



## Telecom Order CRTC 2023-350

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Ottawa, 26 October 2023

*File numbers: 8690-C304-202208529 and 4754-707*

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding that led to Telecom Decision 2023-349**

#### **Application**

1. By letter dated 17 January 2023, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding that led to Telecom Decision 2023-349 (the proceeding). In the proceeding, the Commission denied the various grounds for relief requested by Community Fibre Company Inc. (CFC) in relation to the granting of municipal consent by the Township of Beckwith.
2. The Commission did not receive any response or dispute from CFC regarding PIAC's application.
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. Specifically, PIAC submitted that it represents Canadian consumers, particularly those in rural and remote areas, including Franktown. PIAC explained that it specifically intervened on the group's behalf to argue that the inability of service providers to gain timely consent for installing and expanding their network infrastructure seriously hurts these communities' access to high-speed Internet.
5. PIAC requested that the Commission fix its costs at \$900.00 for legal fees. PIAC filed a bill of costs with its application.
6. PIAC submitted that CFC was the sole appropriate party to be required to pay any costs awarded by the Commission (the costs respondent), given that it filed the application and would directly benefit from any relief granted.

#### **Commission's analysis**

7. The criteria for an award of costs are set out in section 68 of the Rules of Procedure, which reads as follows:

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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. 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, PIAC has demonstrated that it meets this requirement, given that it represents the interests of consumers across Canada, with a particular concern for rural and remote consumers.
9. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submissions drew attention to the reality that rural and remote areas in Canada continue to be underserved, including the remote regions surrounding Ottawa. PIAC highlighted that the inability of service providers to gain timely consent for installing and expanding their network infrastructure can have the effect of hurting these communities in accessing high-speed Internet. PIAC noted the Commission's broad jurisdiction under subsection 43(4) of the *Telecommunications Act* to intervene and grant consent where a carrier cannot obtain it otherwise. This assisted the Commission in developing a better understanding of the matters that were considered.
10. Furthermore, PIAC participated in the proceeding in a responsible way by complying with the Rules of Procedure and by respecting the deadlines and processes set out in the proceeding.
11. The rates claimed in respect of legal 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 PIAC was necessarily and reasonably incurred and should be allowed.
12. 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.
13. In its application, PIAC named CFC as the sole cost respondent, given that it filed the application and would directly benefit from any relief granted. 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. CFC is the only telecommunications service provider that participated in the proceeding. Therefore, CFC is appropriately the costs respondent and is entirely responsible for the payment of costs.

### **Directions regarding costs**

14. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$900.00.
16. The Commission **directs** that the award of costs to PIAC be paid forthwith by CFC.

Secretary General

### **Related documents**

- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016
- *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