



Telecom Order CRTC 2015-512

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File numbers: 8665-B2-201413343 and 4754-483

Determination of costs award with respect to the participation of the Neil Squire Society 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 4 April 2015, the Neil Squire Society (NSS) 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 28 May 2015, the NSS 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. The NSS 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. In particular, the NSS submitted that it represents the interests of Canadians with disabilities, and provided the Commission with a fuller understanding of what is necessary to establish, maintain, and promote the successful delivery of accessible solutions to Canadians. The NSS also submitted that it is unique as a community-based organization in that it maintains an active research and development group. The NSS submitted that, through its experience in designing, manufacturing, and distributing assistive technologies, it has a unique perspective on what is required to successfully deliver such technologies to end-consumers.
6. The NSS requested that the Commission fix its costs at \$2,249.42, consisting entirely of in-house analyst fees. The NSS filed a bill of costs with its application.

7. The NSS 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

8. 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.

9. The NSS has satisfied these criteria through its participation in the proceeding. Specifically, the NSS represented a group of subscribers that had an interest in the outcome of the proceeding, namely Canadians with disabilities. The NSS's submissions, especially regarding the elements necessary to create a sustainable and effective ecosystem that can deliver accessible mobile devices and assistive technology solutions to Canadians with disabilities, assisted the Commission in developing a better understanding of the issues. Without the NSS's participation, the Commission would not have had as comprehensive an understanding of the factors necessary to establish and deliver accessible solutions to Canadians.
10. The rates claimed in respect of in-house analyst fees are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963.
11. According to the Guidelines, costs claims for in-house analysts are to be reduced to quarter-day increments for days on which fewer than seven hours are worked. The NSS's in-house analyst claimed fees for 4.786 days of work. Rounding to the appropriate quarter-day increment, this total translates to 4.75 days.
12. Using this calculation, and based on the daily analyst rate of \$470 contained in the Guidelines, the total amount of in-house analyst fees incurred should be \$2,232.50. Accordingly, the Commission finds that the amount of \$2,232.50 has been necessarily and reasonably incurred and should be allowed.

13. 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.
14. The proceeding related to an application by the Bell companies regarding their proposal to improve the accessibility of the mobile telecommunications devices and services that they offer. Therefore, the appropriate costs respondents to the NSS's costs application are the Bell companies.
15. 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

16. The Commission **approves with changes** the application by the NSS 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 the NSS at \$2,232.50.
18. The Commission **directs** that the award of costs to the NSS 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