



Telecom Order CRTC 2025-102

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Gatineau, 14 May 2025

File numbers: 1011-NOC2021-0102 and 4754-729

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 2021-102

Application

1. By letter dated 14 January 2024, the Canadian National Society of the Deaf-Blind, Inc. (CNSDB) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2021-102 (the proceeding). In the proceeding, the Commission undertook a comprehensive review of video relay service (VRS) to assess whether it efficiently addresses the needs of Canadians with hearing and speech disabilities, among other matters.
2. 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 CNSDB's costs application. Commission staff sent a request for information (RFI) to the CNSDB on 26 February 2024. On 15 April 2024, the CNSDB filed a reply to the RFI and an amended costs application.
3. The CNSDB 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. With respect to the group or class of subscribers that the CNSDB submitted it represents, the CNSDB explained that it represents the interests of Deaf, Deaf-Blind, and hard of hearing (DDBHH) