



Telecom Order CRTC 2015-358

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Ottawa, 6 August 2015

File numbers: 8662-R28-201411694 and 4754-487

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by Rogers Communications Partnership to review and vary Telecom Decision 2014-528

Application

1. By letter dated 21 January 2015, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Rogers Communications Partnership (RCP) to review and vary Telecom Decision 2014-528, which led to Telecom Decision 2015-198 (the proceeding).
2. The Commission did not receive any interventions in response to the 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. In particular, PIAC submitted that it represents the interests of a significant group of consumers, specifically, vulnerable consumers. PIAC added that it assisted the Commission in developing a better understanding of the issues raised in RCP's application, since it identified a number of significant concerns and submitted detailed comments and arguments. PIAC noted that no other points of view were expressed to the Commission from a consumer's perspective.
5. PIAC requested that the Commission fix its costs at \$3,466.40, consisting entirely of fees for external counsel. 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.
6. PIAC submitted that RCP is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

Commission's analysis and determinations

7. 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.
8. PIAC has satisfied these criteria through its participation in the proceeding. In particular, PIAC's intervention (i) addressed whether RCP's application should be treated as a request to review and vary a Commission decision – which was a central issue in the proceeding, and (ii) was highly focused on how the interests of consumers (specifically, RCP's wireless customers) would be affected if the Commission were to grant RCP's requested relief. As such, PIAC participated in the proceeding in a responsible way, and it assisted the Commission in developing a better understanding of the matters that were considered.
9. 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 total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
10. 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.
11. The appropriate costs respondent to PIAC's costs application is RCP.

Directions regarding costs

12. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
13. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$3,466.40.
14. The Commission **directs** that the award of costs to PIAC be paid forthwith by RCP.

Secretary General

Related documents

- *Wireless Code – Application to review and vary Telecom Decision 2014-528 (clarification of how the Wireless Code applies to corporate wireless service plans)*, Telecom Decision CRTC 2015-198, 15 May 2015
- *Wireless Code – Clarification of how the Wireless Code applies to corporate wireless service plans*, Telecom Decision CRTC 2014-528, 8 October 2014
- *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