



Telecom Order CRTC 2013-728

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Ottawa, 19 December 2013

Determination of costs award with respect to the participation of the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic in the proceeding initiated by Rogers Communications Partnership's application to clarify Telecom Regulatory Policy 2013-271

File numbers: 8633-R28-201310820 and 4754-427

1. By letter dated 7 October 2013, the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC), on behalf of itself and OpenMedia.ca, applied for costs with respect to its participation in the proceeding initiated by Rogers Communications Partnership's (RCP) application to clarify Telecom Regulatory Policy 2013-271 (the proceeding).
2. The Commission did not receive any interventions in response to the application for costs.

Application

3. CIPPIC filed the same intervention in three related proceedings regarding Telecom Regulatory Policy 2013-271. Although CIPPIC claimed costs in all three proceedings, it submitted evidence showing that it divided the costs it claimed evenly amongst the three proceedings and that it did not duplicate its costs claims.
4. CIPPIC 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.
5. In particular, CIPPIC submitted that it participated in the proceeding to ensure that the interests of all wireless service subscribers were properly accounted for. CIPPIC also submitted that its arguments were distinct from those of other parties and that it thereby provided a unique perspective on the issues raised in the proceeding.
6. CIPPIC requested that the Commission fix its costs at \$1,402.50, consisting entirely of legal fees. CIPPIC filed a bill of costs with its application.
7. CIPPIC made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Commission's analysis and determinations

8. The Commission finds that CIPPIC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that CIPPIC represented the interests of a significant group of wireless service subscribers that had an interest in the outcome of the proceeding. Moreover, CIPPIC's intervention assisted the Commission in developing a better understanding of the matters that were considered since CIPPIC presented the potential impact that certain proposed changes would have on consumers. Finally, the Commission finds that CIPPIC participated in the proceeding in a responsible way.
9. The Commission notes that the rates claimed in respect of legal fees are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs*, as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by CIPPIC was necessarily and reasonably incurred and should be allowed.
10. The Commission considers 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.
11. The Commission notes that it 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 RCP, the Part 1 applicant in the proceeding, had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding. The Commission therefore finds that the appropriate costs respondent to CIPPIC's application for costs is RCP.

Directions regarding costs

12. The Commission **approves** the application by CIPPIC for costs with respect to its participation in the proceeding.
13. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to CIPPIC at \$1,402.50.
14. The Commission directs that the award of costs to CIPPIC be paid forthwith by RCP.

Secretary General

Related documents

- *The Wireless Code*, Telecom Regulatory Policy CRTC 2013-271, 3 June 2013
- *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