



Telecom Order CRTC 2015-566

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Ottawa, 21 December 2015

File numbers: 8650-C12-201501825 and 4754-492

Determination of costs award with respect to the participation of l'Union des consommateurs in the proceeding initiated by Telecom Notice of Consultation 2015-67

Application

1. By letter dated 6 June 2015, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2015-67 concerning the sufficiency and appropriateness of current consumer safeguards requiring notification of rates for non-cash payphone calls (the proceeding).
2. The Commission did not receive any interventions in response to the application for costs.
3. L'Union 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. L'Union requested that the Commission fix its costs at \$1,892.50, consisting of \$1,292.50 in internal analyst fees and \$600 in internal legal fees. L'Union filed a bill of costs with its application.
5. L'Union made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Commission's analysis and determinations

6. The criteria for an award of costs are set out in section 68 of the Rules of Procedure, which reads as follows:
 68. The Commission must determine whether to award final costs and the maximum percentage of costs that is to be awarded on the basis of the following criteria:

(a) whether the applicant had, or was the representative of a group or a class of subscribers that had, an interest in the outcome of the proceeding;

(b) the extent to which the applicant assisted the Commission in developing a better understanding of the matters that were considered; and

(c) whether the applicant participated in the proceeding in a responsible way.

7. L'Union has satisfied these criteria through its participation in the proceeding. In particular, l'Union provided helpful, consumer-focused information and arguments in support of its view that the existing notification requirements were inadequate as consumer safeguards. For instance, l'Union explained that in some cases long distance calls are subject to potentially large "connection fees" of which consumers may not be aware. L'Union also expanded upon how, in its view, the notification requirements could be improved upon, including by having an automatic message play when a long distance call is initiated. L'Union thus helped the Commission in developing a better understanding of the matters that were considered in the proceeding.
8. The rates claimed in respect of analyst 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 l'Union was necessarily and reasonably incurred and should be allowed.
9. 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 has generally determined that the appropriate costs respondents to an award of costs are the parties that have a significant interest in the outcome of the proceeding in question and have participated actively in that proceeding. The following parties to the proceeding had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding: Bell Aliant Regional Communications, Limited Partnership; Bell Canada; Northwestel Inc; and Télébec, Limited Partnership (collectively, Bell Canada et al.); and TELUS Communications Company (TCC).
11. The Commission considers that, consistent with its practice, it is appropriate to allocate the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs),¹ as an indicator of the relative size and interest of the parties involved in the proceeding.

¹ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services. In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.

12. However, in Telecom Order 2015-160, the Commission recognized the administrative burden that small costs awards impose on applicants and on costs respondents, and determined that parties whose payment would be less than \$1,000 should not be costs respondents.² Because naming multiple costs respondents in this case would result in payments of less than \$1,000, and because TCC has higher TORs than Bell Canada et al., the Commission finds that the sole appropriate costs respondent is TCC.

Directions regarding costs

13. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$1,892.50.
15. The Commission **directs** that the award of costs to l'Union be paid forthwith by TCC.

Secretary General

Related documents

- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188*, Telecom Order CRTC 2015-160, 23 April 2015
- *Consumer safeguards for payphones – Notification of rates for non-cash payphone calls*, Telecom Notice of Consultation CRTC 2015-67, 26 February 2015
- *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

² See paragraph 21 of Telecom Order 2015-160.