



## Telecom Costs Order CRTC 2007-21

Ottawa, 17 December 2007

### **Application for costs by l'Union des consommateurs – *Application of criteria contained in Order in Council P.C. 2006-1534* – Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives, Telecom Public Notice CRTC 2007-6**

Reference: 8663-C12-200706575 and 4754-293

1. By letter dated 13 June 2007, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Public Notice 2007-6 (the Public Notice 2007-6 proceeding).
2. The Commission did not receive any comments in response to the application.

#### **The application**

3. L'Union 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 2007-6 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 2007-6 proceeding.
4. L'Union filed a bill of costs with its application and requested that the Commission fix its costs at \$1,500 for legal fees.
5. L'Union claimed two days at a rate of \$600 per day for in-house legal fees for Marie-Eve Rancourt and 0.5 days at a rate of \$600 per day for in-house legal fees for Marcel Boucher.
6. L'Union made no submission as to the appropriate costs respondents.

#### **Commission's analysis and determinations**

7. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that l'Union is representative of a group or class of subscribers that had an interest in the outcome of the proceeding, had participated in a responsible way, and had 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 24 April 2007. The Commission also finds that the total amount claimed by l'Union 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 Telecom Public Notice 2002-5.
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 notes, in this regard, that the following parties actively participated in the Public Notice 2007-6 proceeding and had a significant interest in its outcome: Bell Canada, Bell Aliant Regional Communications, Limited Partnership, Saskatchewan Telecommunications, and Télébec, Limited Partnership (collectively, the Companies); TELUS Communications Company (TCC); and MTS Allstream Inc. (MTS Allstream), as well as Cybersurf Corp., Quebecor Media Inc., and Rogers Communications Inc.
11. The Commission further notes, however, that in allocating costs amongst respondents, it 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, resulting in a significant administrative burden on the applicant.
12. In light of the above and given the relatively small size of the costs award in this case, the large number of potential costs respondents, and the result that if all potential costs respondents were retained, l'Union would be required to collect small amounts from certain respondents, the Commission is of the view that it is appropriate, in the present circumstances, to limit the respondents to the Companies, TCC and MTS Allstream (the ILECs).
13. 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. Accordingly, the Commission finds that the responsibility for the payment of costs should be allocated as follows:

The Companies	58%
TCC	34%
MTS Allstream	8%

14. The Commission notes that Bell Canada filed submissions in the Public Notice 2007-6 proceeding on behalf of the Companies. 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**

15. The Commission **approves** the application by l'Union for costs with respect to its participation in the Public Notice 2007-6 proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$1,500.
17. The Commission directs that the award of costs to l'Union be paid forthwith by the ILECs according to the proportions set out in paragraph 13.

Secretary General

## **Related documents**

- *Application of criteria contained in Order in Council P.C. 2006-1534 – Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, Telecom Public Notice CRTC 2007-6, 27 April 2007
- *New Procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002
- *Action Réseau Consommateur, the Consumer's 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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