



## Telecom Order CRTC 2015-252

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Ottawa, 12 June 2015

*File numbers: 8661-N1-201413137 and 4754-479*

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and the Consumers' Association of Canada in the proceeding initiated by Northwestel Inc.'s application to remove regulatory constraints applicable to the company's basic toll schedules**

#### **Application**

1. By letter dated 13 March 2015, the Public Interest Advocacy Centre (PIAC), on its own behalf and as counsel for the Consumers' Association of Canada (CAC) [collectively, PIAC/CAC], applied for costs with respect to their participation in the proceeding initiated by Northwestel Inc.'s (Northwestel) Part 1 application to remove regulatory constraints applicable to the company's basic toll schedules (the proceeding).
2. The Commission did not receive any interventions in response to the application for costs.
3. PIAC/CAC submitted that they 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 they represented a group or class of subscribers that had an interest in the outcome of the proceeding, they had assisted the Commission in developing a better understanding of the matters that were considered, and they had participated in a responsible way.
4. In particular, PIAC/CAC submitted that CAC is an independent, non-profit, volunteer-based charitable organization that has a mandate to inform and educate consumers on marketplace issues, advocate for consumers with government and industry, and work with government and industry to solve marketplace problems. They further submitted that PIAC is a non-profit organization that provides legal research services regarding consumer interests, in particular the interests of vulnerable consumers, associated with the provision of important public services.
5. PIAC/CAC requested that the Commission fix their costs at \$7,645.83, consisting entirely of external legal fees. PIAC/CAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC/CAC are entitled in connection with the HST. PIAC/CAC filed a bill of costs with their application.

6. PIAC/CAC submitted that Northwestel is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

### **Commission's analysis and determinations**

7. 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.

8. PIAC/CAC have satisfied these criteria through their participation in the proceeding. In particular, PIAC/CAC assisted the Commission in developing a better understanding of the potential impacts of Northwestel's proposal on consumers in the company's operating territory by providing the only comments in the proceeding from the standpoint of consumers. Further, PIAC/CAC provided helpful submissions with respect to the matter of the availability of alternative services, including mobile wireless and voice over Internet Protocol services. Following these submissions, Northwestel provided greater detail about the availability and affordability of long distance alternatives.
9. 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 total amount claimed by PIAC/CAC was necessarily and reasonably incurred and should be allowed.
10. 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. The appropriate costs respondent to PIAC/CAC's application for costs is Northwestel.

### **Directions regarding costs**

12. The application by PIAC/CAC for costs with respect to their participation in the proceeding is **approved**.

13. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC/CAC at \$7,645.83.
14. The Commission **directs** Northwestel to pay the award of costs forthwith to PIAC/CAC.

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