



Telecom Order CRTC 2014-428

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Ottawa, 14 August 2014

File numbers: 8650-C12-201310078 and 4754-454

Determination of costs award with respect to the participation of l'Union des Consommateurs in the proceeding initiated by Telecom Notice of Consultation 2013-338

1. By letter dated 15 October 2013, l'Union des Consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2013-338 regarding the removal of the last payphone in a community (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. L'Union noted that its application was filed in the week following the deadline prescribed by the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure). L'Union requested that the Commission exercise its discretion to accept and consider the application despite this delay. L'Union submitted that it had no reason to believe that any real prejudice would be caused to the parties required to pay any costs awarded by the Commission (the costs respondents) as a result of the late filing.
4. L'Union 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 assisted the Commission in developing a better understanding of the matters that were considered, and it had participated in a responsible way.
5. L'Union requested that the Commission fix its costs at \$2,280, consisting of \$1,880 for in-house analyst fees and \$400 for in-house legal fees. L'Union filed a bill of costs with its application.
6. L'Union made no submission as to the appropriate costs respondents.

Commission's analysis and determinations

7. The Commission considers that, in the circumstances, it is appropriate to consider l'Union's application for costs.

8. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that l'Union represented a group or class of subscribers that had an interest in the outcome of the proceeding, namely Canadian consumers, including those consumers who subscribe to telecommunications services in the province of Quebec. L'Union also assisted the Commission in developing a better understanding of the matters that were considered, especially concerning the utility of payphones to Canadian consumers with low incomes. In light of the above, the Commission considers that l'Union participated in a responsible way.
9. The Commission notes that the rates claimed in respect of analyst and 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 l'Union 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 following incumbent local exchange carriers (ILECs) and small ILECs filed submissions in the proceeding: Amtelecom Limited Partnership and People's Tel Limited Partnership, carrying on business as Eastlink; Bell Aliant Regional Communications, Limited Partnership, Bell Canada, DMTS, KMTS, NorthernTel, Limited Partnership, Northwestel Inc., and Télébec, Limited Partnership (collectively, Bell Canada et al.); MTS Inc. and Allstream Inc.; Saskatchewan Telecommunications; TBayTel; and TELUS Communications Company.
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 for the applicant. The Commission is also conscious of the administrative burden on potential costs respondents associated with paying a small amount.
13. Accordingly, given the small amount of the costs award in this instance, the Commission considers that it is appropriate to limit the costs respondents to Bell Canada et al.
14. The Commission notes that Bell Canada 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 Canada responsible for payment on behalf of Bell Canada et al. The Commission leaves it to the members of

Bell Canada et al. to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

15. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$2,280.
17. The Commission **directs** Bell Canada, on behalf of Bell Canada et al., to pay forthwith the award of costs to l'Union.

Secretary General

Related documents

- *Removal of the last payphone in a community*, Telecom Notice of Consultation CRTC 2013-338, 16 July 2013, as amended by Telecom Notice of Consultation CRTC 2013-338-1, 2 August 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