



## Telecom Order CRTC 2025-101

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### **Determination of costs award with respect to the participation of the Canada Deaf Grassroots Movement in the proceeding initiated by Telecom Notice of Consultation 2021-102**

#### **Applications**

1. By letter dated 7 April 2022, the Canada Deaf Grassroots Movement (CDGM) applied for costs with respect to its participation in the proceeding initiated by the filing of the Canadian Administrator of VRS (CAV) Inc.'s 2022 annual budget review (the CAV proceeding) [the first costs application].
2. By way of a Secretary General [letter](#) dated 9 May 2022, the Commission determined that the CDGM's submissions, while out of scope of the CAV proceeding, provided insights that were within the scope of the proceeding initiated by Telecom Notice of Consultation 2021-102 (the video relay service [VRS] proceeding). The Commission therefore transferred the submissions and the related costs application to the record of the VRS proceeding.
3. By letter dated 15 January 2024, the CDGM applied for costs with respect to its participation in the VRS proceeding (the second costs application). In the VRS proceeding, the Commission undertook a comprehensive review of VRS to assess whether it efficiently addresses the needs of Canadians with hearing and speech disabilities, among other matters.
4. On 25 January 2024, Bell Canada, Quebecor Media Inc. on behalf of Videotron Ltd. (Quebecor), Rogers Communications Canada Inc. (Rogers), and TELUS Communications Inc. (TELUS) collectively filed an answer in response to the CDGM's second costs application. Commission staff sent a request for information (RFI) to the CDGM on 26 February 2024. On 15 March 2024, the CDGM filed a reply to the RFI.
5. The CDGM 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.
6. With respect to the group or class of subscribers that the CDGM submitted it represents, the CDGM explained that it represents the interests of Deaf, Deaf-Blind, and hard of hearing (DDBHH) Canadians who use sign language to communicate and who rely on VRS to

efficiently communicate with their hearing peers. The CDGM also submitted that its contribution did not duplicate that of any other public interest parties.

### **Details of the costs claimed**

7. Through its two applications, the CDGM requested that the Commission fix its costs at a total of \$32,338, consisting of \$32,285 in consultant fees and \$53 in disbursements. The CDGM filed a bill of costs with its applications.
8. The CDGM claimed a total of 293.5 hours at a rate of \$110 per hour for work performed by five external consultants (\$32,285). This included 27 hours (\$2,970) to prepare and submit its second costs application.
9. In the first costs application, related to the CAV proceeding, the CDGM submitted that the CAV would be the appropriate party to be required to pay any costs awarded by the Commission. In its second costs application, related to the VRS proceeding, the CDGM submitted that the appropriate costs respondents are the telecommunications service providers that participated in the VRS proceeding (the costs respondents).

### **Answer**

10. In a joint answer to the second costs application dated 25 January 2024, Bell Canada, Quebecor, Rogers, and TELUS asked the Commission to confirm whether the costs submitted by the CDGM satisfy the criteria for an award of costs set out under section 68 of the Rules of Procedure. The companies also challenged the total amount of costs claimed by all the costs applicants in the VRS proceeding.

### **RFI**

11. On 18 March 2024, the CDGM responded to the RFI sent by Commission staff on 26 February 2024, providing clarification and additional documentation, including timesheets detailing its requested costs.

### **Commission's analysis**

12. 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.

13. 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 CDGM has demonstrated that it meets this requirement. In the VRS proceeding, the CDGM represented the interests of DDBHH Canadians who use sign language to communicate and rely on VRS to communicate efficiently with their hearing peers.
14. The CDGM has also satisfied the remaining criteria through its participation in the VRS proceeding. In particular, the CDGM's submissions focused on the user experience of VRS, VRS's features and capabilities, and on ways to make VRS more accessible and user-friendly to all members of the DDBHH community. The CDGM assisted the Commission in developing a better understanding of the matters that were considered, namely by suggesting ways to improve the user experience of VRS and answering the 14 questions posed in the VRS proceeding.
15. The rates claimed in respect of the CDGM's participation in the proceeding are generally in accordance with the rates established in the *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963.
16. The Commission finds that the majority of the costs claimed by the CDGM were necessarily and reasonably incurred. However, in its review, the Commission identified the costs claimed for preparing and filing the second costs application as requiring adjustment.

