



## Telecom Order CRTC 2015-510

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Ottawa, 18 November 2015

*File numbers: 8665-B2-201413343 and 4754-486*

### **Determination of costs award with respect to the participation of CNIB in the proceeding initiated by Bell Canada and Bell Mobility Inc.'s follow-up application to Telecom Decision 2014-527**

#### **Application**

1. By letter dated 6 April 2015, CNIB applied for costs with respect to its participation in the proceeding initiated by an application filed by Bell Canada, on behalf of itself and its affiliate Bell Mobility Inc. (collectively, the Bell companies) [the proceeding]. The application was filed as a follow-up to Telecom Decision 2014-527, which concerned proposals for the use of deferral account funds to improve access to telecommunications services for persons with disabilities.
2. On 29 May 2015, CNIB filed its responses to requests for information from Commission staff.
3. The Commission did not receive any interventions in response to the application for costs.
4. CNIB 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.
5. CNIB requested that the Commission fix its costs at \$4,465, consisting entirely of internal analyst fees. CNIB filed a bill of costs with its application.
6. CNIB submitted that Bell Canada 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. CNIB has satisfied these criteria through its participation in the proceeding. In particular, CNIB provided helpful information and arguments regarding the importance of adequate ongoing regulatory expectations, and of allocating funds toward programs that are the most beneficial for persons with disabilities. CNIB provided a valuable perspective for the Commission, given that it is a registered charity devoted to advancing the ability of Canadians who are blind, deaf-blind, or partially sighted to fully participate in life. CNIB thus helped the Commission in developing a better understanding of the matters that were considered in the proceeding.
9. The rates claimed in respect of internal analyst 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 CNIB 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 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 Bell companies had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding. Therefore, the Bell companies are the appropriate costs respondents to CNIB's application for costs.
12. 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. The Commission leaves it to the members of the Bell companies to determine the appropriate allocation of the costs among themselves.

### **Directions regarding costs**

13. The Commission **approves** the application by CNIB for costs with respect to its participation in the proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to CNIB at \$4,465.

15. The Commission **directs** that the award of costs to CNIB be paid forthwith by Bell Canada on behalf of the Bell companies.

Secretary General

### **Related documents**

- *Bell Canada and Bell Mobility Inc. – Further proposals for the use of deferral account funds to improve access to telecommunications services for persons with disabilities*, Telecom Decision CRTC 2014-527, 8 October 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
- *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