



Telecom Order CRTC 2016-413

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Ottawa, 17 October 2016

File numbers: 8663-B2-201514050 and 4754-512

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by Bell Canada's application regarding carrier obligations

Application

1. By letter dated 24 February 2016, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Bell Canada's application regarding carrier obligations (the proceeding). Specifically, Bell Canada requested that the Commission (i) impose consumer safeguard obligations directly on resellers pursuant to section 24.1 of the *Telecommunications Act* (the Act), and (ii) remove the requirement imposed through section 24 of the Act that the Canadian carriers impose consumer safeguard obligations on resellers through their tariffs, service contracts, or other arrangements with the resellers.
2. The Commission did not receive any interventions in response to the application for costs.
3. PIAC 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. In particular, PIAC submitted that it represented the interests of Canadian consumers and users of telecommunications services, as well as the public interest at large, by advocating for equitable access, affordability, and protection for telecommunications service users. PIAC added that it provided the Commission a better understanding of the matters that were considered in the proceeding through a concise and focused intervention that offered a distinct point of view.
5. PIAC requested that the Commission fix its costs at \$2,299.69, consisting entirely of legal fees. PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.

6. PIAC 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. PIAC has satisfied these criteria through its participation in the proceeding. In particular, PIAC's intervention assisted the Commission in developing a better understanding of the matters that were considered by providing a constructive alternative view of the issues to that of the carriers.
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 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 appropriate costs respondent to PIAC's costs application is Bell Canada.

Directions regarding costs

12. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
13. Pursuant to subsection 56(1) of the Act, the Commission fixes the costs to be paid to PIAC at \$2,299.69.
14. The Commission **directs** that the award of costs to PIAC be paid forthwith by Bell Canada.

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