



Telecom Order CRTC 2012-178

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Ottawa, 26 March 2012

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the CRTC Interconnection Steering Committee – Deposit and Disconnection Code Development Ad-Hoc Committee Meeting

File numbers: 8665-C12-201007229 and 4754-397

1. By letter dated 12 December 2011, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the CRTC Interconnection Steering Committee – Deposit and Disconnection Code Development Ad-Hoc Committee Meeting (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. PIAC submitted that it had met the criteria for an award of costs set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) because it represented a group or class of subscribers that had an interest in the outcome of the proceeding, it had assisted the Commission in developing a better understanding of the matters that were considered, and it had participated in a responsible way.
4. PIAC requested that the Commission fix its costs at \$5,528.91, consisting entirely of legal fees. PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.
5. PIAC claimed 19.3 hours at a rate of \$250 per hour for legal fees for Mr. John Lawford and 2.4 hours at a rate of \$600 per day for legal fees for Ms. Janet Lo.¹
6. PIAC submitted that all Local Exchange Carrier (LEC) parties to the proceeding are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

¹ On 3 March 2012, PIAC filed an amended Form I, Summary of Legal Fees, for Ms. Janet Lo to clarify her employment status as in-house counsel to PIAC.

Commission's analysis and determinations

7. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that PIAC represented a group or class of subscribers that had an interest in the outcome of the proceeding, it assisted the Commission in developing a better understanding of the matters that were considered, and it participated in a responsible way.
8. The Commission notes that the rates claimed in respect of Mr. John Lawford are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963.
9. The Commission also notes that, in its application, PIAC claimed 2.4 hours of work at a rate of \$600 per day for the in-house legal services of Ms. Janet Lo. As per paragraph 28 of the Guidelines, if fewer than seven hours in a day are worked, then the applicant shall reduce its claim for that day using quarter-day increments. Accordingly, as a partial day consisting of 2.4 hours will be reported as one quarter of one day, the adjusted amount of Ms. Lo's claim is \$150, plus HST, less the rebate to which PIAC is entitled in connection with the HST, for a total of \$155.91.
10. 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.
11. In determining the appropriate costs respondents, the Commission has generally considered which parties are affected by the issues and have actively participated in the proceeding. The Commission notes, in this regard, that all LEC parties to the proceeding actively participated and had a significant interest in its outcome.
12. The Commission further notes, however, that in allocating costs among costs respondents, it has also been sensitive to the fact that if numerous costs respondents are named, the applicant may have to collect small amounts from many costs respondents, resulting in a significant administrative burden to the applicant.
13. In light of the above, and given the relatively small size of the costs award and the large number of potential costs respondents in this case, the Commission considers that, consistent with section 48 of the Guidelines, it is appropriate to limit the costs respondents to Bell Aliant Regional Communications, Limited Partnership, Bell Canada, MTS Allstream Inc., Quebecor Media Inc. on behalf of Videotron Ltd., Rogers Communications Inc., and TELUS Communications Company.
14. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on the telecommunications operating revenues (TORs)² as an indicator of the relative size and interest of the parties involved in the

² TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

proceeding. The Commission considers that, in the present circumstances, it is appropriate to apportion the costs among the costs respondents in proportion to their TORs, based on their most recent audited financial statements. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:

TELUS Communications Company	29.3%
Rogers Communications Inc.	29.2%
Bell Canada	24.8%
Bell Aliant Regional Communications, Limited Partnership	7.5%
MTS Allstream Inc.	5.4%
Quebecor Media Inc. (Videotron Ltd.)	3.8%

Directions regarding costs

15. The Commission **approves** the application by PIAC for costs, with the modifications set out above, with respect to its participation in the proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$5,171.02.
17. The Commission directs that the award of costs to PIAC be paid forthwith by TELUS Communications Company; Rogers Communications Inc.; Bell Canada; Bell Aliant Regional Communications, Limited Partnership; MTS Allstream Inc.; and Quebecor Media Inc. according to the proportions set out in paragraph 14.

Secretary General

Related documents

- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002