



Telecom Costs Order CRTC 2008-12

Ottawa, 30 July 2008

Determination of costs award with respect to the participation of ARCH Disability Law Centre in the Telecom Public Notice 2008-1 proceeding

Reference: 8663-C12-200800864 and 4754-315

1. By letter dated 28 March 2008, ARCH Disability Law Centre (ARCH) applied for costs with respect to its participation in the proceeding initiated by Telecom Public Notice 2008-1 (the Public Notice 2008-1 proceeding).
2. On 2 April 2008 Bell Canada on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), and Télébec, Limited Partnership (Télébec) (collectively, the Companies) filed comments in response to ARCH's application. On 4 April 2008 TELUS Communications Company (TCC) filed comments in response to ARCH's application.

Application

3. ARCH 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 had represented a group of subscribers that had an interest in the outcome of the Public Notice 2008-1 proceeding, it had participated responsibly, and it had contributed to a better understanding of the issues by the Commission through its participation in the Public Notice 2008-1 proceeding.
4. In particular, ARCH submitted that its submissions provided arguments relating to prioritization of social and non-economic regulatory measures with substantiating rationale. ARCH also submitted that its contribution did not duplicate that of the other parties.
5. ARCH requested that the Commission fix its costs at \$5,730, consisting entirely of legal fees. ARCH filed a bill of costs with its application.
6. ARCH made no submission as to the appropriate costs respondents.

Answer

7. In response to the application, both the Companies and TCC submitted comments stating that they had no objections to ARCH's entitlement to costs or to the amount claimed. They submitted that all participating telecommunications service providers (TSPs) should share responsibility for costs and that costs should be apportioned among participating TSPs in proportion to their share of telecommunications operating revenues (TORs).

Commission's analysis and determinations

8. The Commission finds that ARCH has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that ARCH is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, it has participated in a responsible way, and it 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 24 April 2007. The Commission also finds that the total amount claimed by ARCH was necessarily and reasonably incurred and should be allowed.
10. The Commission considers 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 Telecom Public Notice 2002-5.
11. The Commission finds that the appropriate respondents to ARCH's costs application are the Companies, Saskatchewan Telecommunications (SaskTel), TCC, Shaw Communications Inc. (Shaw), MTS Allstream Inc. (MTS Allstream), Rogers Communications Inc. (Rogers), and Quebecor Media Inc. (QMI),
12. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs among respondents on the basis of the respondents' TORs, as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission considers that, in the present circumstances, it is appropriate to apportion the costs among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. Accordingly, the Commission finds that the responsibility for the payment of costs should be allocated as follows:

The Companies	49.2%
TCC	31.1%
MTS Allstream	7.3%
Rogers	4.4%
SaskTel	3.6%
Shaw	2.3%
QMI	2.1%

13. The Commission notes that Bell Canada filed submissions in the Public Notice 2008-1 proceeding on behalf of the Companies. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Companies, and leaves it to the members of the Companies to determine the appropriate allocation of the costs among themselves.

Direction as to costs

14. The Commission **approves** the application by ARCH for costs with respect to its participation in the Public Notice 2008-1 proceeding.
15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to ARCH at \$5,730.00.
16. The Commission directs that the award of costs to ARCH be paid forthwith by Bell Canada on behalf of the Companies, TCC, MTS Allstream, Rogers, SaskTel, Shaw, and QMI according to the proportions set out in paragraph 12.

Secretary General

Related documents

- *Call for comments on priorities regarding the review of social and other non-economic regulatory measures*, Telecom Public Notice CRTC 2008-1, 22 January 2008
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002
- *Action Réseau Consommateur, the Consumers' Association of Canada, Fédération des associations coopératives d'économie familiale and the National Anti-Poverty Organization application for costs – Public Notice CRTC 2001-60*, Telecom Costs Order CRTC 2002-4, 24 April 2002

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