



Telecom Order CRTC 2011-156

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Ottawa, 4 March 2011

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding leading to Telecom Decision 2010-805

File numbers: 8662-B2-201014638, 8662-B2-201014646, and 4754-375

1. By letter dated 4 November 2010, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding that led to Telecom Decision 2010-805 (the proceeding). The proceeding was initiated by two Part VII applications, submitted by Bell Canada on 13 September 2010, to review and vary Telecom Decision 2010-637.
2. The Commission did not receive any comments in response to the application for costs.

Application

3. PIAC submitted that it meets the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules) because it represented a group of subscribers that had an interest in the outcome of the proceeding, it participated responsibly, and it contributed to a better understanding of the issues by the Commission through its participation in the proceeding.
4. PIAC requested that the Commission fix its costs at \$3,265.79, consisting entirely of legal fees for outside 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.
5. PIAC made no submission as to the appropriate costs respondents.

Commission's analysis and determinations

6. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that PIAC represented a group or class of subscribers that had an interest in the outcome of the proceeding, it participated responsibly, and it contributed to a better understanding of the issues by the Commission.

7. The Commission notes that the rates claimed in respect of legal fees are in accordance with the rates set out in the Commission's Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 24 April 2007.¹ The Commission also finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
8. 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.
9. The Commission finds that the appropriate respondent to PIAC's costs application is Bell Canada.

Directions as to costs

10. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
11. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$3,265.79.
12. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada.

Secretary General

Related documents

- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *Bell Canada – Applications to review and vary certain determinations in Telecom Decision 2010-637 concerning the use of high-speed packet access wireless technology and the deferral account balance*, Telecom Decision CRTC 2010-805, 29 October 2010
- *Follow-up to Telecom Decision 2008-1 – Proposal by Bell Aliant Regional Communications, Limited Partnership and Bell Canada to dispose of the funds remaining in their deferral account*, Telecom Decision CRTC 2010-637, 31 August 2010
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002

¹ These guidelines were updated on 23 December 2010 in Telecom Regulatory Policy 2010-963. The updated guidelines apply to costs applications submitted to the Commission on or after 23 December 2010.