  
3 do you believe that?

4 MS. JOAN WILSON: I believe that, if the  
5 hotels did not have to employ someone to drive these  
6 shuttle vans, as well as pay for perhaps maintenance and  
7 licensing, the hotels may feel it's in their best  
8 interest not to have a courtesy shuttle.

9 MR. WALTER SARANCHUK: And was it your  
10 evidence that that would not necessarily free up curb  
11 space now taken by those hotel vans, or, indeed, is there  
12 curb space in some instances?

13 MS. JOAN WILSON: The hotel vans are  
14 never parked at the front of the hotels. They are  
15 usually parked behind the hotels or on the side of the  
16 hotels. They certainly do not interfere with anyplace  
17 that our taxis park.

18 MR. WALTER SARANCHUK: And in terms of  
19 the agreement that Unicity has with Place Louis Riel, for  
20 example, and we heard that that deals, to some extent,  
21 with some exclusivity benefiting Unicity, what impact do  
22 you envisage that Avion service would have on the spirit  
23 and intent of that agreement?

24 MS. JOAN WILSON: I believe that if Place  
25 Louis Riel decided to use the shuttle service, that

1 Unicity Taxi would be at a great disadvantage at that  
2 particular hotel.

3 MR. WALTER SARANCHUK: And in what  
4 respect?

5 MS. JOAN WILSON: At Place Louis Riel  
6 there really is nowhere to park in front of the hotel  
7 because the front of the hotel is a street. We are not  
8 allowed to stop there at certain hours of the day and  
9 afternoon because of rush-hour traffic.

10 We are designated two (2) spots in their  
11 parking lot. When a taxi is required, they call us and  
12 we send one (1) of our taxis from the parking lot to the  
13 front of the hotel.

14 MR. WALTER SARANCHUK: All right. And  
15 then how would the airport shuttle service impact that?

16 MS. JOAN WILSON: The airport shuttle  
17 would, at least to my knowledge, if they were dropping  
18 off or picking up there, would do it on the front street,  
19 which would mean that their visibility would be far  
20 greater than our cars.

21 MR. WALTER SARANCHUK: And, Mr. Walding,  
22 what can you tell us about the impact you think that  
23 Avion's service would have on the agreement that Duffy's  
24 has with the Fort Garry?

25 MR. PHIL WALDING: If the Avion shuttle

1 is operating at the Fort Garry Hotel, we will not have a  
2 contract with the Fort Garry Hotel.

3 MR. WALTER SARANCHUK: What do you mean  
4 by that?

5 MR. PHIL WALDING: We would consider it a  
6 breach of contract and terminate the contract at that  
7 point.

8 MR. WALTER SARANCHUK: In other words,  
9 you wouldn't be prepared to compete with the shuttle  
10 service?

11 MR. PHIL WALDING: We would be prepared  
12 to supply on-demand service to the hotel but we would not  
13 be willing to commit vehicles to sit there.

14 MR. WALTER SARANCHUK: Thank you, sir.

15 Mr. Mangat, in your evidence this morning  
16 you alluded to the challenges being faced by the drivers  
17 of the taxicabs and more so the owners of the taxicabs in  
18 terms of earning a living in that particular endeavour;  
19 you recall giving that evidence, sir?

20 MR. GURMAIL MANGAT: Right, sir.

21 MR. WALTER SARANCHUK: And you -- you  
22 alluded to the lengthy hours that you're required to work  
23 and the fact that it's a dangerous occupation from your  
24 standpoint and you alluded to the challenges and  
25 difficulties in terms of financing your individual

1 operation as an owner when you purchase a vehicle.

2 Is that correct?

3 MR. GURMAIL MANGAT: Yes, sir.

4 MR. WALTER SARANCHUK: And you talked  
5 about the financing and that when you made a purchase,  
6 for example, or if you were to buy a licence, that there  
7 would be some money down I think you said and then there  
8 would be some element of financing.

9 Is that correct?

10 MR. GURMAIL MANGAT: Right, sir.

11 MR. WALTER SARANCHUK: And did you  
12 indicate, sir, that there was some difficulty in the  
13 recent times to obtain financing?

14 MR. GURMAIL MANGAT: Right, sir.

15 MR. WALTER SARANCHUK: And were you  
16 specifically referring to instances where there are two  
17 (2) individuals who are purchasing a vehicle or a  
18 licence, or are you referring to in the instance when  
19 there's one (1) individual, or in both instances?

