



Telecom Order CRTC 2025-97

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Gatineau, 14 May 2025

File numbers: 1011-NOC2021-0102 and 4754-724

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 2021-102

Application

1. By letter dated 3 December 2023, the Deaf Wireless Canada Consultative Committee (DWCC) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2021-102 (the proceeding). In the proceeding, the Commission undertook a comprehensive review of video relay service (VRS) to assess whether it efficiently addresses the needs of Canadians with hearing and speech disabilities, among other matters.¹
2. On 25 January 2024, Bell Canada, Quebecor Media Inc. on behalf of Videotron Ltd. (Quebecor), Rogers Communications Canada Inc. (Rogers), and TELUS Communications Inc. (TELUS) collectively filed an answer in response to the DWCC's costs application. Commission staff sent a request for information (RFI) to the DWCC on 26 February 2024. On 15 April 2024, the DWCC filed a reply to the RFI and an amended costs application.
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. With respect to the group or class of subscribers that the DWCC submitted it represents, the DWCC explained that it represents the interests of Deaf, Deaf-Blind, and hard of hearing (DDBHH) Canadians. The DWCC submitted that its members are part of the Deaf-Blind community, and that its team members have chosen a consumer-focused approach,

¹ The DWCC participated in the proceeding initiated by the filing of the Canadian Administrator of VRS (CAV) Inc.'s 2022 annual budget review (the CAV proceeding). By way of a Secretary General letter dated 9 May 2022, the Commission determined that, while out of scope of the CAV proceeding, the DWCC's submissions provided insights that were within the scope of the VRS proceeding. The Commission transferred the DWCC's submissions to the record of the VRS proceeding, and the DWCC therefore included the costs incurred in the CAV proceeding into its application for costs filed under the VRS proceeding.

researching issues in a fully accessible manner whenever possible. The DWCC also submitted that its contribution did not duplicate that of any other public interest parties.

Details of the costs claimed

5. Through its amended costs application, the DWCC requested that the Commission fix its costs at \$109,569.95, consisting of \$107,120 in consultant and analyst fees and \$2,449.95 in disbursements.² The DWCC filed a bill of costs with its application.
6. The DWCC submitted that it collaborated with the Canadian National Society of the Deaf-Blind, Inc. (CNSDB) and the Deaf-Blind Planning Committee (DBPC) in an effort to reduce costs associated with these groups' collective participation in the proceeding and to participate in a responsible way.
7. The DWCC claimed 260 hours at a rate of \$225 per hour for work performed by one external senior consultant (\$58,500), 382 hours at a rate of \$110 per hour for work performed by seven external consultants (\$42,020), and 40 hours at a rate of \$165 per hour for work performed by one external intermediate analyst (\$6,600). This included 90 hours (\$14,220) to prepare and submit its costs application and an additional 117 hours (\$20,920) to prepare and submit its response to Commission staff's RFI.
8. The DWCC submitted that telecommunications service providers are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents), based on their telecommunications operating revenues (TORs).³

Answer

9. In a joint answer dated 25 January 2024, Bell Canada, Quebecor, Rogers, and TELUS (the companies) asked the Commission to confirm whether the costs submitted by the DWCC satisfy the criteria for an award of costs set out under section 68 of the Rules of Procedure. The companies also challenged the total amount of costs claimed by all the costs applicants in the proceeding.
10. The companies submitted that the costs claimed by the DWCC (as well as those claimed by the CNSDB and the DBPC) were high in comparison to the costs claimed by the other costs applicants in the proceeding. The companies submitted that these costs applicants did not coordinate with each other in an efficient and cost-effective manner and appear to have claimed excessive hours.

RFI

11. On 15 April 2024, the DWCC responded to the RFI sent by Commission staff on 26 February 2024, confirming and correcting some duplication of the fees claimed by its

² The disbursement costs claimed by the DWCC are all associated with the additional costs claimed for responding to the RFI.

³ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

organization regarding identical fees claimed by other costs applicants for the same work performed on the same date by some consultants and/or analysts.

12. Together with its response to the RFI, the DWCC amended its costs application to remove duplicate claims and to increase the total amount claimed to include an additional 117 hours of work (\$20,920.00) and \$2,449.95 in disbursements associated with responding to the RFI.

Commission's analysis

13. 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.
14. 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 represents the interests of DDBHH Canadians for wireless equality and advocates for accessible telecommunications that meet the needs of DDBHH Canadians.
15. The DWCC has also satisfied the remaining criteria through its participation in the proceeding. In particular, the DWCC's submissions, especially those regarding the experiences of Deaf-Blind persons with VRS and demographic data on VRS consumers' experiences, needs, barriers, and perspectives, assisted the Commission in developing a better understanding of the matters that were considered. The DWCC's submissions also offered a consumer-focused lens of the issues, barriers, and needs of Deaf-Blind Canadians regarding VRS. Additionally, the DWCC's submissions examined cost-reasonable accessible wireless products and services, and accessible wireless emergency services, including an Indigenous perspective on the matters considered.
16. The Commission also notes that the DWCC collaborated with the CNSDB and the DBPC in an effort to reduce costs associated with their collective participation in the proceeding and to participate in a responsible way. The Commission has reviewed the costs claimed by each group to ensure that this collaboration is accurately reflected, and the Commission is satisfied that the parties have properly allocated the number of hours across their claims.
17. The rates claimed in respect of the DWCC's participation in the proceeding are generally 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. However, in its review, the Commission identified several areas that required additional examination, and in some cases that required an adjustment in the costs to be awarded.

