



Telecom Order CRTC 2014-247

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Determination of costs award with respect to the participation of the Toronto Association of the Deaf in the proceeding initiated by Telecom Notice of Consultation 2013-155

1. By letter dated 15 December 2013, the Toronto Association of the Deaf (TAD) 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. TAD 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. Specifically, TAD submitted that it represents Deaf residents of the Greater Toronto Area (GTA), and that it provided the Commission with a fuller understanding of the concerns of this constituency. In particular, TAD submitted that it explained the difference between existing services such as teletypewriters and message relay service on the one hand, and video relay service on the other hand, in terms of their respective impact on the Deaf individuals it represents.
5. TAD requested that the Commission fix its costs at \$595.25, consisting entirely of disbursements. TAD filed a bill of costs with its application.
6. TAD 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

7. The Commission finds that TAD 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 TAD 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. Specifically, the Commission accepts TAD's position that it represents Deaf residents of the GTA. TAD's submissions throughout the proceeding were useful, especially its submissions at the public hearing regarding the impact of VRS on the Deaf community. In light of the foregoing, the Commission considers that TAD contributed to a better understanding of the issues and participated responsibly in the proceeding.
9. 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 TAD was necessarily and reasonably incurred and should be allowed.
10. 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.
11. 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.); Bragg Communications Inc., operating as Eastlink; Cogeco Cable Inc.; MTS Inc. and Allstream Inc.; Northwestel Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P.; Rogers Communications Inc. (RCI); Saskatchewan Telecommunications; Shaw Communications Inc.; and TELUS Communications Company (TCC).
12. 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.
13. 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., RCI, 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)¹ 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.:	45.3%
TCC:	27.6%
RCI:	27.1%

15. The Commission notes that Bell Aliant filed submissions in the proceeding on behalf of Bell Canada et al. 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., and leaves it to the members of Bell Canada et al. to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

16. The Commission **approves** the application by TAD 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 TAD at \$595.25.
18. The Commission **directs** that the award of costs to TAD be paid forthwith by Bell Aliant on behalf of Bell Canada et al., by RCI, and by TCC, 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

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

- *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*