20 MR. GURMAIL MANGAT: Both, sir.

21 MR. WALTER SARANCHUK: And you base that  
22 evidence on what, sir? Is that something that you came  
23 to learn about or is that something that you personally  
24 experienced? Can you explain to the Board the basis for  
25 your evidence?

1                   MR. GURMAIL MANGAT:    I'm one of active  
2 member in this society. A lot of people talk to us.  
3 Nobody asked us how we can finance. Sometime we approach  
4 banks.

5                   The charter banks don't give money  
6 anymore. We approach to some credit unions, they're  
7 helpful but they're asking so -- so much in guarantees,  
8 like liens, cosigns. And sometimes some people they are  
9 looking for jobs. Like in Dr. Mundy's report some people  
10 like to -- immigration purposes.

11                  MR. WALTER SARANCHUK:    Sorry, would you  
12 give that again to me, please, sir?

13                  MR. GURMAIL MANGAT:    For immigration  
14 purposes people buy -- buy taxis so they can produce  
15 income so they are able to brought their families,  
16 reunion right here.

17                  So those people, when they don't get  
18 financing they go private financiers, pay a lot of  
19 interest just to -- so they can soon possible their  
20 family get united here.

21                  MR. WALTER SARANCHUK:    So if I understand  
22 your evidence correctly you're saying that in instances -  
23 - in some instances there are individuals who are looking  
24 to satisfy the immigration officials that they meet  
25 certain requirements to enable them to bring over family



1 members to Canada?

2 MR. GURMAIL MANGAT: Right, sir.

3 MR. WALTER SARANCHUK: And one (1) of the  
4 ways of going about that is for the taxicab operator, for  
5 example, to purchase a vehicle and show that he has this  
6 particular asset and that he has a job.

7 Is that correct?

8 MR. GURMAIL MANGAT: That's -- that's  
9 right, sir.

10 MR. WALTER SARANCHUK: And in terms of  
11 financing sometimes difficulties arise so that there have  
12 to be personal arrangements made with private individuals  
13 for financing to buy these licences or vehicles?

14 MR. GURMAIL MANGAT: That's right, sir.

15 MR. WALTER SARANCHUK: And that's the  
16 instance that you're alluding to when high interest rates  
17 are encountered.

18 Is that correct?

19 MR. GURMAIL MANGAT: That's right, sir.

20 MR. WALTER SARANCHUK: Can you give us,  
21 to use your counsel's word a, quote, "flavour," end of  
22 quote, as to just what percentage of the members of your  
23 organization that you spoke to would encounter this kind  
24 of difficulty where they would have to, in the case of  
25 immigration considerations, go to private sources for

1 financing?

2 MR. GURMAIL MANGAT: Maybe twenty (20) --  
3 more than -- between 20 to 50 percent somewhere.

4 MR. WALTER SARANCHUK: And that would be  
5 20 to 25 percent of how many individuals in your  
6 estimation?

7 MR. GURMAIL MANGAT: Hard to say that in  
8 figures.

9 MR. WALTER SARANCHUK: Would you say 20  
10 percent of ten (10) people or 25 percent -- 20 percent of  
11 fifty (50) people?

12 MR. GURMAIL MANGAT: Cars are on --  
13 transporting people, are selling and buy cabs who are  
14 interested. Lately, last couple of years, maybe I'll say  
15 five (5) years, this is happening most maybe more than 90  
16 percent people who bought those cabs they went to -- in  
17 this kind of agreements.

18 MR. WALTER SARANCHUK: So, in -- to your  
19 understanding, to the best of your knowledge, this  
20 consideration for immigration purposes, if you will,  
21 would have arisen, again in your estimation, about 90  
22 percent of the time when the purchases were being made?

23 MR. GURMAIL MANGAT: Not for only  
24 immigration. Some -- that -- that not right figure, sir.  
25 Maybe about 50 percent of those.

1 MR. WALTER SARANCHUK: Fifty percent  
2 would be involving immigration considerations?

3 MR. GURMAIL MANGAT: That's right, sir.

4 MR. WALTER SARANCHUK: On page 24 of your  
5 submission -- and this is a question to be directed to  
6 Ms. Wilson -- it's asserted that Avion's first year of  
7 operation projects approximately \$1.3 million in revenue,  
8 and you would -- and you assume that that would represent  
9 approximately a hundred and twenty thousand (120,000)  
10 passenger trips.

