



Telecom Costs Order CRTC 2008-2

Ottawa, 8 April 2008

Determination of costs award with respect to the participation of Centre de communications adaptées in the Telecom Public Notice 2006-15 proceeding

Reference: 8678-C12-200615578 and 4754-302

1. By letter dated 4 October 2007, Centre de communications adaptées (CCA) applied for costs with respect to its participation in the proceeding initiated by Telecom Public Notice 2006-15 (the Public Notice 2006-15 proceeding).
2. On 12 October 2007, Saskatchewan Telecommunications (SaskTel) filed comments in response to CCA's application. On 5 October 2007, TELUS Communications Company (TCC) and Bell Canada, on behalf of itself and Bell Aliant Regional Communications, Limited Partnership (collectively, the Companies), filed comments. CCA filed reply comments on 25 October 2007.

Application

3. CCA 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 2006-15 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 2006-15 proceeding.
4. CCA requested that the Commission fix its costs at \$38,176.72, consisting of \$8,421.47 for legal fees, \$29,700.00 for analyst fees, and \$55.25 for disbursements. CCA's claim included the federal Goods and Services Tax (GST) on legal fees. CCA filed a bill of costs with its application.
5. CCA made no submission as to the appropriate costs respondents.

Answer

6. In response to the application, TCC and the Companies supported CCA's entitlement to costs but questioned the amount claimed. Both TCC and the Companies submitted that the amount claimed by CCA was excessive both in absolute terms and when compared to the amount claimed by similarly situated interveners. They also submitted that, given that CCA and Centre québécois de la déficience auditive made many of their submissions jointly, there was little evidence in the costs claims of these organizations of the efficiencies one would expect from joint submissions.
7. SaskTel made no comment as to the entitlement of CCA or the amount, but submitted that it should not be included as a costs respondent as CCA's discussions related to service offered in Quebec.

Reply

8. In reply to the concerns raised by TCC and the Companies, CCA proposed to reduce its claim to only its legal fees in the amount of \$8,421.47.

Commission's analysis and determinations

9. The Commission finds that CCA has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that CCA 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 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 revised amount claimed by CCA 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. 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. Given that the issue in this proceeding is the incumbent local exchange carriers' (ILECs) deferral accounts, for which the Commission directed the ILECs to file proposals for broadband expansion and initiatives to improve accessibility, and that CCA's submissions related only to accessibility initiatives in Quebec, the Commission considers that the appropriate respondents to CCA's costs application are the ILECs who have proposed to use deferral account funds for accessibility initiatives in Quebec, namely the Companies and TCC.
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 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	61%
TCC	39%

14. The Commission notes that Bell Canada filed submissions in the Public Notice 2006-15 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 CCA for costs with respect to its participation in the Public Notice 2006-15 proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to CCA at \$8,421.47.
17. The Commission directs that the award of costs to CCA be paid forthwith by Bell Canada and TCC according to the proportions set out in paragraph 13.

Secretary General

Related documents

- *Review of proposals to dispose of the funds accumulated in the deferral accounts*, Telecom Public Notice CRTC 2006-15, 30 November 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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