



Telecom Order CRTC 2018-87

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Ottawa, 14 March 2018

File numbers: 8665-T66-201710708 and 4754-577

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by TELUS Communications Inc.'s application for an extension of the implementation date for certain new requirements in the Wireless Code

Application

1. By letter dated 11 December 2017, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by TELUS Communications Inc.'s (TCI) application for an extension of the implementation date for certain new requirements in the Wireless Code (the proceeding). The proceeding led to the issuance of a letter dated 13 February 2018, in which the Commission approved TCI's application and, among other things, directed TCI to implement certain measures to ensure that its customers are informed of the postponement of the implementation date for the new requirements.
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* (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. In particular, PIAC submitted that it represents the interests of all consumers across Canada with respect to the provision of important public services, as well as a number of individual and organizational members.¹ PIAC submitted that it intervened in the proceeding on behalf of mobile wireless service consumers who subscribe to TCI's services. With respect to the specific methods by which PIAC submitted that it represents this group or class, PIAC explained that it has conducted extensive research related to consumer interests, including preparing reports on

¹ PIAC referred to the Alberta Council on Aging, Pensioners Concerned, Dying with Dignity Canada, the Federation of Metro Tenants' Associations, the Ontario Society of Senior Citizens' Organizations, the PEI Council of People with Disabilities, and Rural Dignity of Canada.

affordability and research on choice in telecommunications services. PIAC also submitted that it relied on its expertise to understand consumer interests and how it could advance those interests. Lastly, PIAC submitted that it assisted the Commission in developing a better understanding of the matters that were considered in the proceeding by focusing on issues that directly affect the interests of consumers, notably overage charges on multi-user plans.

5. PIAC requested that the Commission fix its costs at \$450, consisting entirely of internal legal fees. PIAC filed a bill of costs with its application.
6. PIAC submitted that TCI is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

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. 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, PIAC has demonstrated that it meets this requirement. PIAC represented the interests of mobile wireless service consumers in Canada, specifically those who subscribe to TCI's services. PIAC developed its positions through its research regarding affordability and choice in telecommunications services, as well as through its reliance on its experience and expertise in consumer and telecommunications matters.
9. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submissions, particularly regarding the potential impact of TCI's delay in implementing certain new Wireless Code requirements on multi-user plan subscribers, assisted the Commission in developing a better understanding of the matters that were considered.
10. The rates claimed in respect of legal 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 PIAC 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 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 participated actively in the proceeding: Bell Canada, Rogers Communications Canada Inc., and Saskatchewan Telecommunications.
13. Nonetheless, the Commission considers that TCI, as the applicant requesting the extension, was particularly affected by the outcome of the proceeding. Given this and the administrative burden that small costs awards impose on both the applicant and costs respondents, the Commission finds that TCI is the appropriate costs respondent to PIAC's costs application.

Directions regarding costs

14. The Commission **approves** the application by PIAC 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 PIAC at \$450.
16. The Commission **directs** that the award of costs to PIAC be paid forthwith by TCI.

Secretary General

Related documents

- *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