11 How many taxi trips does this translate  
12 into, given that on average there is more than one (1)  
13 passenger per trip?

14 MS. JOAN WILSON: I would think it would  
15 be possibly between 60 and 75 percent of that figure.

16 MR. WALTER SARANCHUK: So anywhere from  
17 seventy-two thousand (72,000) to eighty-four thousand  
18 (84,000) taxi trips?

19 MS. JOAN WILSON: Approximately.

20 MR. WALTER SARANCHUK: And that would  
21 translate, in your estimation, into the displacement of  
22 how many taxicabs in a year?

23 MR. SIDNEY SORONOW: Can you give her a  
24 moment?

25 MS. JOAN WILSON: Just give me a second.

1 (BRIEF PAUSE)

2

3 MS. JOAN WILSON: It would be  
4 approximately eighteen (18), nineteen (19) cars.

5

6 CONTINUED BY MR. WALTER SARANCHUK:

7 MR. WALTER SARANCHUK: Did you say  
8 eighteen (18) or nineteen (19) cars, approximately?

9 MS. JOAN WILSON: Yes.

10 MR. WALTER SARANCHUK: Thank you.

11

12 (BRIEF PAUSE)

13

14 MR. WALTER SARANCHUK: At pages 25 and 26  
15 of your submission, you conclude that accommodating Avion  
16 would endanger -- this is at the very bottom of page 25,  
17 top of page 26 -- would endanger the financial health and  
18 viability of the taxicab and limousine service providers.

19 On that basis you indicate, as well, that  
20 it would reflect a failure to recognize and respect the  
21 fragile equilibrium that currently exists in the Winnipeg  
22 passenger transportation industry.

23 Does that not imply, in your estimation,  
24 Ms. Wilson, that your main concern here is that the  
25 Unicity/Duffy monopoly is being jeopardized?

1 MS. JOAN WILSON: No, it does not.

2 MR. WALTER SARANCHUK: Can you explain  
3 why it does not?

4 MS. JOAN WILSON: As an industry, if we  
5 were not viable and healthy, if our industry started to  
6 collapse because there wasn't enough work to go around  
7 for everyone, it certainly wouldn't serve the needs of  
8 the population of Winnipeg.

9 If we are unable to put our cars on the  
10 road and service people, we would -- the City of Winnipeg  
11 would not be the kind of city that perhaps Destination  
12 Manitoba, or Travel Manitoba, or anyone else would feel  
13 would be inviting to all the tourists that would be  
14 coming here.

15 So in order for us to maintain the level  
16 of service that is required for us to be first class  
17 taxicab companies in Winnipeg, we require the level of  
18 taxi trips and customers that we now maintain.

19 MR. WALTER SARANCHUK: So you're --  
20 you're not agreeing with the postulation that the primary  
21 concern is your monopoly?

22 MS. JOAN WILSON: That's correct.

23 MR. WALTER SARANCHUK: But let me ask  
24 you, with reference to the commentary in your responses  
25 to the Board's Information Request 9-6C, which dealt with

1 the relatively recent application for a significant  
2 number of more taxicab licences before the Taxicab Board,  
3 I just refer you to the following assertion in the middle  
4 of page 6, which says, contrary -- quote:

5 "Contrary to the suggestion contained  
6 in the question, there was no  
7 application (either recently or  
8 otherwise) made by Unicity Taxi and  
9 Duffy's Taxi to the Taxicab Board to  
10 enable their respective fleets to be  
11 doubled. However, there were numerous  
12 applications filed to the Taxicab Board  
13 by various other parties (the third  
14 party applications) which, if granted,  
15 would have more than doubled the number  
16 of taxicab business licences currently  
17 existing." End of quote.

18 And on page 7, in the middle of the top  
19 paragraph there, it's indicated, quote:

20 "Since licences can only be granted to  
21 parties who have filed applications  
22 with the Taxicab Board, it became  
23 necessary as a protective measure for  
24 Unicity Taxi and Duffy's Taxi to each  
25 file applications with the Taxicab

1 Board." End of quote.

2 When the words "protective measure" are  
3 utilized, does that not mean protection of your monopoly?

4 I'd like the Witness to answer, Mr.  
5 Soronow. And I beat you to the mic.

6 MR. SIDNEY SORONOW: It's -- it's not a  
7 function of just that I wrote this, but rather that it  
8 was my advice upon which the Applications were filed as  
9 their lawyer throughout all these proceedings, and it was  
10 my advice to them that that was the protective way, so  
11 that they had an opportunity to receive licences, because  
12 if you're not an applicant you can't receive licences.

