



Telecom Order CRTC 2013-679

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Ottawa, 11 December 2013

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and the Consumers' Association of Canada in the proceeding initiated by Telecom Notice of Consultation 2012-669

File numbers: 4754-423, 8663-C12-201215302, 8695-J64-201209578, and 8662-N1-201305821

1. By letter dated 7 August 2013, the Public Interest Advocacy Centre (PIAC), on behalf of itself and the Consumers' Association of Canada, applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2012-669 (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. PIAC submitted that it had met the criteria for an award of costs set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) because it represented a group or class of subscribers that had an interest in the outcome of the proceeding, it had assisted the Commission in developing a better understanding of the matters that were considered, and it had participated in a responsible way.
4. PIAC requested that the Commission fix its costs at \$91,766.06, consisting of \$63,962.60 for legal fees, \$23,854.23 for consultant fees, and \$3,949.23 for disbursements. PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.
5. PIAC claimed 212.2 hours at a rate of \$290 per hour for legal fees, and 102 hours at a rate of \$225 per hour for consultant fees.
6. PIAC submitted that Northwestel Inc. (Northwestel) is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

Commission's analysis and determinations

7. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that PIAC represented a group or class of subscribers that had an interest in the outcome

of the proceeding, it assisted the Commission in developing a better understanding of the matters that were considered through its written submissions as well as through its oral submissions at the public hearing, and it participated in a responsible way.

8. The Commission notes that the rates claimed in respect of consultant and legal fees are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs*, as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
9. 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.
10. The Commission finds that the appropriate costs respondent to PIAC's costs application is Northwestel.

Directions regarding costs

11. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
12. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$91,766.06.
13. The Commission directs that the award of costs to PIAC be paid forthwith by Northwestel.

Secretary General

Related documents

- *Review of Northwestel Inc.'s Regulatory Framework, Modernization Plan, and related matters*, Telecom Notice of Consultation CRTC 2012-669, 6 December 2012, as amended by Telecom Notices of Consultation CRTC 2012-669-1, 15 February 2013, and 2012-669-2, 30 April 2013
- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002