



Telecom Order CRTC 2014-366

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Ottawa, 11 July 2014

File numbers: 8650-P8-201215913 and 4754-451

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and Canada Without Poverty in the proceeding leading to Telecom Decision 2013-327

1. By letter dated 20 March 2013, the Public Interest Advocacy Centre (PIAC) applied for costs, on its own behalf and as counsel to Canada Without Poverty, with respect to its participation in the proceeding leading to Telecom Decision 2013-327 (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. PIAC 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. PIAC requested that the Commission fix its costs at \$14,809.37, consisting entirely of legal fees for external counsel.¹ PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.
5. PIAC submitted that Bell Canada and WiMacTel Inc., the two respondents to the application that initiated the proceeding, are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).
6. PIAC suggested that the responsibility for payment of costs be divided among the costs respondents on the basis of their telecommunications revenues.

¹ This is the amount claimed in respect of legal fees as detailed on the "Form I – Summary of Legal Fees" submitted by PIAC and available for consultation on the Commission's website at www.crtc.gc.ca. However, due to an apparent clerical error, this amount was not reproduced on "Form V – Summary of Fees and Disbursements," on which the amount of \$17,199.99 appears. The Commission considers that \$14,809.37 is the amount claimed by PIAC in respect of the proceeding.

Commission's analysis and determinations

7. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that PIAC 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 a responsible way.
8. 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. Accordingly, the Commission finds that the amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
9. 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.
10. 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 Bell Canada, the only participant in the proceeding other than the applicant, 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 PIAC's application for costs is Bell Canada.

Directions regarding costs

11. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
12. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$14,809.37.
13. The Commission **directs** Bell Canada to pay forthwith the award of costs to PIAC.

Secretary General

Related documents

- *Public Interest Advocacy Centre and Canada Without Poverty – Billing of calls placed from Bell Canada payphones*, Telecom Decision CRTC 2013-327, 5 July 2013, as amended by Telecom Decision CRTC 2013-327-1, 10 July 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