13

14 CONTINUED BY MR. WALTER SARANCHUK:

15 MR. WALTER SARANCHUK: That wasn't my  
16 question at all. And I'll ask your witness to answer,  
17 please, whether or not the protective measure, from your  
18 standpoint, from Unicity's standpoint, wasn't to protect  
19 its monopoly?

20 MS. JOAN WILSON: No, it was not.

21 MR. WALTER SARANCHUK: So I take it then,  
22 in that case, you adopt the answer given by your counsel?

23 MS. JOAN WILSON: We reluctantly agreed  
24 to it on the advice of our counsel.

25 MR. WALTER SARANCHUK: And this

1 Application was more than doubling the number of  
2 licences. This was like almost tripling, wasn't it?

3 MS. JOAN WILSON: Yes.

4 MR. WALTER SARANCHUK: So we're looking  
5 at another eight hundred (800) licences?

6 MS. JOAN WILSON: Approximately eight  
7 hundred (800), yes.

8 MR. WALTER SARANCHUK: So I take it that  
9 your company hardly felt that that was in the public  
10 interest, that is, to have an additional -- the prospect  
11 of an additional eight hundred (800) licences issued?

12 MS. JOAN WILSON: That's correct.

13 MR. WALTER SARANCHUK: And if it wasn't  
14 in the public interest to have an additional eight  
15 hundred (800) licences issued, and I appreciate what your  
16 counsel said, but why would Unicity agree to apply for  
17 those -- along with Duffy -- for those additional eight  
18 hundred (800) licences, as opposed to simply just letting  
19 those applications proceed on their merits?

20 MR. SIDNEY SORONOW: Firstly -- but I  
21 have to step in here because they did not apply for eight  
22 hundred (800) licences. They simply applied for 58 and  
23 42 percent respectively of such licences, if any, that  
24 were granted. So that could have been ten (10) licences  
25 in which they'd get five (5) and -- and Duffy's six (6)



1 and four (4).

2                   It was not an application for eight  
3 hundred (800). That didn't appear in the Application,  
4 and we were quite clear to the Board that we -- in our  
5 presentation, that as far as we were concerned, there was  
6 no need for any further licences. And obviously, as you  
7 heard from Mr. Kozubal, after the Winnipeg study, taxi  
8 study, the Board agreed to it and did dismiss those eight  
9 hundred (800).

10

11 CONTINUED BY MR. WALTER SARANCHUK:

12                   MR. WALTER SARANCHUK: Thank you, Mr.  
13 Soronow.

14                   The fact is though, Ms. Wilson, would you  
15 not agree that while it could well have involved four (4)  
16 licences, five (5) or ten (10), it could have involved  
17 four hundred (400)?

18                   MS. JOAN WILSON: Possibly.

19                   MR. WALTER SARANCHUK: Yes, and so I'm  
20 asking why Unicity would want to get involved in that  
21 kind of game playing, if you will. I mean, was the Board  
22 -- was the Taxicab Board advised, as I think was later  
23 alluded to by you or your counsel in the response here,  
24 that you really didn't intend to pursue these licences if  
25 you were granted them?

1                   MR. MR. SIDNEY SORONOW:    I don't recall  
2   that -- oh, sorry, I'd appreciate it if you could direct  
3   the Witness to where that is in the submission.  I don't  
4   recall that at all.

5

6   CONTINUED BY MR. WALTER SARANCHUK:

7                   MR. WALTER SARANCHUK:    So I take it that  
8   the assertion that I'm making now, that this protective  
9   measure that you were taking was just a gesture to ensure  
10  that others did not gain their appli -- succeed in  
11  getting their applications, and that you had intended to  
12  make these applications, did you do so for the purpose of  
13  actually putting another up to four hundred (400)  
14  vehicles on the road?

15                   What did you intend -- let me put it to  
16  you this way, ma'am, in fairness:  What did you intend to  
17  do with the licences if you were granted them?

