

**LETTER OF MARCH 26, 2000 TO RECIPIENT OF  
SECTION 5(2) NOTICE**

**APPENDIX I (III)**

THE WALKERTON INQUIRY



LA COMMISSION  
D'ENQUÊTE WALKERTON

March 26, 2001

Dear [Counsel to recipient of 5(2) notice]:

Re: [Name of recipient of 5(2) notice]

We wish to offer further clarification about the process for you to determine whether you should participate in the Inquiry hearings in light of the issues raised in the Notice provided to your client. In addition, we have enclosed CD-Roms containing documents produced by Commission counsel to Part I parties to date; these are discussed below.

**A. Participation in hearings**

As previously indicated to you, Commission counsel will endeavour to provide all summaries of anticipated evidence for witnesses in what we believe are the relevant Sections of Part IB. At present, we intend to provide you with summaries of anticipated evidence for Section III of Part IB (see the outline of issues in Part IB available on our website). In most cases you will receive these summaries, together with a list of documents we intend to enter into evidence, one week in advance.

We currently anticipate that portions of the evidence in Section III that deals with training may be relevant to your client. Evidence dealing with this issue is presently scheduled for the week of April 23 although this is subject to change. If we come to believe that other portions of the evidence are relevant to your client's interest, we will notify you at the earliest opportunity. In some cases this may be after the evidence is heard. In such cases you may apply to recall relevant witnesses.

You have access to all transcripts of the Part I hearings and this allows you to verify yourself whether portions of the evidence are relevant to your client's interest. If you feel that the evidence of a particular witness has engaged your client's interest, you may apply to recall the witness.

In summary, Commission counsel will notify you of portions of the evidence in Part IB that we believe may engage your client's interest. However we also recommend that you examine the outline of issues in Part IB, read the summaries of anticipated evidence that we provide to you, and review the transcripts of the hearings, in order to determine whether the Part I evidence is relevant to your client. In the event that you were not present for a relevant witness, you may apply to recall the witness.

You will also have the opportunity to make closing submissions on behalf of your client. Closing submissions for Part I are currently scheduled for the weeks of August 13 and 20.

Please find enclosed an updated schedule and outline of evidence for Part IB which may assist you in planning your participation in the Inquiry hearings.

## **B. Production of documents**

With respect to the enclosed CD-Roms, please find enclosed:

1. Fourteen (14) CD-Roms containing seventeen (17) volumes of documents produced to Part I parties to date; and
2. Instructions entitled How to Use SUPERText CD View and How to Print Documents and Fields using SUPERText CD View.

We are providing you with the CD-Roms to allow you to access and print hard copies of documents that may be entered into evidence at the Inquiry for portions of Part IB that engage issues raised in the Notice provided to your client. All of the required software for viewing the documents is contained on the CD-Roms. Detailed instructions for locating and printing the documents are enclosed.

You will not need to review all of the documents on the CD-Roms. Rather, you will only need to review those documents which are relevant to your client's

interest. We have provided you with all 14 of the CD-Roms so that you may quickly access relevant documents when they are identified in summaries of anticipated evidence or the transcripts for relevant portions of the Inquiry hearings. In the event that a relevant document which is identified in a summary of anticipated evidence or entered into evidence in the hearing room is not contained on one of the CD-Roms produced to you, then a hard copy of the document will be made available. You may also request copies of relevant documents entered as exhibits from our Walkerton office. We also note that the CD-Roms have a search function that allows you to search for key terms relating to the issues raised in the Notice provided to your client.

The enclosed documents are being produced to you subject to undertakings concerning confidentiality executed by you. **Please do not access the CD-Roms until after you have forwarded the appropriate “undertakings re confidentiality” by counsel** which can be downloaded and printed from [www.walkertoninquiry.com](http://www.walkertoninquiry.com) under “Legal Information”. Documents may be further disclosed to your clients only after you have in your files appropriate undertakings concerning confidentiality executed by those persons.

As a general guide, the CD-Roms labeled “vol001” and “vol002” contain documents collected from the Government of Ontario and from GAP EnviroMicrobial Services and A&L Canada Laboratories East.

The CD-Rom labeled “vol003” contains documents collected from the Walkerton Public Utilities Commission.

The CD-Rom labeled “vol004” contains documents collected from the Municipality of Brockton, the Walkerton PUC, Robert McKay and Bell Security.

The CD-Roms labeled “vol005”, “vol006”, “vol007” and “vol008” contain documents collected from the Government of Ontario (Ministry of Environment).

The CD-Rom labeled “vol009” and “vol010” contains documents collected from the Government of Ontario (Ministry of the Environment), the Office of the Environmental Commissioner of Ontario, and miscellaneous documents collected by the Commission.

The CD-Roms labeled “vol0011” to “vol0017” contain documents collected from the Government of Ontario.

All documents collected by the Commission have been reviewed and filtered by Commission counsel prior to production with regard to issues of relevancy (i.e. whether the document may be put into evidence in Part I) and confidentiality (i.e. whether the document contains personal information such as Social Insurance Numbers, salary information, and marital information).

In general, documents are referred to by their Inquiry Document Number (“InqDocNo”). You can locate relevant documents on the enclosed CD-Rom using that number. You are expected to print hard copies of these documents for your own purposes including for use in the hearing room. Hard copies will not be provided to counsel at the hearings. We regret that the Commission does not have facilities for counsel to print documents in Walkerton and therefore suggest that you make alternative arrangements for local printing if necessary.

The Commission continues to obtain and review documents and expects to provide additional CD-Roms in the future. You will be able to view additional documents collected by the Commission, but not produced to you, by attending at our offices in Toronto or in Walkerton. If you wish to do so, please contact the appropriate office in advance to schedule an appointment.

Please remember, as set out in Rules 30 and 31 of the Rules of Procedure and Practice, to provide Commission counsel with any document which you intend to file as an exhibit or otherwise refer to during the hearings, and which we have not produced, at least one day before the document will be referred to or filed. The purpose of this is to enable other parties to print a hard copy of the document in advance.

I trust that this provides some further assistance and guidance in anticipation of the upcoming hearings in Part IB.

Yours very truly,

Paul Cavalluzzo  
Commission Counsel