Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Telecom Order CRTC 2023-376

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Ottawa, 20 November 2023

File numbers: 1011-NOC2022-0065 and 4754-694

Determination of costs award with respect to the participation of the Canada Deaf Grassroots Movement in the proceeding initiated by Telecom Notice of Consultation 2022-65

Application

1. By letter dated 12 September 2022, the Canada Deaf Grassroots Movement (CDGM) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2022-65 (the proceeding). In the proceeding, the Commission sought to address disparities in the cost of next-generation 9-1-1 (NG9-1-1) services across Canada in order to prevent certain customers, including vulnerable and rural residents, from facing significantly higher access costs to NG9-1-1 services. Specifically, the Commission asked for input from parties on whether NG9-1-1 services should be funded, at least in part, through the National Contribution Fund.

2. The Commission did not receive any interventions in response to the application for costs.

3. The CDGM 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, the CDGM submitted that it works with the public, private and non-profit sectors to remove and prevent barriers faced by Deaf, Deaf-Blind, hard of hearing and late deafened (DDBHH) Canadians in a variety of areas including communication, education, employment, health, legal services and recreation. The CDGM also submitted that it represents DDBHH Canadians who use sign language.

5. The CDGM requested that the Commission fix its costs at $3,960 consisting entirely of external consultant fees. The CDGM filed a bill of costs with its application.

6. The CDGM claimed 34.5 hours for an external consultant at a rate of $110 per hour for reviewing the file and preparing the intervention ($3,795) and 1.5 hours for another external consultant at a rate of $110 per hour for reviewing the file and preparing the intervention ($165).

7. The CDGM submitted that the telecommunications service providers who participated in the proceeding are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Commission's analysis

8. 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.

9. 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, the CDGM has demonstrated that it meets this requirement. Its participation underscored the importance of NG9-1-1 funding as it relates to Deaf and hard of hearing (DHH) consumers to ensure that Canadians of all linguistic backgrounds may benefit equally from NG9-1-1. The CDGM also discussed how NG9-1-1 funding would need to be tailored to address the needs of those DHH Canadians living in rural communities. Furthermore, the CDGM filed all its documents on time and adhered to the processes of the proceeding.

10. The rates claimed in respect of consultant fees are in accordance with the rates established in the *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by the CDGM was necessarily and reasonably incurred and should be allowed.

11. 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.

12. 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: 9315-1884 Québec inc.; Bell Canada; Brooke Telecom Co-operative Ltd.; Bruce Telecom Ontario Inc.; City West Cable & Telephone Corp.; Cochrane Telecom Services; CoopTel coop de télécommunication; Execulink Telecom Inc.; Gosfield North Communications Co-operative Limited; Hay Communications Co-operative Limited; Huron Telecommunications Co-operative Limited; Lansdowne Rural Telephone Company Ltd.; Mornington Communications Co-operative Limited; Nexicom Inc.; North Frontenac Telephone Corporation Ltd.; North Renfrew Telephone Company Limited; Quadro Communications Co-operative Inc.; Quebecor Media Inc.; Rogers Communications Canada Inc. (RCCI); Saskatchewan Telecommunications; Shaw Communications Inc. (Shaw)[1]; Sogetel inc.; SSi Canada; TELUS Communications Inc. (TCI); TBayTel; Tuckersmith Communications Co-operative Limited; Wightman Telecom Ltd.; WTC Communications; and Xplornet Communications Inc.

13. The Commission considers that, consistent with its practice, it is appropriate to allocate the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs) as an indicator of the relative size and interest of the parties involved in the proceeding.

14. However, set out in Telecom Order 2015-160, the Commission considers $1,000 to be 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.

15. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:[2]

Company	**Proportion**	**Amount**
RCCI	38.18%	$1,511.92
TCI	35.97%	$1,424.32
Bell Canada	25.85%	$1,023.76

Directions regarding costs

16. The Commission **approves** the application by the CDGM for costs with respect to its participation in the proceeding.

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[1] The Commission is aware of the recent transaction between RCCI and Shaw. Due to the complexity involved in determining the new telecommunications operating revenue (TOR) amounts contrasted with the relatively small costs amount in question, the Commission maintained separate TORs for Shaw for the calculation in this application. (TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.)

[2] In this order, the Commission has used the TORs of the costs respondents based on their 2021 audited financial statements.

17. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the CDGM at $3,960.

18. The Commission **directs** that the award of costs to the CDGM be paid forthwith by RCCI, TCI and Bell Canada according to the proportions set out in paragraph 15.

Secretary General

Related documents

- *Call for comments – Funding next-generation 9-1-1 access services through the National Contribution Fund*, Telecom Notice of Consultation CRTC 2022-65, 8 March 2022; as amended by Telecom Notice of Consultation CRTC 2022-65-1, 24 March 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