



## Telecom Costs Order CRTC 2007-1

Ottawa, 6 February 2007

### **Application for Costs by ARCH Disability Law Centre (ARCH) – Part VII Review – Application by Marie Stark and Chris Stark to review and vary *Review of Regulatory Framework*, Telecom Decision CRTC 94-19, 16 September 1994**

Reference: 8662-S49-01/01 and 4754-283

1. By letter dated 12 December 2006, the ARCH Disability Law Centre (ARCH) applied for costs with respect to its participation in the Part VII application by Marie Stark and Chris Stark to review and vary *Review of Regulatory Framework*, Telecom Decision CRTC 94-19, 16 September 1994 (Decision 94-19). ARCH did not make any representations with regard to the appropriate costs respondents.
2. By letter dated 22 December 2006, Bell Aliant Regional Communications, Limited Partnership, Bell Canada and Saskatchewan Telecommunications (collectively, the Companies) filed comments in response to the application.
3. ARCH did not file a reply to the comments submitted regarding its costs application.

#### **The application**

4. 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 represented a group of subscribers that had an interest in the outcome of the Part VII review, it had participated responsibly in the Part VII review, and it had contributed to a better understanding of the issues by the Commission.
5. ARCH filed a bill of costs with its application, claiming a total amount of \$18,556.60, consisting of \$17,000.00 in legal fees, \$1,400.00 in analyst fees and \$156.60 in disbursements.

#### **Answers**

6. In answer to the application, the Companies did not object to ARCH's entitlement to costs or the amount claimed. The Companies submitted that the following parties be named as costs respondents: TELUS Communications Company (TCC), MTS Allstream Inc. (MTS Allstream), the Companies and the Canadian Wireless Telecommunications Association (CWTA). The Companies stated that each of these parties participated in the proceeding and has a significant interest in its outcome. The Companies further submitted that any costs ordered should be allocated among the parties in proportion to their respective share of telecom operating revenues (TORs).

## Commission's analysis and determinations

7. 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, has participated in a responsible way, and has 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 finds that the total amount claimed by ARCH 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. The Commission notes that there are a large number of potential costs respondents who actively participated in and are affected by the outcome of the proceeding, including the incumbent local exchange carriers and industry associations.
11. The Commission notes that the CWTA actively participated in the proceeding on behalf of many wireless companies and that its members will be affected by the outcome of the proceeding.
12. The Commission considers that it would be an undue administrative burden on ARCH if it were required to collect small amounts from a multitude of costs respondents. Therefore, in the Commission's view, it is appropriate to limit the costs respondents to the Companies, TCC, MTS Allstream and the CWTA. The Commission determines that the allocation of costs be as follows, in accordance with the current TORs:

The Companies	49%
TCC	24%
MTS Allstream	6%

The remaining portion shall be allocated as follows:

CWTA	21%
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13. Consistent with its general approach articulated in *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, the Commission makes Bell Canada responsible for payment on behalf of the Companies and leaves it to 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 an award of costs with respect to its participation in the Part VII review.
15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to ARCH at \$18,556.60.
16. The Commission directs that the award of costs to ARCH be paid forthwith according to the proportions set out in paragraph 12.

Secretary General

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