



Telecom Costs Order CRTC 2007-10

Ottawa, 9 May 2007

Application for costs by the Public Interest Advocacy Centre on behalf of the Consumer Groups – *Proceeding to reassess certain aspects of the local forbearance framework established in Decision 2006-15, Telecom Public Notice CRTC 2006-12 and Proceeding to examine whether mobile wireless services should be considered to be in the same relevant market as wireline local exchange services with respect to forbearance, and related issues, Telecom Public Notice CRTC 2006-9*

Reference: 8663-C12-200610924 and 4754-289

1. By letter dated 23 January 2007, the Public Interest Advocacy Centre (PIAC) applied for costs on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization (the Consumer Groups) with respect to their participation in the proceedings initiated by *Proceeding to examine whether mobile wireless services should be considered to be in the same relevant market as wireline local exchange services with respect to forbearance, and related issues*, Telecom Public Notice CRTC 2006-9, 16 June 2006 and by *Proceeding to reassess certain aspects of the local forbearance framework established in Decision 2006-15*, Telecom Public Notice CRTC 2006-12, 1 September 2006 (the Public Notice 2006-9 and Public Notice 2006-12 proceedings).
2. By letter dated 24 January 2007, TELUS Communications Company (TCC) filed comments in response to the application.
3. PIAC did not file a reply to the comments submitted regarding its application.
4. By letter dated 6 February 2007, PIAC amended its application filed on 23 January 2007.

The application

5. PIAC submitted that the Consumer Groups 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 they represented a group of subscribers that had an interest in the outcome of the proceedings, they participated responsibly in the proceedings, and they contributed to a better understanding of the issues by the Commission.
6. PIAC filed an amended bill of costs with its application, claiming a total amount of \$43,149.72. This amount represents \$17,968.35 in legal fees (including articling student), \$19,425.00 in expert witness fees and \$5,756.37 in disbursements. PIAC's claim included the federal Goods and Services Tax (GST) on fees and disbursements less the rebate to which PIAC is entitled in connection with the GST.

7. PIAC did not name any costs respondents or take any position as to the allocation of its costs.

Answers

8. In answer to the application, TCC submitted that it did not oppose the application from PIAC.
9. TCC submitted that the costs respondents in the present application, if any, should be the same as those in the original local forbearance proceedings, initiated by *Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, 28 April 2005, with the incumbent local exchange carriers (ILECs) being responsible for 75 percent of the costs and the cable companies for the remaining 25 percent.

Commission's analysis and determinations

10. 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 are representative of a group or class of subscribers that has an interest in the outcome of the proceedings, have participated in a responsible way, and have contributed to a better understanding of the issues by the Commission.
11. 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.
12. With respect to the issue of the appropriate respondents, the Commission notes that it has generally determined that the appropriate respondents to an award of costs are the parties who have a significant interest in the outcome of the proceeding and have participated actively in the proceeding. However, the Commission has also been sensitive to the fact that if too large a number of respondents are named, the applicant may have to collect small amounts from many respondents.
13. Accordingly, the Commission names the following parties as respondents to the application: Bell Aliant Regional Communications, Limited Partnership, Bell Canada, Saskatchewan Telecommunications, and Société en commandite Télébec (collectively, the Companies), MTS Allstream Inc. (MTS Allstream) and TCC (collectively, the respondent ILECs); and Cogeco Cable Inc., Quebecor Media Inc., Rogers Communications Inc., and Shaw Communications Inc. (collectively, the respondent cable companies).
14. With respect to the issue of the proper method of apportioning costs awarded among the respondents, the respondent ILECs will be responsible for 75 percent of the costs, based on the respondents' telecommunications operating revenues (TORs), and the respondent cable companies will be responsible for the remaining 25 percent.

15. Accordingly, the respondent ILECs are to share \$32,362.29, which represents 75 percent of the costs awarded, in proportion to their most recent TORs, as follows:

the Companies	66%
TCC	24%
MTS Allstream	10%

16. Consistent with previous decisions, 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.
17. With respect to the respondent cable companies, the Commission considers that they should equally share \$10,787.43, which represents the remaining 25 percent of the costs, such that each pays \$2,696.86.

Direction as to costs

18. The Commission **approves** the application by PIAC, on behalf of the Consumer Groups, for an award of costs with respect to their participation in the Public Notice 2006-9 and Public Notice 2006-12 proceedings.
19. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$43,149.72.
20. The Commission directs that the award of costs to PIAC be paid forthwith by the costs respondents in the proportions indicated above in paragraphs 14, 15 and 17.

Secretary General

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>