



Telecom Order CRTC 2018-47

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Ottawa, 6 February 2018

File numbers: [8638-T102-201607657](#) and 4754-574

Determination of costs award with respect to the participation of the Neil Squire Society in the proceeding that led to Telecom Decision 2017-252

Application

1. By letter dated 6 February 2017, the Neil Squire Society (NSS) applied for costs with respect to its participation in the proceeding that led to Telecom Decision 2017-252 (the proceeding). In the proceeding, the Commission approved the use by TELUS Communications Inc. (TCI)¹ of the remaining \$1,335,909 of deferral account funding to improve access to mobile wireless telecommunications services for persons with disabilities.
2. Commission staff issued a letter dated 4 December 2017 requesting additional information relating to the NSS's application. The NSS filed a revised application for costs on 5 December 2017.
3. The Commission did not receive any interventions in response to the NSS's application for costs.
4. The NSS 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 support of its application for costs, the NSS submitted that it represents the interests of Canadians with disabilities. With respect to the specific methods by which the NSS has submitted that it represents this group or class of subscribers, the NSS explained that for over 30 years its Research and Development Group has applied its technical expertise to develop a variety of innovative assistive and educational technologies for persons with disabilities, older adults, and persons recovering from illnesses or injury. Further, the NSS submitted that it has frequently represented persons with disabilities at Commission hearings since 2008.

¹ In the proceeding, submissions were received from TELUS Communications Company (TCC). However, effective 1 October 2017, TCC's assets were legally transferred to TCI and TCC ceased to exist. For ease of reference, "TCI" is used in this order.

6. The NSS requested that the Commission fix its costs at \$2,405.81, consisting entirely of in-house consultant fees. The NSS's claim included the federal Goods and Services Tax (GST) on fees less the rebate to which the NSS is entitled in connection with the GST. The NSS filed a bill of costs with its application.
7. The NSS claimed 1.25 days for one in-house consultant at a rate of \$470 per day (\$601.45 with the GST and the associated rebate), and 3.75 days for another in-house consultant at a rate of \$470 per day (\$1,804.36 with the GST and the associated rebate).
8. The NSS 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

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. In Telecom Information Bulletin 2016-188, the Commission provided guidance regarding how an applicant may demonstrate that it satisfies the first criterion with respect to its representation of interested subscribers. In the present case, the NSS has demonstrated that it meets this requirement. The NSS clearly and specifically identified the group or class of subscribers it purports to represent as Canadians with disabilities. In this regard, the Commission notes the NSS's submission that it has undertaken many years of research and development of innovative assistive and educational technologies for persons with disabilities, and that this experience was reflected in the recommendations made in this case.
11. The NSS has also satisfied the remaining criteria through its participation in the proceeding. In particular, the NSS's submissions, especially regarding the Solutions for Wireless Platforms initiative for deferral account funding, assisted the Commission in developing a better understanding of the matters that were considered. The NSS participated in a responsible manner throughout the proceeding.
12. The rates claimed in respect of consultant fees are in accordance with the rates established in the *Guidelines for the Assessment of Costs*, as set out in Telecom

Regulatory Policy 2010-963. The Commission finds that the total amount claimed by the NSS was necessarily and reasonably incurred and should be allowed.

13. 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.
14. 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 TCI was the only party that had a significant interest in the outcome of the proceeding and participated actively in the proceeding.
15. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated to TCI.

Directions regarding costs

16. The Commission **approves** the application by the NSS for costs with respect to its participation in the proceeding.
17. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the NSS at \$2,405.81.
18. The Commission **directs** that the award of costs to the NSS be paid forthwith by TCI.

Secretary General

Related documents

- *TELUS Communications Company – Show cause proceeding concerning the use of deferral account funds to improve access to telecommunications services for persons with disabilities*, Telecom Decision CRTC 2017-252, 17 July 2017
- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016
- *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