



Telecom Costs Order CRTC 2007-20

Ottawa, 17 December 2007

Application for costs by the Public Interest Advocacy Centre – *Retail and competitor quality of service rate adjustment plans* – *Adverse events*, Telecom Public Notice CRTC 2007-9

Reference: 8660-C12-200708159 and 4754-297

1. By letter dated 15 August 2007, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Telecom Public Notice 2007-9 (the Public Notice 2007-9 proceeding).
2. On 18 October 2007, Bell Canada responded to PIAC's application on behalf of Bell Aliant Regional Communications, Limited Partnership, Bell Canada and Saskatchewan Telecommunications (collectively, Bell Canada et al.).

The application

3. In its submission, PIAC stated that it 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 Public Notice 2007-9 proceeding, it had participated responsibly, and it had contributed to a better understanding of the issues by the Commission through its participation in the Public Notice 2007-9 proceeding.
4. PIAC filed a bill of costs with its application and requested that the Commission fix its costs at \$3,823.36 for legal fees incurred. 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.
5. PIAC did not name any costs respondents or take any position with respect to the allocation of its costs.

Answer

6. In answer to the application, Bell Canada et al. stated that they did not oppose PIAC's claim.

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 represents 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 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 accordingly 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. The Commission notes, in this regard, that in addition to Bell Canada et al., the following parties participated actively in the Public Notice 2007-9 proceeding and had a significant interest in its outcome: MTS Allstream Inc. (MTS Allstream); TELUS Communications Company (TCC); and Rogers Communications Inc. (Rogers).
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. Given the relative differences in telecommunications revenues between the interested parties, the Commission finds that the responsibility for the payment of costs should be allocated as follows:

Bell Canada et al.	54%
TCC	33%
MTS Allstream	8%
Rogers	5%

12. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of Bell Canada et al. and leaves it to the members of Bell Canada et al. to determine the appropriate allocation of the costs among themselves.

Direction as to costs

13. The Commission **approves** the application by PIAC for costs with respect to its participation in the Public Notice 2007-9 proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$3,823.36.
15. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada (on behalf of Bell Canada et al.), MTS Allstream, TCC and Rogers according to the proportions set out in paragraph 11.

Secretary General

Related documents

- *Retail and competitor quality of service rate adjustment plans – Adverse events*, Telecom Public Notice CRTC 2007-9, 30 November 2007
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002
- *Action Réseau Consommateur, the Consumers' Association of Canada, Fédération des associations coopératives d'économie familiale and the National Anti-Poverty Organization application for costs – Public Notice CRTC 2001-60*, Telecom Costs Order CRTC 2002-4, 24 April 2002

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