



## Telecom Order CRTC 2010-359

PDF version

Ottawa, 9 June 2010

### **Determination of costs award with respect to the participation of l'Union des consommateurs in the Telecom Order 2009-484 proceeding**

File numbers: 8740-B2-200904989 and 4754-363

1. By letter dated 13 January 2010, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding that led to Telecom Order 2009-484 (the proceeding). The proceeding was initiated by an application from Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Bell companies).
2. The Commission received a response from the Bell companies, dated 12 March 2010, stating that they did not object to l'Union's application and that costs should be allocated among the costs respondents in proportion to their respective share of telecommunications operating revenues.

### **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) because it represented a group of subscribers that had an interest in the outcome of the proceeding, it had participated in a responsible way in that proceeding, and it had contributed to a better understanding of the issues by the Commission through its participation in the proceeding.
4. L'Union filed a bill of costs with its application and requested that the Commission fix its costs at \$5,200 which consisted of in-house legal fees and in-house analyst fees.
5. L'Union did not name any costs respondents or take any position regarding the allocation of its costs.

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

6. 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 represented a group or class of subscribers that had an interest in the outcome of the proceeding, it participated responsibly, and it contributed to a better understanding of the issues by the Commission.

7. The Commission notes that the rates claimed in respect of in-house legal fees and in-house analysts fees are in accordance with the rates set out in the Commission's 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.
8. 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.
9. The Commission determines that the Bell companies are, in the circumstances of the case, the appropriate respondents.
10. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Bell companies and leaves it to the Bell companies to determine the appropriate allocation of the costs among themselves.

#### **Direction as to costs**

11. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
12. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$5,200.
13. The Commission directs that the award of costs to l'Union be paid forthwith by Bell Canada on behalf of the Bell companies.

Secretary General

#### **Related Documents**

- *Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Applications to introduce usage-based billing and other changes to Gateway Access Services*, Telecom Order CRTC 2009-484, 12 August 2009
- *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