Costs claimed for preparing and filing the costs application

18. The Commission awards costs to reimburse parties for reasonable expenses that were necessary for a party to file submissions that allow the Commission to have a better understanding of the substantive issues in a proceeding pursuant to paragraph 4(a) of the Guidelines and subsection 70(2) of the Rules of Procedure. This can include reasonable costs to file a costs application because reimbursement for expenses is often critical to ensuring that public interest participants can participate in a meaningful way. However, paragraphs 18 and 19 of the Guidelines state that time claimed must not be excessive, and that time claimed and awarded in the proceeding or other similar proceedings, among other things, may be taken into account.
19. In the proceeding, the DWCC claimed 90 hours (\$14,220) to prepare and file its costs application. In the last seven years, the highest amount of time claimed and awarded to costs applicants for preparing and submitting costs applications has been 24 hours. This includes files where costs were claimed for applications of similar complexity by costs applicants representing the DDBHH community, who the Commission has acknowledged require additional time and resources to participate in Commission proceedings.⁴ The amount of time claimed by the DWCC is significantly higher than the amount of time claimed by most other costs applicants in the proceeding for preparing and filing costs applications.
20. To ensure consistency and equitable treatment between all costs applicants, the Commission finds that, generally, a reasonable amount of time to claim for the filing of a costs application would be no more than 24 hours (or its daily equivalent, as applicable and pro-rated).
21. In light of the above, the Commission reduces, on a pro-rata basis to the hourly rates claimed, the time claimed by the DWCC for preparing and filing its costs application to 24 hours (\$3,792.20).⁵

Costs claimed for answering the RFI and amending the costs application

22. In addition to the costs claimed for filing its initial costs application, the DWCC amended its application to claim supplementary costs for the time spent answering Commission staff's RFI regarding its application for costs. This totalled an additional 117 hours (\$20,920) and \$2,449.95 in disbursements.

⁴ See Telecom Order 2022-255.

⁵ The DWCC claimed 42 hours at the rate of \$110 per hour (\$4,620), 20 hours at the rate of \$165 per hour (\$3,300), and 28 hours at the rate of \$225 per hour (\$6,300) for preparing and filing its costs application. After a pro-rated reduction, the portion allowed represents 11.2 hours at the rate of \$110 per hour (\$1,232), 5.33 hours at the rate of \$165 per hour (\$879.45), and 7.47 hours at the rate of \$225 per hour (\$1,680.75).

23. While reasonable costs for preparing a costs application can be necessary for participation in a proceeding, time spent responding to an RFI about issues in a costs application is the responsibility of the costs applicant. The additional submissions gave the DWCC an opportunity to adjust its costs application.
24. In light of the above, the Commission excludes the costs claimed by the DWCC to respond to Commission staff's RFI, namely \$20,920 (117 hours of work) and \$2,449.95 (disbursements).

Costs respondents and allocation of costs

25. 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, including its related companies or divisions Bell Mobility Inc., Bell MTS Inc., Lucky Mobile, Solo Mobile, and Virgin Mobile (collectively, Bell Canada et al.); Bragg Communications Incorporated, carrying on business as Eastlink; Cogeco Communications Inc. (Cogeco); Quebecor, including Videotron Ltd. and Freedom Mobile Inc.; Rogers, including Shaw Group and Shaw Telecom G.P.; Saskatchewan Telecommunications (SaskTel); TBayTel; TELUS; and Xplore Mobile Inc.
26. 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. 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.
27. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:⁶

Company	Proportion	Amount
Bell Canada et al.	34.76%	\$26,330.84
Rogers	28.56%	\$21,640.54
TELUS	24.59%	\$18,632.38
Quebecor	8.05%	\$6,099.66
SaskTel	2.18%	\$1,651.83
Cogeco	1.87%	\$1,416.94

⁶ In this order, the Commission has used the TORs of the costs respondents based on their 2022 audited financial statements.

Directions regarding costs

28. The Commission approves the application by the DWCC for costs with respect to its participation in the proceeding.
29. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the DWCC at \$75,772.20.
30. The Commission directs that the award of costs to the DWCC be paid forthwith by Bell Canada et al., Rogers, TELUS, Quebecor, SaskTel, and Cogeco, according to the proportions set out in paragraph 27 above.

Secretary General

Related documents

- *Determination of costs award with respect to the participation of the Canadian National Society of the Deaf-Blind, Inc. in the proceeding initiated by Telecom Notice of Consultation 2020-178*, Telecom Order CRTC 2022-255, 21 September 2022
- *Call for comments – Review of video relay service*, Telecom Notice of Consultation CRTC 2021-102, 11 March 2021; as amended by Telecom Notices of Consultation CRTC 2021-102-1, 26 April 2021; 2021-102-2, 30 June 2021; 2021-102-3, 14 March 2022; and 2021-102-4, 19 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