



Telecom Order CRTC 2012-605

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Ottawa, 30 October 2012

Determination of costs award with respect to the participation of l'Union des consommateurs in the Telecom Notice of Consultation 2012-168 proceeding

File numbers: 8661-C12-201203546 and 4754-409

1. By letter dated 25 July 2012, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2012-168 (the proceeding).
2. The Commission did not receive any interventions to l'Union's application.

Application

3. L'Union 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. L'Union requested that the Commission fix its costs at \$5,265, consisting of \$800 for in-house legal fees and \$4,465 for in-house analyst fees. L'Union filed a bill of costs with its application.
5. L'Union made no submission regarding the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Commission's analysis and determinations

6. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that l'Union represented a group or class of subscribers that had an interest in the outcome of the proceeding, it assisted the Commission in developing a better understanding of the matters that were considered, and it participated in a responsible way.
7. The Commission notes that the rates claimed in respect of legal and analyst fees are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by l'Union 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 notes that it has generally determined that the appropriate costs respondents to an award of costs are the parties that have a significant interest in the outcome of the proceeding in question and have participated actively in that proceeding. The Commission considers that Cogeco Cable Inc.; Quebecor Media Inc. (Quebecor) on behalf of its affiliate Videotron G.P. (Videotron); Rogers Communications Inc. (RCI); and Shaw Communications Inc. (Shaw) (collectively, the Cable companies); as well as Bell Aliant Regional Communications, Limited Partnership; Bell Canada; and Télébec, Limited Partnership (collectively, Bell Canada et al.); the Canadian Network Operators Consortium Inc. (CNOC); MTS Inc. (MTS) and Allstream Inc. (collectively, MTS Allstream); Saskatchewan Telecommunications (SaskTel); and TELUS Communications Company (TCC) all had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding.
10. The Commission further notes, however, that in allocating costs among costs respondents, it has also been sensitive to the fact that if numerous costs respondents are named, the applicant may have to collect small amounts from many costs respondents, resulting in a significant administrative burden to the applicant.
11. In light of the above, and given the relatively small size of the costs award and the large number of potential costs respondents in this case, the Commission considers that, consistent with section 48 of the Guidelines, it is appropriate to limit the costs respondents to Bell Canada et al., MTS Allstream, RCI, SaskTel, TCC, and Videotron.
12. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)¹ as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission considers that, in the present circumstances, it is appropriate to apportion the costs among the costs respondents in proportion to their TORs, based on their most recent audited financial statements. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:

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|--------------------|-------|
| Bell Canada et al. | 30.3% |
| TCC | 29.3% |
| RCI | 28.1% |
| MTS Allstream | 5.1% |
| Videotron | 4.1% |
| SaskTel | 3.1% |

¹ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

13. The Commission notes that in the proceeding, Bell Canada et al. and MTS Allstream filed joint submissions. 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., and makes MTS responsible for payment on behalf of MTS Allstream. The Commission leaves it to the members of these two groups to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

14. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$5,265.
16. The Commission directs that the award of costs to l'Union be paid forthwith by Bell Canada on behalf of Bell Canada et al., TCC, RCI, MTS on behalf of MTS Allstream, Quebecor on behalf of Videotron., and SaskTel, according to the proportions set out in paragraph 12.

Secretary General

Related documents

- *Confidentiality of information used to establish wholesale service rates*, Telecom Notice of Consultation CRTC 2012-168, 22 March 2012
- *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