



## Telecom Costs Order CRTC 2005-6

Ottawa, 16 September 2005

### **Public Interest Advocacy Centre application for costs - *Follow-up to Access to pay telephone service, Telecom Decision CRTC 2004-47, 15 July 2004: Requests to recover costs associated with upgrading pay telephones with teletypewriter units, Telecom Decision CRTC 2005-23***

Reference: 8678-B2-200410564 and 4754-244

1. On 6 May 2005, the Public Interest Advocacy Centre (PIAC), on behalf of the Consumer Groups, applied for costs with respect to its participation in the follow-up proceeding to an application filed by Bell Canada pursuant to *Access to pay telephone service, Telecom Decision CRTC 2004-47, 15 July 2004 (Decision 2004-47)*, for an exogenous adjustment to recover the costs of upgrading Bell Canada's payphones with TTY units.
2. The Commission did not receive any comments in answer to the application for costs.

#### **The application**

3. PIAC submitted that it had met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules) as it represented a group of subscribers that had an interest in the outcome of the proceeding that led to *Follow-up to Access to pay telephone service, Telecom Decision CRTC 2004-47, 15 July 2004: Requests to recover costs associated with upgrading pay telephones with teletypewriter units, Telecom Decision CRTC 2005-23, 14 April 2005 (Decision 2005-23)*, they had participated responsibly in the proceeding, and they had contributed to a better understanding of the issues by the Commission through their participation in the proceeding.
4. PIAC requested that the Commission fix its costs at \$4,713.37 for legal fees. PIAC's claim included the Federal Goods and Services Tax (GST) on fees less the rebate to which PIAC is entitled in connection with GST. PIAC filed a bill of costs with its application.
5. PIAC did not make any submissions as to the appropriate respondents in this case. PIAC did, however, copy Bell Canada on its application for costs.

#### **Commission analysis and determination**

6. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that PIAC is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, has participated in a responsible way, and has contributed to a better understanding of the issues by the Commission.

7. The Commission notes that the rates claimed in respect of legal fees are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 15 May 1998. The Commission also finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
8. The Commission is of the view that this is an appropriate case in which to fix the costs and dispense with taxation, in accordance with the streamlined procedure set out in *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002.
9. The Commission finds that the appropriate respondent to PIAC's application for costs is Bell Canada.

#### **Direction as to costs**

10. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding that led to Decision 2005-23.
11. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$4,713.37.
12. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada.

Secretary General

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