



Telecom Order CRTC 2015-19

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Ottawa, 23 January 2015

File numbers: 8663-N1-201401406 and 4754-461

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by Northwestel Inc.'s Part 1 application regarding its proposed terrestrial retail Internet basket structure

1. By letter dated 8 May 2014, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Northwestel Inc.'s (Northwestel) Part 1 application regarding its proposed terrestrial retail Internet basket structure and associated pricing constraints (the proceeding).
2. The Commission did not receive any interventions in response to the application for costs.

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 \$2,709.75, consisting of \$2,622.41 in fees for external legal counsel and \$87.34 in fees for an external articling student. 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 Northwestel is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

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 PIAC has satisfied these criteria through its participation in the proceeding. In its submissions, PIAC focused on the potential impact of Northwestel's proposal on consumers in the company's operating territory, drew attention to the broader context within which the Part 1 application was filed, and proposed an alternate approach for the basket structure.
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. The Commission finds that the total 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 finds that the appropriate costs respondent to PIAC's application for costs is Northwestel.

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 \$2,709.75.
13. The Commission directs that the award of costs to PIAC be paid forthwith by Northwestel.

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