18                   MS. JOAN WILSON:    If we were granted  
19  additional licences, and -- and I have to say now, from  
20  our point of view, we did not feel there was any need and  
21  necessity for any licences.

22                   So I would say, unequivocally (sic), that  
23  I do -- I had never believed that the Taxi Board would be  
24  silly enough to put on four hundred (400) licences.  That  
25  we would, in fact, have taken whatever licences the

1 Taxicab Board thought may -- may have gone on the road,  
2 and we would have put them on the road because we were  
3 already a dispatch company and we have the capability of  
4 fairly quickly putting taxicabs on the road.

5 But, certainly, a four hundred (400)  
6 figure was never bantered around by either Unicity or  
7 Duffy's, and we felt, after consultation with our legal  
8 counsel and with members of the Industry, that perhaps  
9 the Taxi Board was considering twenty (20) to forty (40)  
10 vehicles.

11 MR. WALTER SARANCHUK: Okay, taking  
12 twenty (20) to forty (40) vehicles on the road, was it  
13 your intention, if you were granted those licences, to  
14 put twenty (20) to forty (40) vehicles on the road, an  
15 additional twenty (20) to forty (40) vehicles on the  
16 road?

17 MS. JOAN WILSON: Yes.

18 MR. WALTER SARANCHUK: And what about  
19 your company, Mr. Walding, was that your intention, as  
20 well?

21 MR. PHIL WALDING: We rely on the Taxicab  
22 Board to ensure, through its process, that there is a  
23 public need. If the Taxicab Board had decided that it  
24 was in the public interest to put more taxis on the road,  
25 we would have abided by that and entertained them into

1 our dispatch company so that they could be operated in  
2 the most efficient fashion.

3 MR. WALTER SARANCHUK: Yes, I appreciate  
4 your observations and your answers, both of you, but let  
5 me ask you, I mean, wasn't that really -- you didn't know  
6 what the Taxicab Board decision would be. Wasn't it like  
7 rolling dice, that essentially you could end up with four  
8 hundred (400) applications or permissions for  
9 applications?

10 MR. SIDNEY SORONOW: They relied on my  
11 advice that that wasn't going to happen.

12 MR. WALTER SARANCHUK: Well, I think I'd  
13 like to hear what the Witness has to say about that and  
14 I'm not talking about your advice.

15 MS. JOAN WILSON: Just because the study  
16 came out if it had in any way, shape, or form said that  
17 they were going to put four hundred (400) vehicles on the  
18 road it wasn't a shoe-in necessarily that Unicity or  
19 Duffy's would have got those vehicles. I think the  
20 concern was in the industry, and I believe it was the  
21 same concern with the Taxicab Board, that if there was  
22 only a small portion of licences being issued, such as  
23 twenty (20), that to start another small taxi company  
24 would not be a viable operation and it really wouldn't  
25 solve any problems that may have been foreseen by the

1 study.

2

3 CONTINUED BY MR. WALTER SARANCHUK:

4 MR. WALTER SARANCHUK: Okay, and just one  
5 (1) last question that I have along this line and it's  
6 given your evidence and given your approach following  
7 your counsel's advice at that juncture dealing with those  
8 applications at the TCB, did you at any time consider the  
9 impact on the overall taxicab industry if there were to  
10 be even twenty (20) to forty (40) licences granted?

11 MS. JOAN WILSON: Yes.

12 MR. WALTER SARANCHUK: And what was your  
13 thought process there? Were you concerned about that?

14 MS. JOAN WILSON: Yes, I was concerned  
15 through the whole -- it went on for, I guess, almost a  
16 year. I was concerned with each and every application  
17 that was brought before the Taxicab Board. I really felt  
18 that any vehicles put on the road by the Taxicab Board  
19 would be detrimental to the industry.

20 MR. WALTER SARANCHUK: And could you  
21 respond to that question, as well, Mr. Walding, please?

22 MR. PHIL WALDING: Within the realm of  
23 the regulatory world that we live in, it is our  
24 responsibility and our necessity to trust in the Taxicab  
25 Board to make the right decisions. We're, to that

1 extent, their servants. If they had decided to put more  
2 cabs on the road, we would have taken our share. We  
3 would have made do. It would have had a negative impact  
4 on our -- on our owner/operators but once a decision is  
5 made we have to abide by it so we would.

