



Telecom Order CRTC 2016-255

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Ottawa, 6 July 2016

File numbers: 8661-Q15-201506966 and 4754-521

Determination of costs award with respect to the participation of the Consumers' Association of Canada and the Public Interest Advocacy Centre in the proceeding leading to Telecom Decision 2016-171

Application

1. By letter dated 1 September 2015, the Consumers' Association of Canada (CAC) and the Public Interest Advocacy Centre (PIAC) [collectively, CAC/PIAC] applied for costs with respect to their participation in the proceeding initiated by Quebecor Media Inc.'s (QMI) application to end Bell Canada's practice of billing customers for a complete month of service, regardless of the customers' service termination dates (the proceeding).
2. The Commission did not receive any interventions in response to the application for costs.
3. CAC/PIAC 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, CAC/PIAC submitted that they represent the interests of a significant group of consumers by educating consumers on marketplace issues and advocating on behalf of consumer interests, particularly interests of vulnerable consumers, concerning the provision of important public services. CAC/PIAC also submitted that they had assisted the Commission in developing a better understanding of the issues raised in the proceeding by identifying a range of relevant considerations for the Commission to assess when evaluating QMI's application, and by providing an additional perspective regarding the Commission's past decisions on this subject that was not discussed by other interveners.
5. CAC/PIAC requested that the Commission fix their costs at \$4,370.68, consisting entirely of legal fees. CAC/PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which CAC/PIAC are entitled in connection with the HST. CAC/PIAC filed a bill of costs with their application.

6. CAC/PIAC submitted that QMI and Bell Canada, as the applicant and respondent, respectively, 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

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. CAC/PIAC have satisfied these criteria through their participation in the proceeding. In particular, CAC/PIAC assisted the Commission in developing a better understanding of the matters considered by providing consumer-focused submissions on Bell Canada's practice of billing customers for 30 days of service, regardless of the customers' service termination dates. CAC/PIAC made submissions on how such practices were inconsistent with both Telecom Regulatory Policy 2013-271 and Broadcasting and Telecom Regulatory Policy 2014-576.
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 Commission finds that the total amount claimed by CAC/PIAC 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 QMI and Bell Canada, as the applicant and respondent, respectively, equally had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding. Both parties were provided an opportunity to comment on CAC/PIAC's submission that they should be named costs respondents; neither party filed any comments.

12. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:

Company	Percentage	Amount
QMI	50%	\$2,185.34
Bell Canada	50%	\$2,185.34

Directions regarding costs

13. The Commission **approves** the application by CAC/PIAC for costs with respect to their participation in the proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to CAC/PIAC at \$4,370.68.
15. The Commission **directs** that the award of costs to CAC/PIAC be paid forthwith by QMI and Bell Canada according to the proportions set out in paragraph 12 above.

Secretary General

Related documents

- *Quebecor Media Inc. – Prohibition of 30-day cancellation policies – Application regarding pro-rated refunds for cancelled services*, Telecom Decision CRTC 2016-171, 5 May 2016
- *Prohibition of 30-day cancellation policies*, Broadcasting and Telecom Regulatory Policy CRTC 2014-576, 6 November 2014
- *The Wireless Code*, Telecom Regulatory Policy CRTC 2013-271, 3 June 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