



Telecom Costs Order CRTC 2007-13

Ottawa, 30 November 2007

ARCH Disability Law Centre – Application for costs – *Continued need for the regulatory constraints applicable to toll and toll-free services*, Telecom Public Notice CRTC 2006-10

Reference: 8661-C12-200608672 and 4754-291

1. By letter dated 26 March 2007, the ARCH Disability Law Centre (ARCH) applied for costs with respect to its participation in the proceeding initiated by Telecom Public Notice 2006-10 (the Public Notice 2006-10 proceeding). ARCH did not make any representations with regard to the appropriate costs respondents.
2. The Commission did not receive any comments in response to the application.

The application

3. 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 represents a group of subscribers that had an interest in the outcome of the Public Notice 2006-10 proceeding, it had participated responsibly, and it had contributed to a better understanding of the issues by the Commission through its participation in the Public Notice 2006-10 proceeding.
4. ARCH filed a bill of costs with its application, claiming a total amount of \$4,100 in legal fees.

Commission's analysis and determinations

5. 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.
6. 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 Telecom Public Notice 2002-5.
7. The Commission notes that the rates claimed are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs* revised as of May 1998. However, given the further revisions to the *Guidelines for the Taxation of Costs*, as of 24 April 2007, the Commission considers that it would be appropriate to fix the costs in accordance with the revised rates. Accordingly, the Commission has revised the bill of costs to reflect the new rates and the revised amount is \$5,340. The Commission finds that the total amount claimed by ARCH was necessarily and reasonably incurred and should be allowed.

8. 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. The Commission considers that Bell Canada, Bell Aliant Regional Communications, Limited Partnership and Saskatchewan Telecommunications (the Companies); MTS Allstream Inc. (MTS Allstream); and TELUS Communications Company (TCC) had a significant interest in the outcome of the Public Notice 2006-10 proceeding, and that these parties have participated actively throughout the proceeding. The Commission therefore finds that the appropriate respondents to ARCH's application for costs are the Companies, MTS Allstream, and TCC.
9. 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, as follows:

The Companies	57%
TCC	35%
MTS Allstream	8%

10. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Companies and leaves it to the members of the Companies to determine the appropriate allocation of the costs among themselves.

Direction as to costs

11. The Commission **approves** the application by ARCH for an award of costs with respect to its participation in the Public Notice 2006-10 proceeding.
12. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to ARCH at \$5,340.
13. The Commission directs that the award of costs to ARCH be paid forthwith by the costs respondents according to the proportions set out in paragraph 9.

Secretary General

Related documents

- *Continued need for the regulatory constraints applicable to toll and toll-free services*, Telecom Public Notice CRTC 2006-10, 7 July 2006
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002
- *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

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