



## Telecom Order CRTC 2015-511

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Ottawa, 18 November 2015

*File numbers: 8665-B2-201413343 and 4754-485*

### **Determination of costs award with respect to the participation of Media Access Canada in the proceeding initiated by Bell Canada and Bell Mobility Inc.'s follow-up application to Telecom Decision 2014-527**

#### **Application**

1. By letter dated 4 April 2015, Media Access Canada (MAC) applied for costs with respect to its participation in the proceeding initiated by an application filed by Bell Canada, on behalf of itself and its affiliate Bell Mobility Inc. (collectively, the Bell companies) [the proceeding]. The application was filed as a follow-up to Telecom Decision 2014-527, which concerned proposals for the use of deferral account funds to improve access to telecommunications services for persons with disabilities.
2. On 1 June 2015, MAC filed its response to a request for information from Commission staff.
3. The Commission did not receive any interventions in response to the application for costs.
4. MAC 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.
5. In particular, MAC submitted that it represents the interests of Canadians with disabilities, and provided the Commission with a clearer understanding of the priorities of the accessibility community. MAC also submitted that it assisted the Commission in developing a better understanding of the issues by liaising with the required experts to properly understand and communicate to the Commission the key issues involved in ensuring that the needs of Canadians with disabilities are met.
6. MAC requested that the Commission fix its costs at \$8,695.35, consisting entirely of consultant fees. MAC's claim included the Ontario Harmonized Sales Tax on fees. MAC filed a bill of costs with its application.

7. MAC made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

### **Commission's analysis and determinations**

8. 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.

9. MAC has satisfied these criteria through its participation in the proceeding. Specifically, MAC represented a group of subscribers that had an interest in the outcome of the proceeding, namely Canadians with disabilities. MAC's submissions, along with its liaising with the Access 2020 Group of Disability Organizations and additional subject matter experts, gave the Commission a better understanding of the approaches to accessibility project funding and the priorities of the accessibility community. Without MAC's participation, the Commission would not have had as comprehensive an understanding of the priorities and key issues for the accessibility community.
10. The rates claimed in respect of consultant 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 Commission finds that the total amount claimed by MAC was necessarily and reasonably incurred and should be allowed.
11. 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.
12. The proceeding related to an application by the Bell companies regarding their proposal to improve the accessibility of mobile telecommunications devices and services that they offer. Therefore, the appropriate costs respondents to MAC's costs application are the Bell companies.
13. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Bell

companies The Commission leaves it to the members of the Bell companies to determine the appropriate allocation of the costs among themselves.

### **Directions regarding costs**

14. The Commission **approves** the application by MAC 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 MAC at \$8,695.35.
16. The Commission **directs** that the award of costs to MAC be paid forthwith by Bell Canada on behalf of the Bell companies.

Secretary General

### **Related documents**

- *Bell Canada and Bell Mobility Inc. – Further proposals for the use of deferral account funds to improve access to telecommunications services for persons with disabilities*, Telecom Decision CRTC 2014-527, 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
- *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