



Telecom Order CRTC 2024-287

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Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by the Canadian Association of Chiefs of Police, the Canadian Association of Fire Chiefs, and the Paramedic Chiefs of Canada

Application

1. By letter dated 19 March 2024, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by an application from the Canadian Association of Chiefs of Police, the Canadian Association of Fire Chiefs, and the Paramedic Chiefs of Canada (the proceeding). In the proceeding, the associations requested that the Commission extend the deadline for the implementation of next-generation 9-1-1 (NG9-1-1) networks past the original deadline of 4 March 2025.¹²
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 Canadian consumers, particularly low-income and vulnerable consumers. With respect to the specific methods by which PIAC has submitted that it represents this group or class, PIAC explained that it is held accountable of its representation of the public interest through a volunteer board of directors drawn from across Canada.

¹ The Commission received two other applications from various entities representing public safety answering points also requesting an extension of the NG9-1-1 implementation deadline. The three applications were merged into one single proceeding through a [staff letter](#) dated 9 January 2024.

² In Telecom Decision 2021-199, the Commission set the deadline for incumbent local exchange carriers to decommission their current 9-1-1 network components to 4 March 2025.

5. PIAC requested that the Commission fix its costs at \$2,071.28, consisting entirely of legal fees. PIAC claimed 0.9 hours at a rate of \$290 per hour for outside legal counsel (\$271.28) and 3 days for in-house counsel at a rate of \$600 per day (\$1,800.00). 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 submitted that major carriers that participated in the proceeding are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).
7. PIAC suggested that the responsibility for payment of costs should be divided among the costs respondents based on the most recent financial information provided to the Commission.

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, PIAC has demonstrated that it meets this requirement. PIAC represented the interests of Canadian consumers, particularly vulnerable and low-income consumers, who could be affected by a Commission decision to extend the NG9-1-1 implementation deadline.
10. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submissions assisted the Commission in developing a better understanding of the matters that were considered. PIAC highlighted the importance of prioritizing public safety and argued that it would be prudent to delay the decommissioning of the current enhanced 9-1-1 networks to

allow time for public safety answering points to be fully prepared to handle this critical service. Accordingly, the Commission finds that the applicant meets the criteria for an award of costs under section 68 of the Rules of Procedure.

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. 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, Quebecor Media Inc., Rogers Communications Canada Inc. (RCCI)³, Saskatchewan Telecommunications, and TELUS Communications Inc.
14. 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.⁴
15. 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.
16. Accordingly, the Commission finds that RCCI is the appropriate costs respondent to PIAC's application for costs.⁵

Directions regarding costs

17. The Commission approves the application by PIAC for costs with respect to its participation in the proceeding.

³ The Commission notes that since the 2023 telecommunications operating revenues were reported, ownership transactions have changed the makeup of RCCI. As a result, Shaw Group's and Shaw Telecom G.P.'s TORs have been added to RCCI's.

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

⁵ In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.

18. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$2,071.28.
19. The Commission directs that the award of costs to PIAC be paid forthwith by RCCI.

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
- *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