



Telecom Order CRTC 2024-291

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Ottawa, 21 November 2024

File numbers: 8663-T66-202402246 and 4754-752

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

Application

1. By letter dated 16 July 2024, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by an application from TELUS Communications Inc. (TCI) [the proceeding]. In the proceeding, the Commission addressed TCI's proposed disconnection of home telephone services in three communities in British Columbia (BC). The Commission requested that TCI file an application detailing how it intends to respect the Commission's policies and regulations with respect to the disconnection of local exchange services. It also requested that TCI provide other options for serving these communities. On 1 May 2024, TCI filed an application as requested by the Commission.
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 explained that it represents the interests of Canadian consumers, including vulnerable consumers and those who would be directly affected by TCI's discontinuation of voice services in the three BC communities. PIAC also noted that this group would be interested in the outcome of the proceeding because the discontinuation of service and lack of reliable and affordable connectivity options in these remote communities could isolate consumers and impact the speed at which they could access emergency services.
5. PIAC submitted that it had assisted the Commission in developing a better understanding of the matters that were considered by invoking the regulatory obligations of incumbent local exchange carriers, including the scope of the obligation to serve, and by providing input on the alternative options listed in TCI's proposal.

6. PIAC requested that the Commission fix its costs at \$4,082.28, consisting of \$482.28 for external legal fees and \$3,600.00 for in-house 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.
7. PIAC made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents). PIAC suggested that the responsibility for payment of costs should be divided among costs respondents based on the most recent financial information provided to the Commission.

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. Specifically, PIAC represented the interests of consumers, including vulnerable consumers and those who would be directly affected by TCI's discontinuation of voice services in the three designated BC communities.
10. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submissions, especially regarding the scope of the obligation to serve and the impacts that discontinuation of service may have on consumers in the three designated communities, assisted the Commission in developing a better understanding of the matters that were considered. Furthermore, PIAC participated in the proceeding in a responsible way.

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. The Commission considers that Bell Canada and TCI had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding.
14. The Commission considers that, consistent with its practice, it is appropriate to allocate the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs) as an indicator of the relative size and interest of the parties involved in the proceeding.¹
15. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:²

Company	Proportion	Amount
TCI	60.05%	\$2,451.21
Bell Canada	39.95%	\$1,631.07

Directions regarding costs

16. The Commission approves the application by PIAC 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 PIAC at \$4,082.28.
18. The Commission directs that the award of costs to PIAC be paid forthwith by TCI and Bell Canada according to the proportions set out in paragraph 15.

¹ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

² In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.

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