#### **Costs claimed for preparing and filing the second costs application**

17. The Commission awards costs to reimburse parties for reasonable expenses that were necessary for a party to file submissions that allow the Commission to have a better understanding of the substantive issues in a proceeding pursuant to paragraph 4(a) of the Guidelines and subsection 70(2) of the Rules of Procedure. This can include reasonable costs to file a costs application because reimbursement for expenses is often critical to ensuring that public interest participants can participate in a meaningful way. However, paragraphs 18 and 19 of the Guidelines state that time claimed may be considered excessive, and that the time claimed and awarded in the proceeding or other similar proceedings, among other things, may be taken into account.
18. In the VRS proceeding, the CDGM claimed 27 hours (\$2,970) to prepare and file its costs application. In the last seven years, the highest amount of time claimed and awarded to costs applicants for preparing and submitting costs applications has been 24 hours. This includes files where costs were claimed for applications of similar complexity by costs applicants representing the DDBHH community, who the Commission has acknowledged require additional time and resources to participate in Commission proceedings.<sup>1</sup> The amount of time claimed by the CDGM is higher than the amount of time claimed by many other costs applicants in the VRS proceeding for preparing and filing costs applications.

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<sup>1</sup> See Telecom Order 2022-255.

19. To ensure consistency and equitable treatment between all costs applicants, the Commission finds that, generally, a reasonable amount of time to claim for the filing of a costs application would be no more than 24 hours (or its daily equivalent, as applicable and pro-rated).
20. In light of the above, the Commission reduces, on a pro-rata basis to the hourly rates claimed, the time claimed by the CDGM for preparing and filing its second costs application to 24 hours (\$2,640).<sup>2</sup>

**Costs respondents and allocation of costs**

21. 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 even though there are two separate costs applications, both relate primarily to the VRS proceeding. As a result, the following parties are the appropriate costs respondents because they had a significant interest in the outcome of the proceeding and participated actively in the proceeding: Bell Canada, including its related companies or divisions Bell Mobility Inc., Bell MTS Inc., Lucky Mobile, Solo Mobile, and Virgin Mobile (collectively, Bell Canada et al.); Bragg Communications Incorporated, carrying on business as Eastlink; Cogeco Communications Inc.; Quebecor, including Videotron Ltd. and Freedom Mobile Inc.; Rogers, including Shaw Group and Shaw Telecom G.P.; Saskatchewan Telecommunications; TBayTel; TELUS; and Xplore Mobile Inc.
22. 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.<sup>3</sup> However, as set out in Telecom Order 2015-160, the Commission considers \$1,000 to be the minimum amount that a costs respondent should be required to pay, due to the administrative burden that small costs awards impose on both the applicant and costs respondents.
23. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:<sup>4</sup>

First costs application

Company	Proportion	Amount
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<sup>2</sup> Given that all 27 hours claimed were at the rate of \$110 per hour (\$2,970), all 24 hours awarded in relation to the preparation and filing of the costs application are attributed the rate of \$110 per hour (\$2,640).

<sup>3</sup> TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

<sup>4</sup> In this order, the Commission has used the TORs of the costs respondents based on their 2022 audited financial statements.

Bell Canada et al.	39.54%	\$380.57
Rogers	32.49%	\$312.72
TELUS	27.97%	\$269.21

#### Second costs application

Company	Proportion	Amount
Bell Canada et al.	36.22%	\$11,244.68
Rogers	29.76%	\$9,239.14
TELUS	25.62%	\$7,956.96
Quebecor	8.39%	\$2,604.72

#### Directions regarding costs

24. The Commission approves the applications by the CDGM for costs with respect to its participation in the VRS proceeding.
25. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the CDGM at \$32,008.
26. The Commission directs that the award of costs to the CDGM be paid forthwith by Bell Canada et al., Rogers, TELUS, and Quebecor, according to the proportions set out in paragraph 23 above.

Secretary General

#### Related documents

- *Determination of costs award with respect to the participation of the Canadian National Society of the Deaf-Blind, Inc. in the proceeding initiated by Telecom Notice of Consultation 2020-178*, Telecom Order CRTC 2022-255, 21 September 2022
- *Call for comments – Review of video relay service*, Telecom Notice of Consultation CRTC 2021-102, 11 March 2021; as amended by Telecom Notices of Consultation CRTC 2021-102-1, 26 April 2021; 2021-102-2, 30 June 2021; 2021-102-3, 14 March 2022; and 2021-102-4, 19 September 2023
- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016

- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188, Telecom Order CRTC 2015-160, 23 April 2015*
- *Revision of CRTC costs award practices and procedures, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010*