



Telecom Order CRTC 2013-524

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Ottawa, 27 September 2013

Determination of costs award with respect to the participation of Jean-François Mezei in the proceeding leading to Telecom Regulatory Policy 2013-271

File numbers: 8665-C12-201212448 and 4754-418

1. By letter dated 18 April 2013, Jean-François Mezei of Vaxination Informatique applied for costs with respect to his participation in the proceeding leading to Telecom Regulatory Policy 2013-271 (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. Mr. Mezei submitted that he 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 he represented a group or class of subscribers that had an interest in the outcome of the proceeding, he had assisted the Commission in developing a better understanding of the matters that were considered, and he had participated in a responsible way.
4. Mr. Mezei requested that the Commission fix his costs at \$658.84, consisting entirely of disbursements.
5. Mr. Mezei 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 Mr. Mezei has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that Mr. Mezei represented a group or class of subscribers that had an interest in the outcome of the proceeding, that he assisted the Commission in developing a better understanding of the matters that were considered through his extensive and well-sourced submissions on a broad cross-section of issues related to the wireless market, and that he participated in a responsible way.
7. The Commission notes that the amounts claimed for disbursements are in accordance with 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 Mr. Mezei 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. 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 the following parties actively participated in the proceeding and had a significant interest in its outcome: Allstream Inc.; Bell Aliant Regional Communications, Limited Partnership; Bell Canada; Bragg Communications Inc. (operating as EastLink); Data & Audio-Visual Enterprises Wireless Inc. (operating as Mobilicity); Globalive Wireless Management Corp.; MTS Inc.; Public Mobile Inc.; Rogers Communications Partnership (RCP); Saskatchewan Telecommunications; Télébec, Limited Partnership; TELUS Communications Company (TCC); and Videotron G.P.
10. 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.
11. 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 Canada, RCP, and TCC.
12. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)¹ as an indicator of the relative size and interest of the parties involved in the proceeding. For the reasons discussed in Telecom Order 2013-521, also released today, 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:

Bell Canada:	44.8%
TCC:	28.1%
RCP:	27.1%

¹ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

Directions regarding costs

13. The Commission **approves** the application by Mr. Mezei for costs with respect to his participation in the proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to Mr. Mezei at \$658.84.
15. The Commission directs that the award of costs to Mr. Mezei be paid forthwith by Bell Canada, RCP, and TCC, according to the proportions set out in paragraph 12.

Secretary General

Related documents

- *Determination of costs award with respect to the participation of the Consumers Council of Canada in the proceeding leading to Telecom Regulatory Policy 2013-271*, Telecom Order CRTC 2013-521, 27 September 2013
- *The Wireless Code*, Telecom Regulatory Policy CRTC 2013-271, 3 June 2013
- *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