



Telecom Order CRTC 2017-276

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Ottawa, 2 August 2017

File numbers: 1011-NOC2016-0293 and 4754-555

Determination of costs award with respect to the participation of Bradley Nickel in the proceeding leading to Telecom Regulatory Policy 2017-200

Application

1. By letter dated 12 February 2017, Mr. Bradley Nickel applied for costs with respect to his participation in the proceeding leading to Telecom Regulatory Policy 2017-200 (the proceeding). In the proceeding, the Commission undertook a review of the Wireless Code.
2. The Commission did not receive any interventions in response to the application for costs.
3. Mr. Nickel submitted that he 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 he had an interest in the outcome of the proceeding, he assisted the Commission in developing a better understanding of the matters that were considered, and he participated in a responsible way.
4. In particular, Mr. Nickel submitted that he was a long-time consumer of wireless services and that the proceeding would directly affect how he continued to access such services.
5. Mr. Nickel requested that the Commission fix his costs at \$958.49, consisting entirely of disbursements. Mr. Nickel filed a bill of costs with his application.
6. Mr. Nickel submitted that all telecommunications service providers that participated in the proceeding are 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. Mr. Nickel has satisfied these criteria through his participation in the proceeding. He participated as an individual and brought his own personal experience as a consumer of wireless services to bear on his submissions; his submissions focused on the importance of wireless services to Canadians and the necessity of a mandatory code of conduct to protect consumers, which assisted the Commission in better understanding the matters under consideration.
9. The rates claimed in respect of disbursements 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 Mr. Nickel 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. Given the small amount of the costs award in this case, it would not be appropriate to name more than one costs respondent, as this could unduly complicate payment to Mr. Nickel.
12. While many parties had a significant interest in the outcome of the proceeding and participated actively in it, the Commission considers that the appropriate costs respondent in this case is TELUS Communications Company (TCC).

13. This approach is consistent with the Commission's general practice of allocating the responsibility for payment of costs based on telecommunications operating revenues (TORs),¹ given that TCC was the party to the proceeding with the highest TORs.

Directions regarding costs

14. The Commission **approves** the application by Bradley Nickel for costs with respect to his participation in the proceeding.
15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to Mr. Nickel at \$958.49.
16. The Commission **directs** that the award of costs to Mr. Nickel be paid forthwith by TCC.

Secretary General

Related documents

- *Review of the Wireless Code*, Telecom Regulatory Policy CRTC 2017-200, 15 June 2017
- *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

¹ 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.