



Telecom Costs Order CRTC 2007-7

Ottawa, 18 April 2007

Application for costs by l'Union des Consommateurs – Amendment to the Statement of Consumer Rights, Telecom Decision CRTC 2006-78

Reference: 8638-C12-200611956 and 4754-287

1. By letter dated 8 January 2007, l'Union des Consommateurs (l'Union) applied for costs with respect to its participation in the proceeding resulting in *Amendment to the Statement of Consumer Rights*, Telecom Decision CRTC 2006-78, 21 December 2006 (Decision 2006-78).
2. By letter dated 19 January 2007, TELUS Communications Company (TCC) filed comments in response to the application.
3. L'Union did not file a reply to the comments submitted regarding its application.

The application

4. L'Union 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 represented a group of subscribers that had an interest in Decision 2006-78, it had participated responsibly in the proceeding leading to Decision 2006-78, and it had contributed to a better understanding of the issues by the Commission.
5. L'Union filed a bill of costs with its application, claiming a total amount of \$600, consisting entirely of legal fees.
6. L'Union did not name any costs respondents or take any position as to the allocation of costs.

Answers

7. In answer to the application, TCC submitted that it did not oppose the application from l'Union to costs nor the amount of costs claimed. TCC suggested that the appropriate costs respondents should be the incumbent local exchange carriers (ILECs), specifically Bell Aliant Regional Communications, Limited Partnership, Bell Canada, Saskatchewan Telecommunications, and Société en commandite Télébec (collectively, the Companies), MTS Allstream Inc. (MTS Allstream) and TCC, and that costs should be apportioned between the ILECs based on total telecommunication operating revenues (TORs).

Commission's analysis and determinations

8. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that l'Union is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, it has participated in a responsible way, and it has contributed to a better understanding of the issues by the Commission.
9. 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 *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002.

10. 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 15 May 1998. The Commission also finds that the total amount claimed by l'Union was necessarily and reasonably incurred and should be allowed.
11. The Commission considers that the Companies, TCC and MTS Allstream had a significant interest in the outcome of the proceeding and participated actively in it. The Commission therefore finds that the appropriate respondents to l'Union's application for costs are the Companies, TCC and MTS Allstream.
12. 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' 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 roughly in proportion to their TORs, as reported in their most recent audited financial statements.
13. In light of the above, the Commission determines that this costs award shall be allocated in the following proportions, in accordance with the current TORs:

The Companies	\$375.00
TCC	\$175.00
MTS Allstream	\$50.00

14. Consistent with its general approach articulated in *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*, the Commission makes Bell Canada responsible for payment on behalf of the Companies and leaves it to the Companies to determine the appropriate allocation of the costs among themselves.

Direction as to costs

15. The Commission **approves** the application by l'Union for an award of costs with respect to its participation in the proceeding resulting in Decision 2006-78.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$600.
17. The Commission directs that the award of costs to l'Union be paid forthwith by the costs respondents in the proportions indicated above in paragraph 13.

Secretary General

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