



## Telecom Order CRTC 2016-256

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Ottawa, 6 July 2016

*File numbers: 8665-C12-201507008 and 4754-522*

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding leading to Telecom Regulatory Policy 2016-165**

#### **Application**

1. By letter dated 16 November 2015, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding leading to Telecom Regulatory Policy 2016-165 regarding the reliability and resiliency of the 9-1-1 networks (the proceeding).
2. The Commission did not receive any interventions in response to the application for costs.
3. PIAC 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* 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. In particular, PIAC submitted that it represents the interests of Canadian consumers and users of telecommunications services by advocating for equitable access, affordability, and protection for telecommunications users. PIAC also submitted that it had assisted the Commission in developing a better understanding of the matters considered in the proceeding by submitting focused and structured arguments. PIAC claimed that it had offered a distinct point of view through its focus on the interests of consumers and telecommunications users.
5. PIAC requested that the Commission fix its costs at \$1,350, consisting entirely of legal fees. PIAC filed a bill of costs with its application.
6. PIAC submitted that the incumbent wireline service providers, notably the 9-1-1 network providers, that participated in the proceeding would be the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

## Commission's analysis and determinations

7. 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.
8. PIAC has satisfied these criteria through its participation in the proceeding. In particular, PIAC assisted the Commission in developing a better understanding of the issues considered in the proceeding by providing a consumer-focused perspective on questions raised by the Commission, including the necessity of service outage notifications and the imposition of regulatory measures regarding the reliability and resiliency of the 9-1-1 networks.
9. The rates claimed in respect of legal 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 PIAC was necessarily and reasonably incurred and should be allowed.
10. 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.
11. The Commission 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 the following parties had a significant interest in the outcome of the proceeding and participated actively in the proceeding: Bell Canada; Bragg Communications Incorporated, operating as Eastlink; the Canadian Network Operators Consortium Inc.; CityWest Telephone Corporation; MTS Inc.; Quebecor Media Inc., on behalf of Videotron G.P.; Rogers Communications Partnership; Saskatchewan Telecommunications; Shaw Communications Inc.; TBayTel; TELUS Communications Company (TCC); and Westman Media Cooperative Ltd.

12. The Commission generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)<sup>1</sup> as an indicator of the relative size and interest of the parties involved in the proceeding.
13. The Commission notes, however, that in allocating costs among costs respondents, it has also been sensitive to the fact that if numerous costs respondents are named, an applicant may have to collect negligible sums of money from many costs respondents, resulting in a significant administrative burden to the applicant. As set out in paragraph 21 of Telecom Order 2015-160, the Commission considers \$1,000 to be the minimum amount that a costs respondent should be required to pay due to this administrative burden on both the applicant and costs respondents.
14. Given the small amount claimed by PIAC, and consistent with the principle that payment for costs should be based on TORs, the Commission finds that the responsibility for payment of costs should be allocated to TCC.

### **Directions regarding costs**

15. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$1,350.
17. The Commission **directs** that the award of costs to PIAC be paid forthwith by TCC.

Secretary General

### **Related documents**

- *Matters related to the reliability and resiliency of the 9-1-1 networks*, Telecom Regulatory Policy CRTC 2016-165, 2 May 2016
- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188*, Telecom Order CRTC 2015-160, 23 April 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

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<sup>1</sup> TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services. In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.