



Telecom Order CRTC 2015-565

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File numbers: 8665-P8-201400762 and 4754-462

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre and the Consumers' Association of Canada in the proceeding leading to Telecom Decision 2015-462

Application

1. By letter dated 11 April 2014, the Public Interest Advocacy Centre (PIAC), on behalf of itself and the Consumers' Association of Canada (CAC) [collectively, PIAC/CAC], applied for costs with respect to their participation in the proceeding initiated by their Part 1 application relating to the use of customer information by BCE Inc.; Bell Aliant Regional Communications, Limited Partnership; Bell Canada; Bell Mobility Inc.; and their affiliates (collectively, Bell Canada et al.) [the proceeding].
2. In a letter dated 4 March 2015, PIAC/CAC applied for supplementary costs for extra work it carried out as a result of additional process initiated by the Commission after the filing of the initial application for costs.
3. The Commission did not receive any interventions in response to the application for costs.
4. PIAC/CAC submitted that they 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 they represented a group or class of subscribers that had an interest in the outcome of the proceeding, they had assisted the Commission in developing a better understanding of the matters that were considered, and they had participated in a responsible way.
5. In particular, PIAC/CAC submitted that they represented the interests of a significant group of consumers, and that their Part 1 application brought forward an important matter for the Commission's consideration. PIAC/CAC submitted that through their participation, they filed detailed comments and identified significant concerns that arose in relation to Bell Canada's responses.¹

¹ Bell Canada filed submissions in the proceeding.

6. PIAC/CAC initially requested that the Commission fix their costs at \$20,323.66, consisting of \$18,912.15 in fees for external legal counsel and \$1,411.51 in fees for an articling student. PIAC/CAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC/CAC are entitled in connection with the HST. PIAC/CAC filed a bill of costs with their application.
7. In their supplementary costs application, PIAC/CAC claimed an additional amount of \$12,091.61, consisting of \$9,350.44 in external fees, \$2,670.22 in legal fees for an articling student, and \$70.95 in disbursements, plus the Ontario HST.
8. In total, PIAC/CAC requested that the Commission fix their costs at \$32,415.27.
9. PIAC/CAC submitted that Bell Canada is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

Commission's analysis and determinations

10. 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.
11. PIAC/CAC have satisfied these criteria through their participation in the proceeding. In particular, the Commission considers that PIAC/CAC's Part 1 application brought an important issue to the Commission's attention. As noted in Telecom Decision 2015-462, because privacy issues are of particular importance, the Commission will continue to actively monitor privacy-related issues as they emerge, especially as telecommunications service providers introduce new programs that use customer data.
12. Further, the proceeding involved several rounds of requests for information directed to Bell Canada. Through this process, additional and more precise details were obtained regarding the type of information that Bell Canada et al. were collecting, as well as how the information was being collected, used, and disclosed. This enabled customers of Bell Canada et al. to better understand how their information was being

used. In addition, PIAC/CAC assisted the Commission in developing a much better understanding of the issues.

13. The rates claimed in respect of legal fees and disbursements 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/CAC was necessarily and reasonably incurred and should be allowed.
14. 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.
15. The Commission finds that the appropriate costs respondents to PIAC/CAC's costs application are Bell Canada et al.
16. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of Bell Canada et al. The Commission leaves it to the members of Bell Canada et al. to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

17. The Commission **approves** the application by PIAC/CAC for costs with respect to their participation in the proceeding.
18. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC/CAC at \$32,415.27.
19. The Commission **directs** that the award of costs to PIAC/CAC be paid forthwith by Bell Canada on behalf of Bell Canada et al.

Secretary General

Related documents

- *Public Interest Advocacy Centre and the Consumers' Association of Canada – Application regarding Bell Mobility Inc., Solo Mobile, and Virgin Mobile Canada's use of customer information*, Telecom Decision CRTC 2015-462, 20 October 2015
- *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