



Telecom Order CRTC 2014-245

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Determination of costs award with respect to the participation of the British Columbia Video Relay Services Committee in the proceeding initiated by Telecom Notice of Consultation 2013-155

1. By letter dated 14 December 2013, the British Columbia Video Relay Services Committee (BCVRSC) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2013-155 (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. BCVRSC 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. In particular, BCVRSC submitted that it represented the interests of the members of the Deaf community of British Columbia, including those members who participated in a video relay service (VRS) trial conducted by TELUS Communications Company (TCC).¹ BCVRSC noted that very few members of the Canadian Deaf community have ever had access to VRS and submitted that, since it represented a significant number of individuals who had used VRS, it was able to provide the Commission with a distinct and important perspective on the issues considered in the proceeding.
5. BCVRSC further submitted that this perspective was reflected in its presentation at the public hearing, including the video component, which highlighted the utility and advantages of establishing VRS in Canada, both for Deaf Canadians and for the hearing community.
6. BCVRSC requested that the Commission fix its costs at \$7,161.36, consisting entirely of disbursements. BCVRSC filed a bill of costs with its application.

¹ TCC filed a report with the Commission after concluding its trial, which can be found as part of the record of the proceeding.

7. BCVRSC submitted that Bell Canada and its affiliates; Bragg Communications Inc., operating as Eastlink (Eastlink); Cogeco Cable Inc. (Cogeco); MTS Inc. (MTS) and Allstream Inc. (collectively, MTS Allstream); Northwestel Inc. (Northwestel); Rogers Communications Inc. (RCI); Saskatchewan Telecommunications (SaskTel); Shaw Communications Inc. (Shaw); and TCC are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents). BCVRSC made no submissions as to the allocation of costs among the costs respondents.

Commission's analysis and determinations

8. The Commission finds that BCVRSC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. For the reasons set out below, the Commission finds that BCVRSC 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 the proceeding in a responsible way.
9. The Commission considers that BCVRSC represents members of the Deaf community in British Columbia, including those members who had participated in TCC's VRS trial. The Commission considers that the group of subscribers represented by BCVRSC has a direct interest in the determinations made in this proceeding. Further, the Commission considers that BCVRSC reflected the unique perspective of Deaf British Columbians who have had access to VRS in Canada in its representations in the proceeding, including at the public hearing. This perspective assisted the Commission in developing a better understanding of the issues related to the feasibility of establishing VRS on a Canada-wide basis, especially the potential social and economic benefits of VRS. In light of the foregoing, the Commission considers that BCVRSC participated responsibly in the proceeding.
10. The Commission notes that the rates claimed in respect of disbursements 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 BCVRSC was necessarily and reasonably incurred and should be allowed.
11. 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.
12. 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 by appearing at the public hearing and had a significant interest in its outcome: Bell Aliant Regional Communications, Limited Partnership (Bell Aliant); Bell Canada; Bell Mobility Inc.; KMTS; NorthernTel,

Limited Partnership; and Télébec, Limited Partnership (collectively, Bell Canada et al.); Cogeco; Eastlink; MTS Allstream; Northwestel; Quebecor Media Inc., on behalf of its affiliate Videotron G.P. (Videotron); RCI; SaskTel; Shaw; and TCC.

13. 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.
14. 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 et al., MTS Allstream, RCI, Shaw, TCC, and Videotron.
15. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)² as an indicator of the relative size and interest of the parties involved in the 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:

Bell Canada et al.:	39.8%
TCC:	24.2%
RCI:	23.8%
Shaw:	4.2%
MTS Allstream:	4.1%
Videotron:	3.9%

16. The Commission notes that Bell Aliant filed submissions in the proceeding on behalf of Bell Canada et al., and that MTS Allstream filed joint submissions. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Aliant responsible for payment on behalf of Bell Canada et al., makes MTS responsible for payment on behalf of MTS Allstream, and leaves it to the respective members of Bell Canada et al. and MTS Allstream to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

17. The Commission **approves** the application by BCVRSC for costs with respect to its participation in the proceeding.
18. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to BCVRSC at \$7,161.36.

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

19. The Commission **directs** that the award of costs to BCVRSC be paid forthwith by Bell Aliant on behalf of Bell Canada et al., by TCC, by RCI, by Shaw, by MTS on behalf of MTS Allstream, and by Videotron, according to the proportions set out in paragraph 15.

Secretary General

Related documents

- *Issues related to the feasibility of establishing a video relay service*, Telecom Notice of Consultation CRTC 2013-155, 27 March 2013, as amended by Telecom Notice of Consultation CRTC 2013-155-1, 16 May 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
- *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