



Telecom Order CRTC 2013-323

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Ottawa, 4 July 2013

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and Canada Without Poverty in the proceeding initiated by Bell Aliant Regional Communications, Limited Partnership; Bell Canada; and Télébec, Limited Partnership's application for a payphone rate increase

File numbers: 8650-B54-201200469 and 4754-412

1. By letter dated 21 February 2013, the Public Interest Advocacy Centre (PIAC), on behalf of itself and Canada Without Poverty (CWP), 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 payphone rates (the proceeding).
2. The Commission did not receive any interventions in response to the costs 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 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. PIAC requested that the Commission fix its costs at \$15,213.74, consisting of \$14,776.37 for legal fees and \$437.37 for disbursements. 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 submitted that Bell Canada et al. are 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 PIAC provided a detailed perspective from a group of subscribers with an interest in the outcome of the proceeding, with particular emphasis on the effect of the proposed rate increase on payphone users and low-

income consumers. The Commission also finds that PIAC assisted the Commission in developing a better understanding of the matters under consideration and it participated in a responsible way. Accordingly, the Commission finds that PIAC meets the criteria for an award of costs under section 68 of the Rules of Procedure.

7. 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* (the Guidelines), 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.
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 submitted the application that initiated the proceeding, are the appropriate costs respondents to PIAC'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 PIAC, on behalf of itself and CWP, 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 \$15,213.74.
13. The Commission directs that the award of costs to PIAC 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