



Telecom Costs Order CRTC 2006-3

Ottawa, 8 March 2006

Public Interest Advocacy Centre – Application for costs – Telecom Public Notices CRTC 2005-14 and 2005-14-1

Reference: 8620-C12-200510934 and 4754-259

1. By letter dated 16 November 2005, the Public Interest Advocacy Centre (PIAC), on behalf of the Consumer Groups, applied for costs with respect to their joint intervention in the proceeding initiated by *Implementation of wireless number portability*, Telecom Public Notice CRTC 2005-14, 16 September 2005, amended by Telecom Public Notice CRTC 2005-14-1, 6 October 2005 (the Public Notice 2005-14 proceeding).
2. By letter dated 28 November 2005, Aliant Telecom Inc., Aliant Mobility, Bell Canada, Bell Mobility, Saskatchewan Telecommunications, SaskTel Mobility, Société en commandite Télébec and Télébec Mobilité (collectively, the Companies) filed comments in response to PIAC's application for costs.

The application

3. PIAC submitted that the Consumer Groups met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules), as the Consumer Groups represent a group of subscribers that had an interest in the outcome of the Public Notice 2005-14 proceeding, the Consumer Groups had participated responsibly in the Public Notice 2005-14 proceeding, and the Consumer Groups had contributed to a better understanding of the issues by the Commission through their participation in the Public Notice 2005-14 proceeding.
4. PIAC requested that the Commission fix its costs at \$4,463.96, consisting entirely of legal fees. The amount requested for legal fees represents: (i) 15.1 hours of work of legal counsel at a rate of \$230 per hour; and (ii) 14 hours of work of an articling student at a rate of \$60 per hour. PIAC's claim included the Federal Goods and Services Tax (GST) on fees less the rebate to which PIAC is entitled in connection with GST. PIAC filed a bill of costs with its application.
5. PIAC submitted that the appropriate respondents in this case were the parties listed in *Implementation of wireless number portability*, Telecom Public Notice CRTC 2005-14-1, 6 October 2005, given that this proceeding related to implementation of wireless number portability and included questions of wireless-to-wireline portability. Accordingly, PIAC submitted that it would be reasonable to allocate one-third of any cost award to the Canadian Wireless Telecommunications Association; one-third to the wireless provider parties in proportion to each total wireless telecommunications services revenues (or market share as available to or estimated by the Commission) and one-third to the remaining parties in proportion to each total telecommunications services revenues.

Answer

6. In answer to the application, the Companies submitted that they did not object to PIAC's application. Furthermore, the Companies agreed with PIAC's suggested costs respondents and the recommended allocation.

Commission analysis and determination

7. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that the Consumer Groups represent a group or class of subscribers that has an interest in the outcome of the proceeding, have participated in a responsible way, and have contributed to a better understanding of the issues by the Commission.
8. 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 PIAC was necessarily and reasonably incurred and should be allowed.
9. 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.
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. The Commission has, however, also considered the potential administrative burden on applicants if they were required to collect small amounts from many respondents. Given the small size of the costs award in this case, the Commission finds that it would impose an unnecessary administrative burden on PIAC to require the collection of small amounts from all the parties in the Public Notice 2005-14 proceeding. The Commission therefore concludes that the appropriate respondents to PIAC's costs application are Bell Canada, Bell Mobility, Aliant Telecom Inc., Aliant Mobility, Société en commandite Télébec and Télébec Mobilité (collectively, the Bell Group) and TELUS Communications Inc. (TCI).
11. Turning to the issue of the proper method of apportioning the costs awarded among the respondents, 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' 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 among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. Therefore, the Commission finds that the responsibility for the payment of costs should be allocated as follows:

Bell Group	67.5%
TCI	32.5%

12. Consistent with previous decisions, the Commission makes Bell Canada responsible for the payment on behalf of the Bell Group.

Direction as to costs

13. The Commission **approves** the application by PIAC for costs with respect to its participation in the Public Notice 2005-14 proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$4,463.96.
15. The Commission directs that the award of costs to PIAC be paid forthwith by the Bell Group and TCI, according to the proportions set out in paragraph 11 of this Order.

Secretary General

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