



Telecom Order CRTC 2024-305

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Ottawa, 27 November 2024

File numbers: 1011-NOC2023-0039 and 4754-732

Determination of costs award with respect to the participation of The Deaf Wireless Canada Consultative Committee in the proceeding initiated by Telecom Notice of Consultation 2023-39 Application

1. By letter dated 2 February 2024, the Deaf Wireless Canada Consultative Committee (DWCC) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2023-39 (the proceeding). In the proceeding, the Commission invited comments on a proposal that all Canadian carriers be required to notify the Commission, Innovation, Science and Economic Development Canada, and any other relevant authorities of major service outages and to submit a comprehensive post-outage report to the Commission. Going forward, these proposed measures would be applied as a condition of service pursuant to section 24 of the *Telecommunications Act* (the Act).
2. The Commission did not receive any interventions in response to the application for costs.
3. The DWCC 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 DWCC submitted that it advocates for accessible wireless communications equality for deaf, deafblind, and hard-of-hearing (DDBHH) Canadians in various ways, such as ensuring equitable access to emergency telecommunications services.
5. The DWCC submitted that it had assisted the Commission in developing a better understanding of the matters that were considered. For instance, the DWCC's submission (i) reinforced the fact that service outages have a large impact on all the relay services that assist DDBHH Canadians with their access to telecommunications services; (ii) provided context about incidental learning, showing how DDBHH Canadians are disadvantaged without the audio information that is around them and deserve access to detailed information on par with their hearing counterparts; (iii) emphasized the importance of detailed notifications and alerts; and (iv) pointed out

the importance of the reliability, resilience, and redundancy of 911 services that could be impacted by outages.

6. The DWCC requested that the Commission fix its costs at \$9,900.00, consisting entirely of consultant fees. The DWCC claimed 44 hours at the hourly rate of \$225 for work conducted by its sole consultant. The DWCC submitted a bill of costs with its application.
7. The DWCC submitted that the participating telecommunication service providers are the appropriate parties to be required to pay any costs awarded by the Commission based on their telecommunications operating revenues (TORs)¹ (the costs respondents).

Commission's analysis

8. The Commission notes that the application was filed after the deadline for such filings. However, the Commission considers that the DWCC has provided sufficient justification for the delay. None of the potential costs respondents were prejudiced by this short delay and all were copied on the DWCC's application.
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, the DWCC has demonstrated that it meets this requirement. The DWCC is an independent, not-for-profit organization that advocates to achieve accessible wireless communications equality for DDBHH Canadians. The DWCC member who participated in the proceeding, whose primary language is American Sign Language (ASL), provided

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

the Commission with a clearer understanding of the experiences of DDBHH individuals with outages.

11. The DWCC has also satisfied the remaining criteria through its participation in the proceeding. In particular, the DWCC contributed two videos in ASL that assisted the Commission with a better understanding of the impacts of outages on DDBHH Canadians. Accordingly, the Commission finds that the applicant meets the criteria for an award of costs under section 68 of the Rules of Procedure.
12. The rates claimed in respect of consultant 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 the DWCC 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 companies had a significant interest in the outcome of the proceeding and participated actively in the proceeding: Bell Canada, Bragg Communications Incorporated, carrying on business as Eastlink; Cogeco Communications Inc., on behalf of Cogeco Connexion Inc.; Quebecor Media Inc., on behalf of Videotron Ltd.; Rogers Communications Canada Inc. (including Shaw Group and Shaw Telecom G.P.) (RCCI); Saskatchewan Telecommunications; TBayTel; TekSavvy Solutions Inc.; Telesat Corporation; and TELUS Communications Inc. (TCI).
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 TORs as an indicator of the relative size and interest of the parties involved in the proceeding.
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 the responsibility for payment of costs should be allocated as follows:²

Company	Proportion	Amount
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² In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.

RCCI	41.55%	\$4,113.40
TCI	35.10%	\$3,474.57
Bell Canada	23.35%	\$2,312.03

Directions regarding costs

18. The Commission approves the application by the DWCC for costs with respect to its participation in the proceeding.
19. Pursuant to subsection 56(1) of the Act, the Commission fixes the costs to be paid to the DWCC at \$9,900.
20. The Commission directs that the award of costs to the DWCC be paid forthwith by Bell Canada, RCCI, and TCI according to the proportions set out in paragraph 17.

Secretary General

Related documents

- *Call for comments – Development of a regulatory framework to improve network reliability and resiliency – Mandatory notification and reporting about major telecommunications service outages*, Telecom Notice of Consultation CRTC 2023-39, 22 February 2023; as amended by Telecom Notice of Consultation CRTC 2023-39-1, 11 September 2023
- *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