



## Telecom Order CRTC 2009-454

Ottawa, 28 July 2009

### **Determination of costs award with respect to the participation of the Coalition of Communication Consumers in the proceeding initiated by Public Works and Government Services Canada's Part VII application**

File number: 8661-P54-200815251 and 4754-345

1. By letter dated 2 March 2009, the Coalition of Communication Consumers (the Coalition) applied for costs with respect to its participation in the proceeding initiated by the Part VII application of Public Works and Government Services Canada (PWGSC) regarding its dispute with Bell Canada that led to *Public Works and Government Services Canada – Application for a Commission determination regarding telecommunications services provided by Bell Canada*, Telecom Decision CRTC 2009-85, 20 February 2009 (the PWGSC/Bell Canada proceeding).
2. On 13 March 2009, Bell Canada filed comments in response to the application by the Coalition.

#### **Application**

3. The Coalition 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 PWGSC/Bell Canada proceeding, it had participated responsibly, and it had contributed to a better understanding of the issues by the Commission through its participation in the PWGSC/Bell Canada proceeding.
4. The Coalition requested that the Commission fix its costs at \$3,984.75, consisting of legal fees for outside legal counsel and the federal Goods and Services Tax on fees.

#### **Answer**

5. In response to the application, Bell Canada did not object to the amounts claimed by the Coalition but did state that, prior to awarding costs, the Commission should ascertain whether the Coalition represents a significant body of subscribers who will be affected by the outcome of the proceeding.

#### **Reply**

6. The Coalition did not file reply comments.

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

7. The Commission notes that the Coalition's participation in the PWGSC/Bell Canada proceeding was limited to one substantive written submission during the preliminary stages of the PWGSC/Bell Canada proceeding. The Commission also notes that the PWGSC/Bell Canada proceeding involved a bilateral dispute between PWGSC and Bell Canada. As such, the

Commission considers that the Coalition did not have an interest in the outcome of the proceeding, nor did it contribute to a better understanding of the issues by the Commission and, therefore, has not satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules.

**Direction as to costs**

8. The Commission **denies** the application by the Coalition for costs with respect to its participation in the PWGSC/Bell Canada proceeding.

Secretary General

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