



# Telecom Order CRTC 2024-181

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## **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceedings initiated by Bell Canada and Goldblatt Partners LLP**

### **Application**

1. By letter dated 27 March 2024, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceedings initiated by Bell Canada and Goldblatt Partners LLP.<sup>1</sup> In both proceedings, Bell Canada and Goldblatt Partners LLP are seeking clarification from the Commission on several issues pertaining to long distance calls in Ontario correctional facilities.
2. TELUS Communications Inc. (TELUS) filed an intervention, dated 8 April 2024, in response to PIAC's application. TELUS did not oppose PIAC's application and submitted that the costs requested appeared reasonable and reflected PIAC's participation in the proceedings.
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 proceedings, 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. PIAC is a national non-profit organization and registered charity with a mission to represent the public interest in matters of public concern. PIAC submitted that it represents the interests of low-income and vulnerable Canadians, including inmates and their families.
5. PIAC requested that the Commission fix its costs at \$5,938.09, consisting solely of legal fees. PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.

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<sup>1</sup> Goldblatt Partners LLP filed the application on behalf of Ransome Capay and Vanessa Fareau.

6. PIAC claimed 19.7 hours for senior external counsel at a rate of \$290 per hour for work preparing for the proceedings including drafting interventions, researching the issues at hand and responding to requests for information.
7. PIAC submitted that Bell Canada is the appropriate party to pay any costs awarded by the Commission. It noted that this is an exception to Commission practice as set out in Telecom Regulatory Policy 2010-963 in which 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.

### **Commission's analysis**

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, PIAC has demonstrated that it meets this requirement. PIAC represents low-income and vulnerable consumers. It noted that inmates and their families in particular are a vulnerable group and often can face financial hardship during an inmate's incarceration.
10. PIAC has also satisfied the remaining criteria through its participation in the proceedings. In particular, PIAC's submissions, especially regarding its interpretation of the term "equal access" and its views on retroactive ratemaking and forbearance, assisted the Commission in developing a better understanding of the matters that were considered. In addition, TELUS submitted that PIAC participated in the proceedings in a responsible way. Accordingly, the Commission finds that the applicant meets the criteria for an award of costs under section 68 of the Rules of Procedure.

11. 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.
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. However, the Commission considers that this is an appropriate case to depart from its usual practice and require Bell Canada to be the sole costs respondent. Although TELUS participated in the proceedings, one of the proceedings was initiated by Bell Canada, and the issues in both proceedings concern Bell Canada's telephone service rates, not those of any other telecommunications service provider, demonstrating Bell Canada's significant interest in the outcome of both proceedings in question.
14. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated entirely to Bell Canada.

#### **Directions regarding costs**

15. The Commission approves the application by PIAC for costs with respect to its participation in the proceedings.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$5,938.09.
17. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada.

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