6 MR. WALTER SARANCHUK: Thank you, sir.  
7 There is -- and this is the final line of questioning,  
8 Mr. Chairman -- there is reference, on page 4 of the  
9 response by Unicity/Duffy to question number 5 by the  
10 Public Utilities Board in its Information Request,  
11 reference to the impact of Avion's proposed service on  
12 the sale/transfer value of a taxicab. And you will see,  
13 for example, at the end of the third paragraph from the  
14 bottom, there's the comment, quote:

15 "In any event a 5.6 percent reduction  
16 of revenue could be expected to result  
17 in a reduction in the market --"

18 MR. SIDNEY SORONOW: What page?

19 MR. WALTER SARANCHUK: Sorry, page 4.

20 MR. SIDNEY SORONOW: What page?

21

22 (BRIEF PAUSE)

23

24 CONTINUED BY MR. WALTER SARANCHUK:

25 MR. WALTER SARANCHUK: Third paragraph

1 from the bottom, the last sentence. Quote:

2 "In any event a 5.6 percent reduction  
3 of revenue could be expected to result  
4 in a reduction in the market value of  
5 taxicabs by at least an equivalent  
6 percentage." End of quote.

7 Are the -- are you essentially estimating  
8 that amount that, based on whatever percentage, reflects  
9 the reduction in the number of taxicabs displaced by  
10 Avion vis-a-vis the three hundred and fifty-nine (359)  
11 taxicabs servicing the general market?

12 MS. JOAN WILSON: Yes.

13 MR. WALTER SARANCHUK: And have any  
14 studies been undertaken or do you know from experience  
15 just what impact a reduction in the number of taxicabs in  
16 the market would have on the sale/transfer value?

17 MR. SIDNEY SORONOW: I think you  
18 misstated the question, not what you wanted to state.  
19 You said a reduction in taxicabs and their effect on --  
20 on transfer value, or did you mean a reduction in  
21 revenue?

22

23 CONTINUED BY MR. WALTER SARANCHUK:

24 MR. WALTER SARANCHUK: A reduction in  
25 revenue, I'm sorry.

1 MS. JOAN WILSON: Well, going back many  
2 years to the last downturn or recession that we had, I  
3 believe was in the early '90s, taxicabs did see their  
4 prices fall for approximately eighteen (18) months or two  
5 (2) years.

6 MR. WALTER SARANCHUK: And let me just  
7 ask you, and I'm going back to my economics 101 so you'll  
8 have to forgive me if I'm pursuing something that I'm not  
9 completely confident about, but if you have fewer cabs on  
10 the road, doesn't that increase the market value of the  
11 licences?

12 MS. JOAN WILSON: Not necessarily.  
13 That's only one (1) of the issues.

14 MR. WALTER SARANCHUK: But you appreciate  
15 that it could have an impact on the sale value because  
16 there are fewer cabs on the road?

17 MS. JOAN WILSON: I couldn't say with  
18 certainty.

19 MR. WALTER SARANCHUK: How about you, Mr.  
20 Walding?

21 MR. PHIL WALDING: The only instance  
22 where I could see that being applicable is if a new realm  
23 of service came into play where suddenly there was a  
24 drastic need for more taxis on the road.

25 Perhaps if the population in Winnipeg were



1 to suddenly go up by two hundred thousand (200,000)  
2 people, that then perhaps having less taxis on the road  
3 might have a detrimental effect on the value of a cab  
4 given the nature of the service that would be provided at  
5 that point.

6 This is why we have a taxicab regulation,  
7 to ensure that there is a balance there and that -- that  
8 all of these factors are -- are taken into as a result.

9 MR. WALTER SARANCHUK: Thank you, sir. I  
10 have more -- I have no more questions, Mr. Chairman.

11 THE CHAIRPERSON: Thank you, Mr.  
12 Saranchuk.

13 Mr. Soronow, do you have any re-direct for  
14 your panel?

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Do you want ten (10)  
19 minutes?

20 MR. SIDNEY SORONOW: Mr. Chairman, yes,  
21 ten (10) minutes.

22

23 --- Upon recessing at 4:18 p.m.

24 --- Upon resuming at 4:32 p.m.

