



## Telecom Order CRTC 2011-155

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Ottawa, 4 March 2011

### **Determination of costs award with respect to the participation of l'Union des consommateurs in the Broadcasting and Telecom Notice of Consultation 2010-406 proceeding**

File numbers: 8622-C12-201010595 and 4754-374

1. By letter dated 12 October 2010, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Broadcasting and Telecom Notice of Consultation 2010-406 (the proceeding).
2. On 19 October 2010, Bell Canada, on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), and Saskatchewan Telecommunications (collectively, the Companies), filed comments in response to l'Union's application. L'Union did not file reply comments.

#### **Application**

3. L'Union submitted that it meets 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 participated responsibly, and it contributed to a better understanding of the issues by the Commission through its participation in the proceeding.
4. L'Union requested that the Commission fix its costs at \$3,750, consisting entirely of in-house legal fees. L'Union claimed only costs related to telecommunications issues and deducted from its calculations all costs related to broadcasting issues. L'Union filed a bill of costs with its application.
5. L'Union made no submission as to the appropriate costs respondents.

#### **Answer**

6. In response to the application, the Companies submitted that they did not object to l'Union's entitlement to costs or to the amount claimed. The Companies also submitted that, given the large number of parties that participated in the proceeding, each with a significant economic interest in its outcome, responsibility for the payment of costs should be allocated among the named parties to the proceeding in proportion to their respective share of telecommunications and Internet operating revenues.

## Commission's analysis and determinations

7. 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.
8. The Commission notes that the rates claimed in respect of in-house 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.<sup>1</sup> The Commission also finds that the total amount claimed by l'Union was necessarily and reasonably incurred and should be allowed.
9. 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.
10. 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, 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 a 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, l'Union 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 Bell Canada and Bell Aliant (collectively, the Bell companies).
12. The Commission notes that the Bell companies filed joint submissions in the proceeding. 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 members of the Bell companies to determine the appropriate allocation of the costs among themselves.

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<sup>1</sup> These guidelines were updated on 23 December 2010 in Telecom Regulatory Policy 2010-963. The updated guidelines apply to costs applications submitted to the Commission on or after 23 December 2010.

## Directions as to costs

13. The Commission **approves** the application by l'Union 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 l'Union at \$3,750.
15. 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

- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *Call for comments on the customer transfer process and related competitive issues*, Broadcasting and Telecom Notice of Consultation CRTC 2010-406, 23 June 2010, as amended by Broadcasting and Telecom Notices of Consultation CRTC 2010-406-1, 5 July 2010, and 2010-406-2, 23 July 2010
- *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