



Telecom Costs Order CRTC 2008-17

Ottawa, 27 October 2008

Determination of costs award with respect to the participation of l'Union des consommateurs in the Telecom Public Notice 2008-7 proceeding

Reference: 8665-C12-200807828 and 4754-326

1. By letter dated 3 September 2008, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Public Notice 2008-7 (the Public Notice 2008-7 proceeding).
2. On 8 September 2008, TELUS Communications Company (TCC) filed comments in response to l'Union's application. On 9 September 2008, Bell Canada, on behalf of itself and Bell Aliant Regional Communications, Limited Partnership, Saskatchewan Telecommunications and Télébec, Limited Partnership (the Companies), also filed comments in response to l'Union's application. L'Union did not file reply comments.

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 2008-7 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 2008-7 proceeding.
4. L'Union requested that the Commission fix its costs at \$4,560. This amount consists of \$800 for in-house legal fees and \$3,760 for an analyst.
5. L'Union made no submission as to the appropriate costs respondents.

Answer

6. In response to the application, both TCC and the Companies stated that they had no objections regarding l'Union's entitlement to costs or the quantum requested.
7. TCC submitted that all telecommunications service providers (TSPs) who actively participated in the Public Notice 2008-7 proceeding should be named as costs respondents, with the costs apportioned in accordance with each TSP's telecommunications operating revenues (TORs). The Companies submitted that any costs awarded should be allocated among the costs respondents in proportion to each respondent's level of participation and interest in the outcome of the proceeding.

Reply

8. L'Union did not submit reply comments.

Commission's analysis and determinations

9. 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, it has participated in a responsible way, and it has contributed to a better understanding of the issues by the Commission.
10. The Commission notes that the rates claimed in respect of legal fees and an analyst 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.
11. 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.
12. The Commission finds that the appropriate respondents to l'Union's costs application are the Companies, TCC and MTS Allstream Inc. (MTS Allstream).
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' 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	55%
TCC	37%
MTS Allstream	8%

14. The Commission notes that Bell Canada filed submissions in the Public Notice 2008-7 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 2008-7 proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to

be paid to l'Union at \$4,560.

17. The Commission directs that the award of costs to l'Union be paid forthwith by Bell Canada, on behalf of the Companies, TCC and MTS Allstream according to the proportions set out in paragraph 13.

Secretary General

Related documents

- *Notice of consultation – Review of the regulatory requirements to provide information to customers using various means of communication in light of Telecom Decision 2008-34, Telecom Public Notice CRTC 2008-7, 9 June 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*

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