



Telecom Order CRTC 2018-88

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Ottawa, 14 March 2018

File numbers: 8665-T66-201710708 and 4754-578

Determination of costs award with respect to the participation of l'Union des consommateurs 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 19 December 2017, l'Union des consommateurs (l'Union) 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. 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. In particular, l'Union indicated that it represented the interests of consumers, particularly those from households with modest incomes. It noted that the class of subscribers for which it primarily advocates had an interest in the outcome of the proceeding. L'Union submitted that numerous consumers in Quebec use or could use TCI's telephone services.

5. L'Union also submitted that it comprises 13 consumer advocacy groups, the majority of which are in Quebec.¹ It noted that its structure enables it to maintain a broad vision of consumer issues while developing particular expertise in certain areas of intervention, notably through its research on new issues faced by consumers. In particular, l'Union indicated that its representation of consumer interests is shaped by its work on the ground and the establishment of member associations in their communities.
6. L'Union requested that the Commission fix its costs at \$1,305, consisting of \$600 for legal fees and \$705 for analyst fees. Specifically, l'Union claimed 0.75 day in senior internal legal fees at the daily rate of \$800 and 1.5 days in internal analyst fees at the daily rate of \$470. 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).

Commission's analysis and determinations

8. 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.
9. 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, l'Union has demonstrated that it meets this requirement. L'Union submitted that it represented the interests of consumers, primarily those from households with modest incomes, and identified its member organizations. Further, l'Union described how it determined that the positions it put forward reflected the interests of the members it claimed to represent.

¹ These groups are l'Association coopérative d'économie familiale (ACEF) in 10 regions, l'Association des consommateurs pour la qualité dans la construction, the EBO Financial Education Centre (formerly Entraide budgétaire Ottawa), and le Centre d'intervention budgétaire et sociale de la Mauricie.

10. L'Union has also satisfied the remaining criteria through its participation in the proceeding. In particular, l'Union assisted the Commission in developing a better understanding of the matters that were considered by putting forward its perspective on the requested extensions and on the importance of informing customers of the extensions and their impacts. In addition, l'Union participated in the proceeding in a responsible way.
11. The rates claimed in respect of legal and analyst 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 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. The Commission considers that the following parties participated actively in the proceeding: Bell Canada, Rogers Communications Canada Inc., Saskatchewan Telecommunications, and TCI.
14. Nonetheless, the Commission considers that TCI, as the applicant requesting the extension to the implementation date, 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 in this case.

Directions regarding costs

15. The Commission **approves** the application by l'Union 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 l'Union at \$1,305.
17. The Commission **directs** that the award of costs to l'Union 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