



## Telecom Order CRTC 2017-277

PDF version

Ottawa, 2 August 2017

*File numbers: 1011-NOC2016-0293 and 4754-554*

### **Determination of costs award with respect to the participation of Ryan Adams in the proceeding leading to Telecom Regulatory Policy 2017-200**

#### **Application**

1. By letter dated 11 March 2017, Mr. Ryan Adams applied for costs with respect to his participation in the proceeding leading to Telecom Regulatory Policy 2017-200 (the proceeding). In the proceeding, the Commission undertook a review of the Wireless Code.
2. The Commission did not receive any interventions in response to the application for costs.
3. Mr. Adams submitted that he had met the criteria for an award of costs because he had an interest in the outcome of the proceeding, he assisted the Commission in developing a better understanding of the matters that were considered, and he participated in a responsible way.<sup>1</sup>
4. In particular, Mr. Adams submitted that his contribution provided context to the Commission regarding the effects of the Wireless Code in his capacity as a Canadian consumer.
5. Mr. Adams requested that the Commission fix his costs at \$403.96, consisting entirely of disbursements. Mr. Adams filed a bill of costs with his application.
6. Mr. Adams 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**

7. The criteria for an award of costs are set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, which reads as follows:

---

<sup>1</sup> The costs eligibility criteria are set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*. While Mr. Adams referred to the Commission's former *Telecommunications Rules of Procedure* in his application, he identified the appropriate test to be met.

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. Mr. Adams has satisfied these criteria through his participation in the proceeding. He participated as an individual and brought his own personal experience as a consumer of wireless services to bear on his submissions; his submissions focused on the impact of the Wireless Code on Canadians who lack access to wireline broadband and assisted the Commission in better understanding this important issue.
9. The rates claimed in respect of disbursements 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 Mr. Adams 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. Given the small amount of the costs award in this case, it would not be appropriate to name more than one costs respondent, as this could unduly complicate payment to Mr. Adams.
12. While many parties had a significant interest in the outcome of the proceeding and participated actively in it, the Commission considers that the appropriate costs respondent in this case is Rogers Communications Canada Inc. (RCCI).
13. The Commission's general practice is to allocate the responsibility for payment of costs based on telecommunications operating revenues (TORs).<sup>2</sup> Consistent with this practice, in Telecom Order 2017-276, also published today, the Commission named TELUS Communications Company (TCC) as the sole costs respondent for the costs awarded to Mr. Bradley Nickel in the proceeding. Those costs, while slightly higher than the amount claimed by Mr. Adams, were also for an amount that made having more than one costs respondent inappropriate.

---

<sup>2</sup> 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.

14. Given the above, it would be appropriate in the present case to name RCCI, the party to the proceeding with the next highest TORs after TCC, as the costs respondent.

### **Directions regarding costs**

15. The Commission **approves** the application by Ryan Adams for costs with respect to his participation in the proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to Mr. Adams at \$403.96.
17. The Commission **directs** that the award of costs to Mr. Adams be paid forthwith by RCCI.

Secretary General

### **Related documents**

- *Determination of costs award with respect to the participation of Bradley Nickel in the proceeding leading to Telecom Regulatory Policy 2017-200*, Telecom Order CRTC 2017-276, 2 August 2017
- *Review of the Wireless Code*, Telecom Regulatory Policy CRTC 2017-200, 15 June 2017
- *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