



Telecom Costs Order CRTC 2007-19

Ottawa, 12 December 2007

Application for costs by the Public Interest Advocacy Centre – Follow-up to Telecom Decision 2005-38, *Bill management tools* – *Debt repayment plans*

Reference: 8638-C12-200515002 and 4754-295

1. By letter dated 15 July 2007, the Public Interest Advocacy Centre (PIAC) on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization (the Consumer Groups) applied for costs with respect to its participation in the follow-up proceeding to Telecom Decision 2005-38 (follow-up to Decision 2005-38 proceeding).
2. The Commission did not receive any comments in answer to the application.

The application

3. PIAC submitted that it had met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules) as it represents a group of subscribers that had an interest in the outcome of the follow-up to Decision 2005-38 proceeding, it had participated responsibly in the follow-up to Decision 2005-38 proceeding, and it had contributed to a better understanding of the issues by the Commission through its participation in the follow-up to Decision 2005-38 proceeding.
4. PIAC requested that the Commission fix its costs at \$17,737.10 for legal fees for external counsel. PIAC's claim included the Federal Goods and Services Tax (GST) on fees less the rebate to which PIAC is entitled in connection with the GST. PIAC filed a bill of costs with its application.
5. PIAC claimed 51.8 hours at a rate of \$250.00 per hour for legal fees for John Lawford and 28 hours at a rate of \$165.00 per hour for legal fees for Geneviève Duchesne.
6. PIAC submitted that the appropriate respondents in this case were Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), Bell Canada, MTS Allstream Inc. (MTS Allstream), Saskatchewan Telecommunications (SaskTel) and TELUS Communications Company (TCC).

Commission's analysis and determinations

7. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that PIAC is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, has participated in a responsible way, and has contributed to a better understanding of the issues by the Commission.

8. The Commission is of the view that 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.
9. The Commission notes that the rates claimed in respect of legal fees are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 24 April 2007. The Commission also finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
10. In determining the appropriate respondents to an award of costs, the Commission has generally looked at which parties are affected by the issues and have actively participated in the proceeding. Given that this proceeding dealt with the bill management tools of the incumbent local exchange carriers (ILECs), the Commission considers that the appropriate respondents to PIAC's costs application are the ILECs who participated in the proceeding, namely Bell Aliant, Bell Canada, MTS Allstream, SaskTel and TCC.
11. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs among respondents on the basis of the respondents' telecommunications operating revenues (TORs), as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission is of the view that, in the present circumstances, it is appropriate to apportion the costs among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. Accordingly, the Commission finds that the responsibility for the payment of costs should be allocated as follows:

Bell Aliant	9%
Bell Canada	45%
MTS Allstream	8%
SaskTel	4%
TCC	34%

Direction as to costs

12. The Commission **approves** the application by PIAC for costs with respect to its participation in the follow-up to Decision 2005-38 proceeding.
13. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$17,737.10.
14. The Commission **directs** that the award of costs to PIAC be paid forthwith by the ILECs according to the proportions set out in paragraph 11.

Secretary General

Related documents

- *Bill management tools – Debt repayment plans*, Telecom Decision CRTC 2005-38, 29 June 2005
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002

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