



Telecom Order CRTC 2013-119

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Ottawa, 13 March 2013

Determination of costs award with respect to the participation of l'Union des consommateurs in the proceeding initiated by Bell Aliant Regional Communications, Limited Partnership; Bell Canada; and Télébec, Limited Partnership's application for a pay telephone rate increase

File numbers: 8650-B54-201200469 and 4754-401

1. By letter dated 8 January 2013, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by an application in which Bell Aliant Regional Communications, Limited Partnership; Bell Canada; and Télébec, Limited Partnership (collectively, Bell Canada et al.) requested flexibility to increase pay telephone rates (the proceeding).
2. The Commission did not receive any interventions in response to the costs application.

Application

3. L'Union 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 class of subscribers that had a direct 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. L'Union requested that the Commission fix its costs at \$3,232.50, consisting entirely of in-house legal and analyst fees. L'Union filed a bill of costs with its application.
5. L'Union made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Commission's analysis and determinations

6. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. 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 assisted the Commission in developing a better understanding of the matters that were considered, and it participated in a responsible way.

7. The Commission notes that the rates claimed in respect of in-house legal and analyst fees 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. The Commission 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 finds that Bell Canada et al as the parties who initiated the proceeding, are the appropriate costs respondents to l'Union's costs application.
10. The Commission notes that Bell Canada et al. 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 Bell Canada et al., and leaves it to the members of Bell Canada et al. to determine the appropriate allocation of the costs among themselves.

Directions regarding 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 \$3,232.50.
13. The Commission directs that the award of costs to l'Union be paid forthwith by Bell Canada on behalf of Bell Canada et al.

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
- *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