



Telecom Order CRTC 2010-721

PDF Version

Ottawa, 28 September 2010

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and Canada Without Poverty in the proceeding leading to Telecom Decisions 2010-637, 2010-638, and 2010-639

File numbers: 8638-C12-200817505 and 4754-369

1. By letter dated 20 July 2010, the Public Interest Advocacy Centre (PIAC) and Canada Without Poverty (collectively, the Consumer Groups) applied for costs with respect to their participation in the proceeding initiated by Telecom Decision 2008-1 (the proceeding).
2. By letter dated 27 July 2010, Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Bell companies) stated that they did not object to the Consumer Groups' application. The Bell companies submitted that costs should be allocated among the costs respondents in proportion to their respective telecommunications operating revenues (TORs).

Application

3. The Consumer Groups submitted that they 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 they represented a group of subscribers that had an interest in the outcome of the proceeding, they had participated responsibly, and they had contributed to a better understanding of the issues by the Commission through their participation in the proceeding.
4. The Consumer Groups requested that the Commission fix costs at \$6,702.98, consisting entirely of legal fees. The Consumer Groups' claim included the federal Goods and Services Tax (GST) on fees less the rebate to which they are entitled in connection with GST. The Consumer Groups filed a bill of costs with their application.
5. The Consumer Groups made no submission as to the appropriate costs respondents.

Commission's analysis and determinations

6. The Commission finds that the Consumer Groups have satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission

finds that the Consumer Groups represented a group or class of subscribers that had an interest in the outcome of this proceeding, they participated responsibly, and they 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 the Consumer Groups 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 Bell companies, MTS Allstream Inc. (MTS Allstream), TELUS Communications Company (TCC), Axia SuperNet Ltd., Quebecor Media Inc. on behalf of itself and its affiliate Videotron Ltd., Rogers Communications Inc., Barrett Xplore Inc. and Barrett Broadband Networks Inc., Open Source Solutions, Globalive Wireless Management Corporation, and the Coalition of Internet Service Providers actively participated in the proceeding and had a significant interest in its outcome.
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 are named, the applicant may have to collect small amounts from many respondents, resulting in significant administrative burden to the applicant.
11. In light of the above and given the relatively small size of the costs award in this case, the large number of potential costs respondents, and the result that if all potential costs respondents were retained, the Consumer Groups would be required to collect small amounts from certain respondents, the Commission considers that it is appropriate, in the present circumstances, to limit the respondents to the Bell companies, MTS Allstream, and TCC.
12. The Commission notes that in previous decisions, it has 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 of 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:

Bell companies	51%
MTS Allstream	8%
TCC	41%

13. 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 companies to determine the appropriate allocation of the costs among themselves.

Direction as to costs

14. The Commission **approves** the application by the Consumer Groups for costs with respect to its participation in the proceeding.
15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the Consumer Groups at \$6,702.98.
16. The Commission directs that the award of costs to the Consumer Groups be paid forthwith by Bell Canada on behalf of the Bell companies, and by MTS Allstream and TCC, according to the proportions set out in paragraph 12.

Secretary General

Related documents

- *Follow-up to Telecom Decision 2008-1 – Proposal by TELUS Communications Company to dispose of the funds remaining in its deferral accounts*, Telecom Decision CRTC 2010-639, 31 August 2010
- *Follow-up to Telecom Decision 2008-1 – Proposal by MTS Allstream Inc. to dispose of the funds remaining in its deferral account*, Telecom Decision CRTC 2010-638, 31 August 2010
- *Follow-up to Telecom Decision 2008-1 – Proposal by Bell Aliant Regional Communications, Limited Partnership and Bell Canada to dispose of the funds remaining in their deferral account*, Telecom Decision CRTC 2010-637, 31 August 2010
- *Use of deferral account funds to improve access to telecommunications services for persons with disabilities and to expand broadband services to rural and remote communities*, Telecom Decision CRTC 2008-1, 17 January 2008
- *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