



Telecom Order CRTC 2014-437

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Ottawa, 21 August 2014

File numbers: 8661-P8-201314012 and 4754-455

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and the Consumers' Association of Canada in the proceeding regarding the practice by certain telecommunications service providers to charge a fee for paper bills

1. By letter dated 29 January 2014, the Public Interest Advocacy Centre (PIAC) applied for costs, on behalf of itself and the Consumers' Association of Canada, with respect to their participation in the proceeding initiated by their application regarding the practice by certain telecommunications service providers (TSPs) to charge a fee for paper bills (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 \$22,135.06, consisting of \$16,054.57 for external legal fees and \$6,080.49 for in-house 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 submitted that the TSPs who were parties to the proceeding, as well as 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).
6. PIAC further submitted that any potential costs respondents whose share of the total costs award would be less than \$100 should be excluded.
7. PIAC suggested that the responsibility for payment of costs should be divided among the costs respondents based on their telecommunications operating revenues (TORs).¹

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

Commission's analysis and determinations

8. 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 issues, and it participated in a responsible way.
9. In particular, the Commission considers that PIAC represents the interests of a significant body of Canadian consumers who subscribe to telecommunications services, including wireline, wireless, and Internet services, and for whom the issues raised are relevant. The Commission further considers that PIAC's submissions brought an important issue to the Commission's attention, namely that not all Canadians have a reasonable choice when it comes to the fees charged by some TSPs for paper bills. Accordingly, the Commission finds that PIAC participated in a responsible way.
10. 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.
11. 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.
12. The Commission notes that it has generally determined that the appropriate costs respondents to an award of costs are the parties that have a significant interest in the proceeding in question and have participated actively in that proceeding. The Commission considers that the following TSPs met these criteria by filing interventions: Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Bell companies); Bragg Communications Inc., operating as Eastlink (Eastlink); Globalive Wireless Management Corp. and Yak Communications (Canada) Inc. (collectively, the Globalive companies); MTS Inc. and Allstream Inc. (collectively, MTS Allstream); Primus Telecommunications Canada Inc. (Primus); Quebecor Media Inc., on behalf of its affiliate Videotron G.P. (Videotron); Rogers Communications Inc. (RCI); Saskatchewan Telecommunications (SaskTel); Shaw Telecom G.P. (Shaw); and TELUS Communications Company (TCC).
13. The Commission therefore finds that the appropriate costs respondents to PIAC's application for costs are the parties listed in paragraph 12.
14. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their TORs 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:	28.0%
TCC:	26.9%
RCI:	26.5%
MTS Allstream:	4.5%
Videotron:	4.3%
Globalive companies:	3.8%
SaskTel:	2.8%
Shaw:	1.5%
Eastlink:	1.0%
Primus:	0.7%

15. The Commission notes that Bell Canada filed submissions on behalf of the Bell companies, Globalive Wireless Management Corp. filed submissions on behalf of the Globalive companies, and MTS Allstream filed joint submissions in the proceeding. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Bell companies, Globalive Wireless Management Corp. responsible for payment on behalf of the Globalive companies, and MTS Inc. responsible for payment on behalf of MTS Allstream. The Commission leaves it to the members of these parties to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

16. The Commission **approves** the application by PIAC 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 PIAC at \$22,135.06.
18. The Commission **directs** that the award of costs to PIAC be paid forthwith by Bell Canada on behalf of the Bell companies, by Eastlink, by Globalive Wireless Management Corp. on behalf of the Globalive companies, by MTS Inc. on behalf of MTS Allstream, by Primus, by RCI, by SaskTel, by Shaw, by TCC, and by Videotron according to the proportions set out in paragraph 14.

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*