



Telecom Costs Order CRTC 2005-5

Ottawa, 22 August 2005

Application for costs by the Public Interest Advocacy Centre for its participation in the CRTC Industry Steering Committee - Customer Credit Information

Reference: 8621-C12-01/00 and 4754-241

1. By letter dated 8 April 2005, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the CRTC Interconnection Steering Committee (CISC) group studying customer credit information and preparing the consensus report of last year.
2. By letters dated 18 April 2005, Saskatchewan Telecommunications (SaskTel) and Bell Canada filed comments on PIAC's application for costs.
3. No other comments were filed.

The application

4. Although PIAC did not specifically indicate how it met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules), PIAC did indicate that its intervention had been responsible and useful.
5. PIAC requested that the Commission fix its costs at \$4,213.48 for legal fees. PIAC's claim included the Federal Goods and Services Tax (GST) on fees less the rebate to which PIAC is entitled in connection with GST. PIAC filed a bill of costs with their application.
6. PIAC made no submissions as to the appropriate respondents in this case. However, it served a copy of the costs application on Call-Net Enterprises Inc., (now known as Rogers Telecom Holdings Inc.), Bell Canada, Rogers Wireless Inc., TELUS Communications Inc. (TELUS) and SaskTel.

Comments

7. Both SaskTel and Bell Canada submitted that they did not oppose PIAC's entitlement to costs and that the appropriate costs respondents were all incumbent local exchange carriers and competitive local exchange carriers affected by the Committee's activities.

Commission analysis and determination

8. Upon review of the file, staff is of the view that PIAC has met the criteria for a costs award set out in section 44 of the Rules in that PIAC represents a class of subscribers who stand to be affected by the outcome of the deliberation on customer credit information, participated in a responsible way, and contributed to a better understanding of the issues by the Commission.
9. The Commission is of the view 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 *New procedure for Telecom costs award*, Telecom Public Notice CRTC 2002-5, 7 November 2002.

10. The Commission notes that the rates claimed in respect of the legal fees are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 15 May 1998. The Commission also finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
11. With respect to the issue of the appropriate respondents, the Commission notes that it has generally determined that the appropriate respondents to an award of costs are the parties who have a significant interest in the outcome of the proceeding and have participated actively in the proceeding. However, the Commission has also tried to be sensitive to the fact that if too large a number of respondents are named, the applicant may have to collect small amounts from many respondents, which would be an unnecessary administrative burden on costs recipients.
12. In this case, the Commission is of the view that to name all parties who have a significant interest in the outcome of the proceeding and have participated actively in the proceeding would be unnecessarily burdensome to PIAC.
13. Accordingly, the Commission names the following parties as respondents to the application: Bell Canada and TELUS.
14. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs on the basis of the respondents' telecommunications operating revenues (TORs), as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission is of the view that, in the present circumstances, it is appropriate to apportion the costs among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. Given the relative differences in telecommunications revenue between the Companies and TELUS, the Commission finds that the responsibility for the payment of costs should be allocated as follows:

Bell Canada	62%
TELUS	38%

Direction as to costs

15. The Commission **approves** the application by PIAC for an award of costs with respect to their participation in CISC with respect to customer credit information.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$4,213.48.
17. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada and TELUS, according to the proportions noted in paragraph 14.

Secretary General

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