



## Telecom Order CRTC 2022-37

PDF version

Ottawa, 17 February 2022

*File numbers: 1011-NOC2020-0081 and 4754-639*

### **Determination of costs award with respect to the participation of l'Union des consommateurs in the proceeding that led to Telecom and Broadcasting Decision 2022-28**

#### **Application**

1. By letter dated 14 August 2020, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding that led to Telecom and Broadcasting Decision 2022-28 (the proceeding). In the proceeding, the Commission considered (i) whether there is a need for Canadians or certain groups of Canadians to continue to receive paper bills; (ii) whether Commission intervention is appropriate and warranted with respect to the paper billing practices of communications service providers;<sup>1</sup> (iii) what measures, if any, the Commission should impose with respect to paper billing practices if Commission intervention is appropriate and warranted; and (iv) how and to whom any new obligations should apply.
2. The Commission did not receive any interventions in response to l'Union's application for costs.
3. L'Union 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, l'Union submitted that it represented the interests and rights of consumers, with a particular focus on households with modest incomes. L'Union indicated that the consumers it represented have a particular interest in the outcome of the proceeding given that numerous Quebec consumers require a paper bill as they may not have internet access at home, or they may not be comfortable using the computer or accessing their accounts online.

---

<sup>1</sup> Communications service providers include telecommunications service providers and broadcasting distribution undertakings.

5. With respect to the group of subscribers it represented, l'Union indicated that it is composed of 14 consumer advocacy groups, the majority of which are in Quebec.<sup>2</sup> L'Union submitted that its structure enables it to maintain a broad vision of consumer issues while developing particular expertise in certain areas, notably through its research on new issues faced by consumers. In particular, l'Union indicated that its representation of consumer interests is shaped by its work on the ground and the establishment of member associations in the communities where it represents consumers.
6. L'Union submitted that it had assisted the Commission in developing a better understanding of the matters considered in the proceeding by conducting a survey regarding the issuance of paper bills and compiling relevant research on the question of paper billing. L'Union further submitted that it had participated in the proceeding in a responsible way by acting in conformity with the Rules of Procedure.
7. L'Union requested that the Commission fix its costs at \$6,345.00, consisting of in-house analyst fees. L'Union submitted that the majority of its submissions addressed telecommunications matters and thereby filed a bill of costs related to such matters.
8. With respect to its analyst fees, l'Union claimed a total of 13.5 days at the daily rate of \$470.00 for two in-house analysts (totalling \$6,345.00).
9. L'Union put forth that the appropriate costs respondents to its application are all the telecommunications service providers that participated in the proceeding.

### **Commission's analysis and determinations**

10. 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.
11. In Telecom Information Bulletin 2016-188, the Commission provided guidance regarding how an applicant may demonstrate that it satisfies the first criterion with respect to its representation of interested subscribers. In the present case, l'Union has demonstrated that it meets this requirement. L'Union indicated that it represented the interests of consumers,

---

<sup>2</sup> These groups include: l'Association coopérative d'économie familiale in 10 regions, l'Association des consommateurs pour la qualité dans la construction, the EBO Financial Education Centre, le Centre d'intervention budgétaire et social de la Mauricie, and le Service d'aide au consommateur de la Mauricie.

particularly households with modest incomes, and identified its member organizations. Further, l'Union described how it determined that the positions it put forward to the Commission reflected the interests of the members it claimed to represent.

12. l'Union has also satisfied the remaining criteria through its participation in the proceeding. In particular, its contribution was well focused, and provided several reasons for l'Union's view that paper billing is necessary to meet consumer needs. These submissions were supported by statistics and consumer perspectives. l'Union also participated in the proceeding in a responsible way.
13. Accordingly, the Commission finds that l'Union meets the criteria for an award of costs under section 68 of the Rules of Procedure.
14. The rates claimed with respect to analyst fees are in accordance with the rates established in the *Guidelines for the Assessment of Costs*, as set out in Telecom Regulatory Policy 2010- 963. The Commission finds that the total amount claimed by l'Union was necessarily and reasonably incurred and should be allowed.
15. The Commission accepts l'Union's submissions as they relate to the allocation of costs between telecommunications and broadcasting matters. Accordingly, the Commission determines that l'Union is entitled to the total costs claim for the work related to telecommunications matters undertaken in the proceeding.
16. 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.
17. 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 following parties had a significant interest in the outcome of the proceeding and participated actively in the proceeding, and are therefore the appropriate costs respondents to l'Union's application for costs: Bell Canada; Bragg Communications Incorporated, carrying on business as Eastlink; Distributel Communications Limited; Quebecor Media Inc., on behalf of Videotron Ltd.; Rogers Communications Canada Inc. (RCCI); Saskatchewan Telecommunications; Shaw Communications Inc.<sup>3</sup>; TekSavvy Solutions Inc.; TELUS Communications Inc. (TCI); and Xplornet Communications Inc.
18. It is also the Commission's general practice to allocate the responsibility for the payment of costs among costs respondents based on their telecommunications operating revenues (TORs).<sup>4</sup> In general, the Commission considers that TORs are indicators of the relative size and interest of the parties involved in proceedings.

---

<sup>3</sup> Shaw Communications Inc. intervened on behalf of: Freedom Mobile Inc.; Shaw Cablesystems G.P.; Shaw Cablesystems Limited; Shaw Cablesystems (VCI) Limited; and Star Choice Television Network Incorporated.

<sup>4</sup> TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

19. As set out in Telecom Order 2015-160, the Commission has previously considered that when there are multiple costs respondents, \$1,000 is the minimum amount that a costs respondent should be required to pay, due to the administrative burden that small costs awards impose on both the applicant and costs respondents.
20. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:<sup>5</sup>

Company	Proportion	Amount
RCCI	36.34%	\$2,305.62
TCI	36.12%	\$2,291.88
Bell Canada	27.54%	\$1,747.50

### 2019 Policy Direction

21. The Governor in Council issued a policy direction in which it directed the Commission to consider how its decisions can promote competition, affordability, consumer interests, and innovation (the 2019 Policy Direction).<sup>6</sup> The Commission considers that the awarding of costs in this instance is consistent with subparagraph 1(a)(iv) of the 2019 Policy Direction.
22. By facilitating the participation of a group that represents consumer interests, this order contributes to enhancing and protecting the rights of consumers in their relationships with telecommunications service providers. Since consumer groups often require financial assistance to effectively participate in Commission proceedings, the Commission is of the view that its practice of awarding costs, as exercised in this instance, enables such groups to provide their perspectives on how consumer interests may be affected by the outcomes of the proceedings. In light of the above, the Commission considers that its determination to award costs to l'Union promotes consumer interests.

### Directions regarding costs

23. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
24. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$6,345.00.

---

<sup>5</sup> In this order, the Commission has used the TORs of the costs respondents based on the most recent audited financial statements available at the close of record.

<sup>6</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

25. The Commission **directs** that the award of costs to l'Union be paid forthwith by RCCI, TCI, and Bell Canada according to the proportions set out in paragraph 20.

Secretary General

### **Related documents**

- *When and how communications service providers must provide paper bills*, Telecom and Broadcasting Decision CRTC 2022-28, 10 February 2022
- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016
- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188*, Telecom Order CRTC 2015-160, 23 April 2015
- *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