



## Telecom Order CRTC 2014-308

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### **Determination of costs award with respect to the participation of the Neil Squire Society in the proceeding initiated by Bell Canada's application to use its deferral account funds to improve the accessibility of mobile telecommunications devices and services**

1. By letter dated 7 February 2014, the Neil Squire Society (NSS) applied for costs with respect to its participation in the proceeding initiated by the application of Bell Canada, on behalf of itself and its affiliate, Bell Mobility Inc. (collectively, the Bell companies), to use its deferral account funds to improve the accessibility of its wireless products and services for persons with disabilities (the proceeding). By letter dated 18 February 2014, NSS provided the Commission with additional information relating to its application for costs.
2. By letter dated 12 February 2014, the Bell companies submitted that they did not object to NSS's eligibility for costs or to the amounts claimed.

### **Application**

3. NSS 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.
4. In particular, NSS submitted that it represents the interests of Canadians with disabilities who will be directly affected by the resolution of the proceeding. NSS also submitted that it has specialized expertise regarding the technical and policy issues related to the accessibility of mobile telecommunications services and devices, which it shared with the Commission during the course of the proceeding.
5. NSS requested that the Commission fix its costs at \$3,854, consisting entirely of in-house analyst fees. NSS's claim included the federal Goods and Services Tax (GST) on fees less the rebate to which NSS is entitled in connection with the GST. NSS filed a bill of costs with its application.
6. NSS 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

7. For the reasons set out below, the Commission finds that NSS has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that NSS represented a group 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 a responsible way.
8. The Commission finds that for the purposes of the proceeding, NSS represented Canadian subscribers of telecommunications services with physical disabilities, who will be directly affected by the outcome of the proceeding. The Commission further finds that NSS does have specialized expertise regarding the accessibility issues that were relevant to the proceeding. NSS's submissions enabled the Commission to develop a better understanding of the issues under consideration. Its explanations of the specific accessibility requirements of various subsets of disabled Canadians and how each one could be served by various adaptive handset technologies, including screen reading applications and external pointing devices and keyboards, were of particular help to the Commission. Accordingly, the Commission finds that NSS participated in the proceeding in a responsible way.
9. The Commission notes that the rates claimed in respect of analyst fees do not entirely reflect the rates established in the Commission's *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963.
10. According to the Guidelines, costs claims for in-house analysts are to be reduced to quarter-day increments for days on which fewer than seven hours are worked. The Commission notes that NSS's two in-house analysts claimed fees for 39 and 12 hours of work, respectively. Based on a seven-hour work day, rounding the hours to the appropriate quarter-day increment, these totals translate into 5.75 and 1.75 days, respectively.
11. Using this calculation, and based on the daily analyst rate of \$470 contained in the Guidelines, the Commission finds that the total amount of in-house analyst fees incurred should be \$3,613.14. Accordingly, the Commission finds that the amount of \$3,613.14 has been necessarily and reasonably incurred and should be allowed.
12. 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.
13. The Commission notes that the proceeding related to an application by the Bell companies regarding their proposal to use Bell Canada's deferral account funds. The Commission therefore finds that the appropriate costs respondent to NSS's application for costs is the Bell companies.

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

### **Directions regarding costs**

15. The Commission **approves with changes** the application by NSS for costs with respect to its participation in the proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to NSS at \$3,613.14.
17. The Commission **directs** that the award of costs to NSS be paid forthwith by Bell Canada.

Secretary General

### **Related documents**

- *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