



Telecom Order CRTC 2014-244

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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 2013-155

1. By letter dated 13 December 2013, the Ontario Video Relay Service Committee (OVRSC) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2013-155 (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. In its application, OVRSC submitted that it is a grassroots organization and does not have a bank account in its name. Consequently, it requested that the Commission direct that any costs awarded as a result of this application be made payable to Sarah Moreland, OVRSC Chairperson. OVRSC stated that Ms. Moreland would distribute the funds to the individual OVRSC members to whom the costs would be payable, as outlined in the application.
4. OVRSC 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, OVRSC submitted that it represents the interests of the Deaf community of Ontario, and that it canvassed and collated the opinions of over 1,000 members of this community for the purpose of its presentation to the Commission during the public hearing. OVRSC indicated that, as a result, it was able to provide the Commission with a fuller understanding of how this community could be affected if video relay service (VRS) were implemented in Canada. OVRSC further submitted that it had participated in the proceeding in a responsible way through its presence at the public hearing during all five days. It also noted that it had liaised throughout the public hearing with the Ontario Deaf community through social media outlets, thereby acting as a link between the Commission and members of the community who were unable to attend the hearing.

6. OVRSC requested that the Commission fix its costs at \$21,907.33, consisting of \$19,470 for consultant fees and \$2,437.33 for disbursements. OVRSC filed a bill of costs with its application.
7. OVRSC 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 OVRSC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. For the reasons set out below, the Commission finds that OVRSC represented a group or class of subscribers that had an interest in the outcome of the proceeding, it assisted the Commission in developing a better understanding of the matters that were considered, and it participated in the proceeding in a responsible way.
9. The Commission accepts OVRSC's position that it represents members of the Deaf community in the province of Ontario. The Commission finds that this group of subscribers will be directly affected by the determinations made in the proceeding. The Commission further considers that OVRSC contributed to a better understanding of the issues being considered, especially consumer considerations related to VRS technology and service delivery. Finally, the Commission considers that OVRSC, by contributing to the discussion on these issues at the public hearing and by liaising with the community it represents throughout the hearing, participated in the proceeding in a responsible way.
10. The Commission notes that the rates claimed in respect of consultant fees and disbursements 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 OVRSC was necessarily and reasonably incurred and should be allowed.
11. 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.
12. In determining the appropriate costs respondents, the Commission has generally considered which parties are affected by the issues and have actively participated in the proceeding. The Commission notes, in this regard, that the following parties actively participated in the proceeding by appearing at the public hearing and had a significant interest in its outcome: Bell Aliant Regional Communications, Limited Partnership (Bell Aliant); Bell Canada; Bell Mobility Inc.; KMTS; NorthernTel, Limited Partnership; and Télébec, Limited Partnership (collectively, Bell Canada et al.); Bragg Communications Inc., operating as Eastlink (Eastlink); Cogeco Cable Inc. (Cogeco); MTS Inc. (MTS) and Allstream Inc. (collectively, MTS Allstream); Northwestel Inc. (Northwestel); Quebecor Media Inc., on behalf of its affiliate Videotron G.P. (Videotron); Rogers Communications Inc. (RCI); Saskatchewan

Telecommunications (SaskTel); Shaw Communications Inc. (Shaw); and TELUS Communications Company (TCC).

13. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)¹ as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission considers that, in the present circumstances, it is appropriate to apportion the costs among the costs respondents in proportion to their TORs, based on their most recent audited financial statements. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:

Bell Canada et al.:	37.7%
TCC:	23.0%
RCI:	22.6%
Shaw:	4.0%
MTS Allstream:	3.8%
Videotron:	3.7%
SaskTel:	2.4%
Cogeco:	1.5%
Eastlink:	0.8%
Northwestel:	0.5%

14. The Commission notes that Bell Aliant filed submissions in the proceeding on behalf of Bell Canada et al., and that MTS Allstream filed joint submissions. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Aliant responsible for payment on behalf of Bell Canada et al., makes MTS responsible for payment on behalf of MTS Allstream, and leaves it to the respective members of Bell Canada et al. and MTS Allstream to determine the appropriate allocation of the costs among themselves.
15. As a final matter, the Commission notes OVRSC's request that any costs awarded to it be paid to its Chairperson, Sarah Moreland. The Commission considers that such an arrangement would not, in the circumstances, be an appropriate measure to ensure the effective dispersal of the funds awarded as a result of this costs order.
16. Accordingly, the Commission denies OVRSC's request that the costs awarded to it be paid to its Chairperson.

Directions regarding costs

17. The Commission **approves** the application by OVRSC for costs with respect to its participation in the proceeding.

¹ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

18. The Commission expects that, upon publication of this order, OVRSC will promptly take steps that will enable it to receive and handle the funds that will be paid to it by the costs respondents. Specifically, the Commission expects that OVRSC will open a bank account in the name of the organization within **60 calendar days** of the date of this order. OVRSC is to notify the Commission and copy the costs respondents once the account is open and can receive funds.
19. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to OVRSC at \$21,907.33.
20. The Commission **directs** that the award of costs be paid to OVRSC by Bell Aliant on behalf of Bell Canada et al., by TCC, by RCI, by Shaw, by MTS on behalf of MTS Allstream, by Videotron, by SaskTel, by Cogeco, by Eastlink, and by Northwestel according to the proportions set out in paragraph 13. The Commission further directs that this payment take place forthwith upon OVRSC giving the notice described in paragraph 18 to the costs respondents.

Secretary General

Related documents

- *Issues related to the feasibility of establishing a video relay service*, Telecom Notice of Consultation CRTC 2013-155, 27 March 2013, as amended by Telecom Notice of Consultation CRTC 2013-155-1, 16 May 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
- *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