



Telecom Costs Order CRTC 2005-8

Ottawa, 18 October 2005

Utilities Consumers' Group - Application for costs - Telecom Public Notice CRTC 2004-6

Reference: 8695-C12-200413625 and 4754-248

1. By letter dated 15 June 2005, received 25 July 2005, Utilities Consumers' Group (UCG) applied for costs with respect to its participation in the proceeding initiated by *Northwestel Inc - Annual review of supplemental funding for 2004 and 2005*, Telecom Public Notice CRTC 2004-6, 23 November 2004 (the PN 2004-6 proceeding).
2. The Commission did not receive any comments in answer to the application.

The application

3. UCG 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 represents a group of subscribers that had an interest in the outcome of the PN 2004-6 proceeding, had participated responsibly in the PN 2004-6 proceeding, and had contributed to a better understanding of the issues by the Commission through their participation in the PN 2004-6 proceeding.
4. In particular, UCG submitted that it represented Yukon residential and small business ratepayers that had a vested interest in the outcome of the PN 2004-6 proceeding and that its participation had contributed to a better understanding of the issues through a local northern perspective.
5. UCG requested that the Commission fix its costs at \$7,476.00, consisting of \$7,276.00 for in-house analyst fees and \$200 for disbursements. UCG's claim included the Federal Goods and Services Tax (GST) on fees less the rebate to which UCG is entitled in connection with GST. UCG filed a bill of costs with its application.
6. UCG claimed 118 hours or 17 days at a rate of \$400 per day for in-house analyst fees.

Commission analysis and determination

7. The Commission finds that UCG has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that UCG 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.

8. The Commission notes that the rates claimed in respect of in-house analyst 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 and considers that the total amount claimed was necessarily and reasonably incurred, subject to the exceptions noted below.
9. The Commission notes, upon review of the file, an error in the calculation of the total amount owing. In particular, the Commission notes that while UCG claimed \$7,276.00 for in-house analyst fees, including GST, it failed to deduct for the GST rebate although the availability of this rebate was indicated elsewhere in its application. The Commission, therefore, finds that the total amount of the claim should be adjusted to \$7,238.00 in order to reflect the GST rebate.
10. The Commission also notes, upon review of the file, an error in the calculation of the time spent on the file. In particular, the Commission notes that while UCG claimed 118 hours or 17 days, the documents filed show that the actual time spent on the file was 108 hours or 15.5 days. The Commission is of the view that the claim should be adjusted accordingly.
11. 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.
12. In determining the appropriate respondents to an award of costs, the Commission has generally looked at which parties are affected by the issues and have actively participated in the proceeding. The Commission therefore concludes that the appropriate respondent to UCG's costs application is Northwestel Inc.

Direction as to costs

13. The Commission **approves** the application by UCG for costs with respect to its participation in the PN 2004-6 proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to UCG at \$6,617.00.
15. The Commission directs that the award of costs to UCG be paid forthwith by Northwestel Inc.

Secretary General

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