



## Telecom Order CRTC 2014-309

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Ottawa, 10 June 2014

File numbers: 8678-T66-201306845 and 4754-442

### **Determination of costs award with respect to the participation of the Neil Squire Society in the proceeding initiated by TELUS Communications Company's application to use its deferral account funds to improve access to telecommunications services for persons with disabilities**

1. By letter dated 7 February 2014, the Neil Squire Society (NSS) applied for costs with respect to its participation in the proceeding initiated by TELUS Communications Company's (TCC) application to use its deferral account funds to improve access to telecommunications services for persons with disabilities (the proceeding). By letter dated 18 February 2014, NSS provided the Commission with additional information relating to its application for costs.
2. The Commission did not receive any interventions in response to the application for costs.

#### **Application**

3. In its application for costs, NSS noted that it was filing the application beyond the time limit of 30 days following the close of record date of the proceeding, as prescribed in the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure). NSS requested that the Commission vary the Rules of Procedure and accept and consider the merits of its application. NSS further submitted that the delay in its filing was attributable to NSS not being aware that costs could be claimed for participation in Commission proceedings initiated by Part 1 applications.
4. NSS submitted that it had met the criteria for an award of costs set out in section 68 of 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.
5. In particular, NSS submitted that it represents the interests of Canadians with disabilities who will be directly affected by the resolution of the proceeding. NSS also submitted that it has specialized expertise regarding the technical and policy issues related to the accessibility of mobile telecommunications services and devices, which it shared with Commission during the course of the proceeding.

6. NSS requested that the Commission fix its costs at \$2,408.76, consisting entirely of in-house analyst fees. NSS's claim included the federal Goods and Services Tax (GST) on fees less the rebate to which NSS is entitled in connection with the GST. NSS filed a bill of costs with its application.
7. NSS 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**

8. The Commission considers that this is an appropriate case in which to vary the Rules of Procedure and to accept NSS's application for costs even though it was filed outside the set deadline of 30 days following the close of record date of the proceeding. The Commission does not consider that any party to the proceeding has suffered prejudice as a result of the late filing. In the particular circumstances of this case, the Commission is satisfied that considerations of public interest and fairness support accepting the application and considering its merits.
9. For the reasons set out below, the Commission finds that NSS has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that NSS represented a group 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 a responsible way.
10. The Commission finds that for the purposes of the proceeding, NSS represented Canadian subscribers of telecommunications services with physical disabilities, who will be directly affected by the outcome of the proceeding. The Commission further finds that NSS does have specialized expertise regarding the accessibility issues that were relevant to the proceeding. During the proceeding, NSS brought to light key international comparator groups and internationally recognized accessibility standards. NSS elaborated on these in a way that enabled the Commission to develop a better understanding of the issues under consideration. Accordingly, the Commission finds that NSS participated in the proceeding in a responsible way.
11. The Commission notes that the rates claimed in respect of analyst fees 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. The Commission finds that the total amount claimed by NSS was necessarily and reasonably incurred and 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. The Commission notes that the proceeding related to a proposal by TCC to dispose of its deferral account funds. The Commission therefore finds that the appropriate costs respondent to NSS's application for costs is TCC.

#### **Directions regarding costs**

14. The Commission **approves** the application by NSS for costs with respect to its participation in the proceeding.
15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to NSS at \$2,408.76.
16. The Commission **directs** that the award of costs to NSS be paid forthwith by TCC.

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