



## Telecom Costs Order CRTC 2007-8

Ottawa, 20 April 2007

### **Application for costs by l'Union des consommateurs – Participation in the CRTC Industry Steering Committee – Electronic Numbering (CISC-ENUM) – *administrative guidelines and new interested party list*, Public Notice CRTC 2000-17**

Reference: 8621-C12-01/00 and 4754-280

1. By letter dated 10 November 2006, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the CRTC Industry Steering Committee – Electronic Numbering (CISC-ENUM), Telecom Public Notice CRTC 2000-17, 31 January 2000 (the proceeding).
2. By letter dated 20 November 2006, Cogeco Cable Inc. (Cogeco) filed comments in response to the application.

#### **The application**

3. L'Union 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, it participated responsibly in the proceeding, and it contributed to a better understanding of the issues through their oral and written participation in the CISC process.
4. L'Union filed a bill of costs with its application, claiming a total amount of \$990.00 in analyst fees and legal fees.
5. L'Union did not name any costs respondents or take any position as to the allocation of its costs.

#### **Answers**

6. In answer to the application, Cogeco submitted that it did not object to l'Union's eligibility to apply for costs but refrained from commenting on its relevance.
7. Cogeco submitted that the cost respondents, if any, should be the parties that have actively participated in the creation of the corporation that is mandated to look after the Canadian test ENUM and in the proceeding. Cogeco also submitted that it was not an appropriate costs respondent as it was not an active participant.

#### **Commission's analysis and determination**

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

9. 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 l'Union was necessarily and reasonably incurred, and should be allowed.
10. 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. However, the Commission has also been sensitive to the fact that if too large a number of respondents are named, the applicant may have to collect small amounts from many respondents.
11. The Commission notes the relatively small amount claimed by l'Union and the potential administrative burden placed upon it if it were to collect from many respondents. Consistent with the Commission's approach to costs generally, the Commission considers that it is appropriate in this instance to limit the number of respondents to Bell Canada and TELUS Communications Company (TCC).
12. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs among respondents based on the respondents' telecommunications operating revenues (TORs), as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission is of the view that, in the present circumstances, it is appropriate to apportion the costs relating to the proceeding among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. The Commission finds that the responsibility for the payment of costs should be allocated as follows:

Bell Canada	60%
TCC	40%

**Direction as to costs**

13. The Commission **approves** the application by l'Union for an award of costs with respect to its participation in the proceeding.
14. Pursuant to subsection 56(1) of the Act, the Commission fixes the costs to be paid to l'Union at \$990.00.
15. The Commission directs that the costs award to l'Union be paid forthwith by Bell Canada and TCC, according to the proportions noted in paragraph 12.

Secretary General

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