



## Telecom Order CRTC 2024-286

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Ottawa, 13 November 2024

*File numbers: 8622-J64-202305771 and 4754-754*

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by an application to review and vary Telecom Decision 2024-141**

#### **Application**

1. By letter dated 26 September 2024, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by an application to review and vary Telecom Decision 2024-141 (the proceeding). In the proceeding, the Commission considered whether it had erred in finding that Bell had violated its tariffs by issuing a notice of disconnection of wholesale telecommunications services to Iristel Inc. (Iristel), which would affect Iristel's customers.
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 represents the interests of all consumers across Canada, with a particular focus on low-income consumers. PIAC also submitted that because it was the only party that raised issues and provided evidence related to the diversity of concerns of Canadian consumers, particularly low-income and vulnerable consumers, its contribution did not duplicate that of the other public interest interveners.
5. PIAC requested that the Commission fix its costs at \$1,985.16, 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 claimed 3.6 hours for external counsel at a rate of \$290 per hour for work reviewing the intervention and 1.5 days for in-house counsel at a rate of \$600 per day for work reviewing the file, drafting the intervention, and performing legal research.

7. PIAC submitted that telecommunications service providers that participated in the proceeding are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents) because, in PIAC's view, they had the most significant interest in the outcome of the proceeding.
8. PIAC suggested that the responsibility for payment of costs should be divided among the costs respondents on the basis of their gross revenues or another similar factor.

### **Commission's analysis**

9. 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.
10. 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. PIAC represented the interests of all consumers across Canada with a particular focus on low-income consumers.
11. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submissions, especially regarding how low-income and vulnerable consumers are affected by a lack of competition in the market, assisted the Commission in developing a better understanding of the matters that were considered.
12. 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.
13. 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.

14. 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: Bell Canada, Cloudwifi Inc., Ice Wireless Inc., Iristel, ISP Telecom Inc., and Northwestel Inc.
15. 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.<sup>1</sup>
16. However, as 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.
17. Accordingly, the Commission finds that Bell Canada is the appropriate costs respondent to PIAC's application for costs.<sup>2</sup>

### **Directions regarding costs**

18. The Commission approves the application by PIAC for costs with respect to its participation in the proceeding.
19. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$1,985.16.
20. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada.

Secretary General

### **Related documents**

- *Iristel Inc. – Request for relief against Bell Canada and Northwestel Inc. with respect to notices of disconnection of telecommunications services*, Telecom Decision CRTC 2024-141, 27 June 2024
- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016

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<sup>1</sup>TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

<sup>2</sup> In this order, the Commission has used the TORs of the cost respondents based on their most recent audited financial statements.

- *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*