



Telecom Order CRTC 2017-126

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File numbers: 8663-C12-201503186 and 4754-529

Determination of costs award with respect to the participation of l'Union des consommateurs in the proceeding leading to Telecom Regulatory Policy 2016-496

Application

1. By letter dated 13 July 2016, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding leading to Telecom Regulatory Policy 2016-496, in which the Commission reviewed its policies regarding basic telecommunications services in Canada (the proceeding).
2. Vaxination Informatique filed an answer dated 25 July 2016. L'Union did not file a reply.
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. Specifically, l'Union indicated that it had respected the proceeding deadlines and that it had participated in a responsible way by filing several submissions, answering various requests for information, and appearing at the public hearing. L'Union's submissions addressed a range of subjects, notably the fight against electronic billing, monthly data transfer limits, and the importance of access to wireline telephony.
5. With respect to the group or class of subscribers l'Union has submitted that it represents, l'Union indicated that it represents consumer interests, particularly those of moderate-income consumers, and that these consumers were particularly interested in the outcome of the proceeding. L'Union added that it had informally collected several comments from its member groups. In addition, l'Union argued that it developed its submissions and recommendations through research, such as a summary of demographic studies, foreign public policy studies, and legal research.
6. L'Union requested that the Commission fix its costs at \$15,705, consisting of \$10,105 in in-house analyst fees and \$5,600 in in-house legal fees. L'Union filed a bill of costs with its application.

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

Answer

8. Vaxination Informatique filed general submissions related to the various costs award applications that were filed regarding the proceeding.

Commission's analysis and determinations

9. 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.

10. L'Union has satisfied these criteria through its participation in the proceeding. In particular, l'Union represented a group or class of subscribers that had an interest in the outcome of the proceeding, notably moderate-income consumers, it assisted the Commission in developing a better understanding of the matters that were considered, and it participated in the proceeding in a responsible way through its submissions and responses to requests for information.
11. 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.
12. 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.
13. 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. Given the

scope of the proceeding, a large number of parties both had a significant interest in the outcome of the proceeding and participated actively in the proceeding.

14. As set out in the Guidelines, the Commission will generally name a maximum of 10 costs respondents for a costs award of up to \$20,000. However, as set out in 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 the administrative burden that small costs awards impose on both the applicant and costs respondents.
15. Accordingly, Bell Canada, Rogers Communications Canada Inc. (RCCI),¹ and TELUS Communications Company (TCC) are the appropriate costs respondents to l'Union's costs application.
16. It is the Commission's general practice to allocate the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)² as an indicator of the relative size and interest of the parties involved in the proceeding. No party disputed the appropriateness of using TORs in the present case.
17. Bell Canada participated in the proceeding on behalf of itself and its affiliates.³ Accordingly, it is appropriate to allocate Bell Canada's responsibility for payment of costs using the TORs of each of the participating Bell companies.

¹ In the proceeding, submissions were received from Rogers Communications Partnership (RCP). However, on 1 January 2016, RCP ceased to exist. All of RCP's business activities, including its assets and liabilities, are now held by RCCI.

² 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.

³ These are Bell Aliant Regional Communications, Limited Partnership (which, effective 1 July 2015, is operated as a division of Bell Canada); Bell Mobility Inc.; Câblevision du Nord du Québec inc.; DMTS; KMTS; NorthernTel, Limited Partnership; Northwestel Inc.; Ontera; and Télébec, Limited Partnership.

18. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:

Company	Percentage	Amount
Bell Canada	43.34%	\$6,806.55
TCC	29.67%	\$4,659.67
RCCI	26.99%	\$4,238.78

19. 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

20. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
21. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$15,705.
22. The Commission **directs** that the award of costs to l'Union be paid forthwith by the cost respondents and according to the proportions set out in paragraph 18.

Secretary General

Related documents

- *Modern telecommunications services – The path forward for Canada's digital economy*, Telecom Regulatory Policy CRTC 2016-496, 21 December 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

- *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*