



Telecom Costs Order CRTC 2007-9

Ottawa, 9 May 2007

Application for costs by l'Union des consommateurs – *Elimination of service connection charge applicable to Residential Primary Exchange Service customers*, Telecom Public Notice CRTC 2006-11

Reference: 8661-C12-200610057 and 4754-288

1. By letter dated 8 January 2007, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by *Elimination of service connection charge applicable to Residential Primary Exchange Service customers*, Telecom Public Notice CRTC 2006-11, 11 August 2006, as amended by Telecom Public Notice CRTC 2006-11-1, 12 October 2006 (the Public Notice 2006-11 proceeding).
2. By letter dated 10 January 2007, TELUS Communications Company (TCC) filed 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 represented a group of subscribers that had an interest in the outcome of the Public Notice 2006-11 proceeding, it participated responsibly in the Public Notice 2006-11 proceeding, and it contributed to a better understanding of the issues by the Commission.
4. L'Union filed a bill of costs with its application, claiming a total amount of \$3,000 in legal fees.
5. L'Union did not name any costs respondents or take any position as to the allocation of its costs.

Answers

6. In answer to the application, TCC did not object to l'Union's entitlement to costs nor the amount requested. TCC recommended that the incumbent local exchange carriers (ILECs) – Bell Aliant Regional Communications, Limited Partnership, Bell Canada, Saskatchewan Telecommunications, and Société en commandite Télébec (collectively, the Companies); TCC; and MTS Allstream Inc. (MTS Allstream) – be designated the appropriate respondents and that the costs be apportioned between the ILECs based on their total telecommunication operating revenues (TORs).

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 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 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.
9. 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 l'Union was necessarily and reasonably incurred, and should be allowed.
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. 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.
11. The Commission notes the relatively small amount claimed by l'Union and the potential administrative burden placed upon it if it were to collect from many respondents. Consistent with its approach to costs generally, the Commission considers that it is appropriate in this instance to limit the respondents to the Companies, TCC, and MTS Allstream.
12. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs among respondents based on the respondents' 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 relating to the Public Notice 2006-11 proceeding among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. The Commission finds that the responsibility for the payment of costs should be allocated as follows:

the Companies	66%
TCC	24%
MTS Allstream	10%

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 l'Union for an award of costs with respect to its participation in the Public Notice 2006-11 proceeding.

15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$3,000.
16. The Commission directs that the costs award to l'Union be paid forthwith by the Companies, TCC, and MTS Allstream, according to the proportions noted in paragraph 12.

Secretary General

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