



Telecom Order CRTC 2015-129

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Ottawa, 9 April 2015

File numbers: 8650-C12-201310060 and 4754-459

Determination of costs award with respect to the participation of l'Union des consommateurs in the Telecom Notice of Consultation 2013-337 proceeding

1. By letter dated 10 April 2014, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2013-337 regarding the fact-finding process on the role of payphones in the Canadian communications system (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. L'Union 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. L'Union requested that the Commission fix its costs at \$4,020, consisting of \$1,200 for in-house legal fees and \$2,820 for in-house analyst fees. L'Union filed a bill of costs with its application.
5. L'Union 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

6. The criteria for an award of costs are set out in section 68 of the Rules of Procedure, which reads as follows:

68. The Commission must determine whether to award final costs and the maximum percentage of costs that is to be awarded on the basis of the following criteria:

(a) whether the applicant had, or was the representative of a group or a class of subscribers that had, an interest in the outcome of the proceeding;

(b) the extent to which the applicant assisted the Commission in developing a better understanding of the matters that were considered; and

(c) whether the applicant participated in the proceeding in a responsible way.

7. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that l'Union represented a group or class of subscribers that had an interest in the outcome of the proceeding, i.e. Canadian consumers, particularly those with low incomes who use public telephones; that l'Union had assisted the Commission in developing a better understanding of the matters that were considered; and that l'Union had participated in the proceeding in a responsible way.
8. The Commission notes that the rates claimed in respect of legal and analyst fees are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by l'Union 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. In determining the appropriate costs respondents, the Commission has generally considered which parties have a significant interest in the outcome of the proceeding and have actively participated in the proceeding. The Commission notes, in this regard, that the following parties actively participated in the proceeding and had a significant interest in its outcome: Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Bell companies); the Canadian Independent Telephone Company Joint Task Force; MTS Inc. and Allstream Inc.; Saskatchewan Telecommunications; TELUS Communications Company (TCC); and TBayTel.
11. The Commission further notes, however, that in allocating costs among costs respondents, it has also been sensitive to the fact that if numerous costs respondents are named, the applicant may have to collect small amounts from many costs respondents, resulting in a significant administrative burden to the applicant.
12. In light of the above, and given the relatively small size of the costs award and the large number of potential costs respondents in this case, the Commission considers that, consistent with section 48 of the Guidelines, it is appropriate to limit the costs respondents to the Bell companies and 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

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

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:

Company	Percentage	Amount
Bell companies	50.9%	\$2,046
TCC	49.1%	\$1,974

14. The Commission notes that Bell Canada filed submissions in the proceeding on behalf of the Bell companies. 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** the application by l'Union 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 l'Union at \$4,020.
17. The Commission **directs** that the award of costs to l'Union be paid forthwith by Bell Canada on behalf of the Bell companies, and by TCC according to the proportions set out in paragraph 13.

Secretary General

Related documents

- *Fact-finding process on the role of payphones in the Canadian communications system*, Telecom Notice of Consultation CRTC 2013-337, 16 July 2013, as amended by Telecom Notice of Consultation CRTC 2013-337-1, 11 September 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