



## Telecom Order CRTC 2014-350

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Ottawa, 3 July 2014

File numbers: 8665-E17-201312389 and 4754-439

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by the application of Bragg Communications Inc., operating as Eastlink, regarding 30-day notice requirements for service cancellations**

1. By letter dated 18 November 2013, the Public Interest Advocacy Centre (PIAC), on behalf of itself and the Consumers' Association of Canada, applied for costs with respect to its participation in the proceeding initiated by the application of Bragg Communications Inc., operating as Eastlink (Eastlink), regarding 30-day notice requirements for service cancellations (the proceeding).
2. The Commission did not receive any interventions in response to the application for costs.

### **Application**

3. PIAC 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. PIAC requested that the Commission fix its costs at \$9,283.92, consisting entirely of legal fees. PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.
5. PIAC claimed 30.8 hours at a rate of \$290 per hour for legal fees.
6. PIAC submitted that Eastlink and all other corporate parties to the proceeding are 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 PIAC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that

PIAC 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 a responsible way.

8. The Commission notes that the rates claimed in respect of legal 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 PIAC was necessarily and reasonably incurred and should be allowed.
9. 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.
10. The Commission finds that the appropriate costs respondents to PIAC's costs application are Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) and Bell Canada (collectively, the Bell companies), Eastlink, Quebecor Media Inc. (QMI), Rogers Communications Partnership (RCP), Saskatchewan Telecommunications (SaskTel), and TELUS Communications Company (TCC).
11. 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 companies:	31.0%
TCC:	29.8%
RCP:	29.3%
QMI:	4.7%
SaskTel:	3.1%
Eastlink:	2.1%

12. The Commission notes that Bell Aliant filed submissions in the proceeding on behalf of the Bell companies. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Aliant responsible for payment on behalf of the Bell companies, and leaves it to the Bell companies to determine the appropriate allocation of the costs among themselves.

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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.

## **Directions regarding costs**

13. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$9,283.92.
15. The Commission **directs** that the award of costs to PIAC be paid forthwith by Bell Aliant on behalf of the Bell companies, by TCC, by RCP, by QMI, by SaskTel, and by Eastlink according to the proportions set out in paragraph 11.

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
- *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