



Telecom Order CRTC 2014-495

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Ottawa, 24 September 2014

File numbers: 8665-C12-201313304 and 4754-450

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding leading to Telecom Regulatory Policy 2014-342

1. By letter dated 20 December 2013, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2013-549 and leading to Telecom Regulatory Policy 2014-342 regarding the Commission's 9-1-1 action plan (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 \$6,344.65, consisting entirely of legal fees: \$4,818.29 for in-house counsel and \$1,526.36 for external counsel. 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 incumbent local exchange carriers (ILECs) and other corporate parties that participated in 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

6. The criteria for an award of costs are set out in section 68 of the Rules of Procedure, which reads as follows:

68. The Commission must determine whether to award final costs and the maximum percentage of costs that is to be awarded on the basis of the following criteria:

(a) whether the applicant had, or was the representative of a group or a class of subscribers that had, an interest in the outcome of the proceeding;

(b) the extent to which the applicant assisted the Commission in developing a better understanding of the matters that were considered; and

(c) whether the applicant participated in the proceeding in a responsible way.

7. The Commission finds that PIAC has satisfied these criteria through its participation in the proceeding. In particular, the Commission considers that PIAC's submissions concerning the importance of 9-1-1 caller location information helped the Commission develop a better understanding of the matters that were considered.
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 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 outcome of the proceeding in question and have participated actively in that proceeding. The Commission considers that the following telecommunications service providers had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding: Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Bell companies); MTS Inc. and Allstream Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P.; Rogers Communications Partnership (RCP); Saskatchewan Telecommunications; Shaw Telecommunications G.P.; TBayTel; and TELUS Communications Company (TCC).

11. 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.
12. 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 it is appropriate to limit the costs respondents to the Bell companies, RCP, and TCC.
13. 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 companies:	34.4%	\$2,183.08
TCC:	33.1%	\$2,097.39
RCP:	32.5%	\$2,064.18

14. The Commission notes that the Bell companies 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, and leaves it to the members of the Bell companies to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

15. The Commission **approves** the application by PIAC 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 PIAC at \$6,344.65.
17. The Commission **directs** that the award of costs to PIAC be paid forthwith by Bell Canada, on behalf of the Bell companies, by RCP, and by TCC according to the proportions set out in paragraph 13.

Secretary General

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

Related documents

- *9-1-1 action plan*, Telecom Regulatory Policy CRTC 2014-342, 25 June 2014
- *Matters related to emergency 9-1-1 services*, Telecom Notice of Consultation CRTC 2013-549, 10 October 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