



Telecom Costs Order CRTC 2008-13

Ottawa, 30 July 2008

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the Telecom Public Notice 2008-1 proceeding

Reference: 8663-C12-200800864 and 4754-316

1. By letter dated 31 March 2008, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation on behalf of the Consumers' Association of Canada and National Anti-Poverty Organization (the Consumer Groups) in the proceeding initiated by Telecom Public Notice 2008-1 (the Public Notice 2008-1 proceeding).
2. On 9 April 2008, Bell Canada, on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), Saskatchewan Telecommunications (SaskTel), Télébec, Limited Partnership (Télébec), and TELUS Communications Company (TCC) filed comments in response to PIAC's application.

Application

3. PIAC 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 had represented a group of subscribers that had an interest in the outcome of the Public Notice 2008-1 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 2008-1 proceeding.
4. PIAC requested that the Commission fix its costs at \$5,330.00, consisting entirely of legal fees. PIAC's claim included the federal Goods and Services Tax (GST) on fees less the rebate to which PIAC is entitled in connection with the GST. PIAC filed a bill of costs with its application.
5. PIAC made no submission as to the appropriate costs respondents.

Answer

6. In response, Bell Canada on behalf of itself, Bell Aliant, SaskTel, Télébec, and TCC submitted comments, stating that they did not object to costs being awarded or to the amount claimed. They submitted that all participating telecommunications service providers should share responsibility for the costs in proportion to their share of telecommunications operating revenues (TORs).

Commission's analysis and determinations

7. 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 PIAC is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, it has participated in a responsible way, and it 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 24 April 2007. The Commission also finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
9. The Commission considers 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. The Commission finds that the appropriate respondents to PIAC's costs application are Bell Canada, Bell Aliant, and Télébec (collectively, the Companies), SaskTel, TCC, Shaw Communications Inc. (Shaw), MTS Allstream Inc. (MTS Allstream), Rogers Communications Inc. (Rogers), and Quebecor Media Inc. (QMI).
11. 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 TORs, as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission considers 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	49.2%
TCC	31.1%
MTS Allstream	7.3%
Rogers	4.4%
SaskTel	3.6%
Shaw	2.3%
QMI	2.1%

12. The Commission notes that Bell Canada filed submissions in the Public Notice 2008-1 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

13. The Commission **approves** the application by PIAC for costs with respect to its participation in the Public Notice 2008-1 proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$5,330.00.
15. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada on behalf of the Companies, TCC, MTS Allstream, Rogers, SaskTel, Shaw, and QMI, according to the proportions set out in paragraph 11.

Secretary General

Related documents

- *Call for comments on priorities regarding the review of social and other non-economic regulatory measures*, Telecom Public Notice CRTC 2008-1, 22 January 2008
- *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

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>