25

1 THE CHAIRPERSON: Okay, welcome back.  
2 Mr. Soronow, any redirect?

3 MR. SIDNEY SORONOW: One (1), possibly  
4 two (2) questions, or the same question to two (2)  
5 different witnesses.

6

7 RE-DIRECT EXAMINATION BY MR. SIDNEY SORONOW

8 MR. SIDNEY SORONOW: Having reviewed my  
9 notes and the questions posed to you, Ms. Wilson, I'm  
10 just going to ask you one (1) question, and that is: If  
11 we took, you know, the potential even of 5 or 6 percent  
12 of reduction in revenue to taxicabs, consequent upon --  
13 or let's say Unicity Taxicabs -- consequent upon Avion  
14 being in service and doing the kind of volume that  
15 they've mentioned, what would you say that 5 or 6 percent  
16 could mean in terms of -- of the profit margins or the  
17 operations of -- of some of the owners?

18 And in that regard, I'd like you to  
19 address, sort of, it in the context of, you know, the  
20 profitability or lack of profitability of taxicabs.

21 MS. JOAN WILSON: There -- there is a  
22 small profit margin in running a taxi; what -- owner  
23 would have to make daily just to cover his costs, which  
24 would include his MPI, maintenance, dispatch fees, et  
25 cetera, are -- new owners that have large mortgages on

1 their taxis, 5 to 6 percent reduction in our work could  
2 be devastating to them.

3 MR. SIDNEY SORONOW: Mr. Walding, can you  
4 offer a thought on the same question?

5 MR. PHIL WALDING: Oh, I would tend to  
6 agree with Ms. Wilson. Our newer owners would have a  
7 very hard time managing with this. I imagine probably  
8 what it would lead them to, probably having to be working  
9 sixteen (16) or seventeen (17) hours day by themselves on  
10 the taxi, in order to make their bills.

11 MR. SIDNEY SORONOW: Thank you. Those  
12 are my questions.

13

14 (UNICITY/DUFFY'S PANEL STANDS DOWN)

15

16 THE CHAIRPERSON: Thank you, Mr. Soronow.  
17 Now I understand there has been some conversations going  
18 on between the counsels, Board Counsel and the two (20)  
19 parties, and the general understanding would be that we  
20 would come back together again, subject to availability  
21 of all parties, at 9:00 a.m. on June (sic) the 13th.

22 And I understand, Mr. Edward, you might  
23 have another witness?

24 MR. PAUL EDWARDS: Well, I think given  
25 the evidence, Mr. Chair, it would be useful to the Board

1 to hear from Mr. Marohn of the Winnipeg Airports  
2 Authority, the other individual involved in the  
3 negotiations, and so it would be our intention to -- to  
4 call him. And so, yes, that would be our intention. And  
5 I'm not certain, but I believe he is available on the  
6 13th.

7 THE CHAIRPERSON: Okay, that will be  
8 good. And that will give everybody an opportunity to  
9 review the new material that's yet to come in --

10 MR. PAUL EDWARDS: Yes.

11 THE CHAIRPERSON: -- by next Friday. So  
12 that would provide an opportunity in case something  
13 arises out of that for the parties. And then, finally,  
14 on that same day, we would hope to have the closing  
15 statements.

16 MR. PAUL EDWARDS: Yes, just on that, Mr.  
17 Chair, do I understand it that those documents are to be  
18 provided before Friday or on Friday? I mean, obviously--

19 THE CHAIRPERSON: On or before Friday.

20 MR. PAUL EDWARDS: Yeah.

21 MR. SIDNEY SORONOW: Just to be clear, I  
22 did indicate that we're going to be promptly in contact  
23 with the Taxicab Board, and I anticipate their co-  
24 operation.

25 THE CHAIRPERSON: Oh, very good. That

1 sounds good.

2 MR. WALTER SARANCHUK: And also, I think  
3 you undertook to complete that document that was  
4 requested by the Board during the course of obtaining  
5 this information from the TCB, so that at least the Board  
6 will have that.

7 MR. SIDNEY SORONOW: If the public  
8 information isn't available with promptitude, then we'll  
9 opt for the other opportunity.

10 THE CHAIRPERSON: Very good then. Okay,  
11 well, thank you to all. We hope you have a good weekend  
12 and we will see you back on June the 13th, which I  
13 believe is -- sorry, July 13th, 2009, at 9:00 a.m. Thank  
14 you.

15  
16 --- Upon adjourning at 4:36 p.m.

17  
18 Certified correct,

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23 \_\_\_\_\_  
Cheryl Lavigne, Ms.

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