



Telecom Order CRTC 2013-245

PDF version

Ottawa, 14 May 2013

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and the Consumer's Association of Canada in the proceeding initiated by Northwestel Inc.'s application for the recovery of local competition start-up costs

File numbers: 8661-N1-201207720 and 4754-410

1. By letter dated 26 February 2013, the Public Interest Advocacy Centre (PIAC), on behalf of itself and the Consumers' Association of Canada, applied for costs with respect to its participation in the proceeding initiated by Northwestel Inc.'s (Northwestel) application for recovery of local competition start-up costs (the proceeding).
2. The Commission did not receive any interventions in response to the costs application.

Application

3. In its application, PIAC noted that, by letter dated 7 November 2012, it had previously applied for costs in respect of the proceeding before the final reply phase initiated by the Commission's procedural letter of 17 December 2012. As a result of this procedural change and its final reply, PIAC retracted its previous application for costs and replaced it with the present application.
4. 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.
5. PIAC requested that the Commission fix its costs at \$22,058.15, 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.
6. PIAC submitted that Northwestel is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

Commission's analysis and determinations

7. The Commission notes that PIAC represented a group or class of Northwestel subscribers that had an interest in the outcome of the proceeding. Additionally, the Commission notes that, through its detailed discussion during the proceeding of (i) the case for and against costing confidentiality and (ii) the implementation of local competition in general, PIAC assisted the Commission in developing a better understanding of the matters that were considered, and that it participated in a responsible way. Accordingly, the Commission finds that PIAC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure.
8. The Commission notes that the rates claimed in respect of legal fees are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs*, as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by PIAC 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. The Commission finds that Northwestel is the appropriate costs respondent to PIAC's costs application.

Directions regarding costs

11. The Commission **approves** the application by PIAC 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 PIAC at \$22,058.15.
13. The Commission directs that the award of costs to PIAC be paid forthwith by Northwestel.

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