



Telecom Order CRTC 2015-264

PDF version

Ottawa, 19 June 2015

File numbers: 8620-C12-201401489, 8620-C12-201317230, 8620-C12-201312082 and 4574-472

Determination of costs award with respect to the participation of l'Union des consommateurs in the proceeding initiated by Telecom Notice of Consultation 2014-76

Application

1. By letter dated 12 November 2014, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2014-76 (the proceeding).
2. The Commission did not receive any interventions in response to the application.
3. L'Union 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. L'Union requested that the Commission fix its costs at \$6,030, consisting of \$4,230 in analyst fees, and \$1,800 in legal fees. L'Union filed a bill of costs with its application.
5. L'Union made no submission as to 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. l'Union has satisfied these criteria through its participation in the proceeding. In particular, l'Union provided arguments and information as to whether there is a lack of sufficient competition in the wholesale wireless services market, which assisted the Commission in developing a better understanding of the matters that were considered.
8. 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.
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 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 parties to the proceeding had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding: Bell Mobility Inc. (Bell Mobility); Bragg Communications Incorporated, operating as Eastlink; the Canadian Cable Systems Alliance Inc.; the Canadian Network Operators Consortium Inc.; Cogeco Cable Inc.; Data & Audio Visual Enterprises Wireless Inc., operating as Mobilicity; Globalive Wireless Management Corp., operating as WIND Mobile; MTS Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P.; Rogers Communications Partnership (RCP); Saskatchewan Telecommunications; TBayTel; and TELUS Communications Company (TCC).
11. The Commission considers that, consistent with its practice, it is appropriate to allocate 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. However, the Commission notes that, in Telecom Order 2015-160,² it considered \$1,000 to be the minimum amount that a costs respondent should be required to pay due to the administrative burden that small costs awards impose on both the applicant and cost respondents. Accordingly, the Commission finds that, in this case, the appropriate costs

¹ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services. In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.

² See paragraph 21 of Telecom Order 2015-160.

respondents are Bell Mobility, RCP, and TCC, and that responsibility for payment of costs should be allocated as follows:

Company	Percentage	Amount
TCC	39.7%	\$2,393.91
RCP	37.0%	\$2,231.10
Bell Mobility	23.3%	\$1,404.99

Directions regarding costs

12. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
13. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$6,030.00.
14. The Commission **directs** that the award of costs to l'Union be paid forthwith by TCC, RCP, and Bell Mobility according to the proportions set out in paragraph 11 above.

Secretary General

Related documents

- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188*, Telecom Order CRTC 2015-160, 23 April 2015
- *Review of wholesale mobile wireless services*, Telecom Notice of Consultation CRTC 2014-76, 20 February 2014, as amended by Telecom Notices of Consultation CRTC 2014-76-1, 25 April 2014; and 2014-76-2, 5 September 2014
- *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