



## Telecom Order CRTC 2025-112

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Gatineau, 20 May 2025

*File numbers: 1011-NOC2024-0235 and 4754-757*

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by Telecom Notice of Consultation 2024-235**

#### **Application**

1. By letter dated 17 December 2024, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2024-235 (the proceeding). In the proceeding, the Commission considered whether regional carriers should have access to Bell Mobility Inc.'s (Bell Mobility) and TELUS Communications Inc.'s (TELUS) shared national network when subscribing to either company's wholesale roaming service.
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, including low-income and vulnerable consumers, who have an interest in the outcome of the proceeding.
5. With respect to the specific method by which PIAC has submitted that it represents this group or class, PIAC explained that it advocated for increased competition, consumer choice, and affordability. It added that facilitating regional carriers' access to Bell Mobility's and TELUS's full shared network as a single footprint would provide more national roaming service options for regional carriers, thereby offering greater access and choice for retail consumers.
6. PIAC requested that the Commission fix its costs at \$2,400.00, consisting entirely of legal fees. PIAC filed a bill of costs with its application.

7. PIAC claimed four days for in-house counsel at a rate of \$600 per day for work preparing for the proceeding.
8. PIAC submitted that all 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). 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**

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 Canadian consumers, including those of low-income and vulnerable consumers, who have an interest in the outcome of the proceeding.
11. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submissions, especially regarding the importance of wholesale roaming services to facilitate regional carriers' national coverage, thereby offering greater access and choice for retail consumers, 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 Mobility; Bragg Communications Incorporated, carrying on business as Eastlink; Cogeco Communications Inc.; Competitive Network Operators of Canada; Ecotel inc.; Independent Telecommunications Providers Association; Quebecor Media Inc., on behalf of Freedom Mobile Inc. and Videotron Ltd.; Rogers Communications Canada Inc. (Rogers); and TELUS.
15. Given that the proceeding focused on mobile wireless services, particularly the wholesale roaming services framework, the Commission considers it appropriate to depart from its practice of allocating the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs).<sup>1</sup> Instead, the Commission considers that in the present case, it is appropriate to base the allocation on costs respondents' wireless operating revenues (WORs) 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:<sup>2</sup>

<b>Company</b>	<b>Proportion</b>	<b>Amount</b>
Rogers <sup>3</sup>	51.56%	\$1,237.54
Bell Mobility	48.44%	\$1,162.46

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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 WORs of the costs respondents based on their most recent audited financial statements.

<sup>3</sup> The Commission notes that since the 2023 WORs were reported, ownership transactions have changed the makeup of Rogers. As a result, Shaw Group's and Shaw Telecom G.P.'s WORs have been added to Rogers'.

## **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 \$2,400.00.
20. The Commission directs that the award of costs to PIAC be paid forthwith by Rogers and Bell Mobility according to the proportions set out in paragraph 17.

Secretary General

## **Related documents**

- *Show cause and call for comments – Available footprint for Bell Mobility Inc. and TELUS Communications Inc.’s wholesale roaming services*, Telecom Notice of Consultation CRTC 2024-235, 7 October 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
- *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