



Telecom Order CRTC 2010-360

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Ottawa, 9 June 2010

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the Telecom Decision 2010-160 proceeding

File numbers: 8678-B54-200915663 and 4754-364

1. By letter dated 18 February 2010, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding that led to Telecom Decision 2010-160 (the proceeding). The proceeding was initiated by an application from Bell Aliant Regional Communications, Limited Partnership (Bell Aliant); Bell Canada; and Télébec, Limited Partnership (Télébec) [collectively, Bell Canada et al.].
2. No comments were filed in response to the 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), because it represented a group of subscribers that had an interest in the outcome of the proceeding, it had participated responsibly, and it had contributed to a better understanding of the issues by the Commission through its participation in the proceeding.
4. PIAC requested that the Commission fix its costs at \$2,675.25, which consists 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 GST. PIAC filed a bill of costs with its application.
5. PIAC made no submission as to the appropriate costs respondents.

Commission's analysis and determinations

6. 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 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 legal 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 PIAC 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. 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. The Commission notes, in this regard, that the following parties actively participated in the proceeding and had a significant interest in its outcome: Bell Canada et al., Saskatchewan Telecommunications, Rogers Communications Inc., TekSavvy Solutions Inc., Northwestel Inc., MTS Allstream Inc., the Canadian Independent Telephone Company Joint Task Force, the Government of the Northwest Territories, and TELUS Communications Company.
10. The Commission further notes, however, that in allocating costs among respondents, it has also been sensitive to the fact that if too large a number of respondents is named, the applicant may have to collect small amounts from many respondents, resulting in a significant administrative burden to the applicant.
11. The Commission notes that if all potential costs respondents were retained in this case, PIAC would be required to collect small amounts from many respondents. Accordingly, the Commission considers that it is appropriate in the present circumstances to limit the respondents to Bell Canada et al.
12. The Commission notes that Bell Aliant and Bell Canada filed submissions in this proceeding on behalf of Télébec. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of Bell Aliant and Télébec, and leaves it to Bell Canada et al. to determine the appropriate allocations of costs among themselves.

Direction as to costs

13. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$2,675.25.
15. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada on behalf of Bell Canada et al.

Secretary General

Related documents

- *Bell Aliant Regional Communications, Limited Partnership, Bell Canada, and Télébec, Limited Partnership – Effects of deflation on price cap mechanics, Telecom Decision CRTC 2010-160, 17 March 2010*
- *New procedure for Telecom costs awards, Telecom Public Notice CRTC 2002-5, 7 November 2002*
- *Action Réseau Consommateur, the Consumer's 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*