



## Telecom Order CRTC 2014-246

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### **Determination of costs award with respect to the participation of the Canadian Hearing Society in the proceeding initiated by Telecom Notice of Consultation 2013-155**

1. By letter dated 13 December 2013, the Canadian Hearing Society (CHS) 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. CHS 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, CHS submitted that it represents the interests of culturally Deaf, oral deaf, deafened, and hard of hearing Canadians. CHS also submitted that it helped the Commission develop a better understanding of key issues related to the feasibility of establishing a video relay service (VRS) in Canada, both through its appearance before the Commission panel at the public hearing and through its participation in the VRS consumer Advisory Committee to the VRS Feasibility Study, which was conducted by Mission Consulting, LLC (Mission Consulting), and forms part of the public record of the proceeding.
5. CHS requested that the Commission fix its costs at \$24,835, consisting of \$22,560 for in-house consultant fees and \$2,275 for disbursements. CHS filed a bill of costs with its application.
6. CHS 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 TELUS Communications Company (TCC) are the appropriate parties to be required to pay any costs awarded by the

Commission (the costs respondents). CHS made no submissions as to the allocation of costs among the costs respondents.

### **Commission's analysis and determinations**

7. The Commission finds that CHS 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 CHS 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.
8. The Commission considers that CHS represents Deaf Canadians on a national basis. This group comprises many potential users of VRS who will be directly affected by the determinations made in the proceeding.
9. The Commission also considers that CHS's participation in the proceeding, through its contributions to the Mission Consulting report and its appearance at the public hearing, contributed to a better understanding of a number of key issues that the panel considered. CHS's participation as an advisor on the Mission Consulting report helped to ensure that the report would properly reflect the perspective of the Canadian Deaf community. As well, CHS provided key insights to the Commission panel on a range of issues, including options for the funding and implementation of a Canadian VRS system, implications for 9-1-1 and emergency alerting services, and issues related to quality of service standards for VRS sign language interpreters. In light of the foregoing, the Commission considers that CHS participated responsibly in the proceeding.
10. The Commission notes that CHS double counted the amount to which it is entitled for meals, i.e. \$240. However, the Commission notes that all other rates claimed in respect of consultant fees and disbursements 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.
11. The Commission therefore reduces the amount claimed by CHS by \$240 to \$24,595. The Commission finds this to be the amount that was necessarily and reasonably incurred and that should be allowed.
12. 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.
13. 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.

14. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)<sup>1</sup> 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.:	37.7%
TCC:	23.0%
RCI:	22.6%
Shaw:	4.0%
MTS Allstream:	3.8%
Videotron:	3.7%
SaskTel:	2.4%
Cogeco:	1.5%
Eastlink:	0.8%
Northwestel:	0.5%

15. 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**

16. The Commission **approves with changes** the application by CHS for costs with respect to its participation in the proceeding.
17. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to CHS at \$24,595.

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

18. The Commission **directs** that the award of costs to CHS 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, by Videotron, by SaskTel, by Cogeco, by Eastlink, and by Northwestel, according to the proportions set out in paragraph 14.

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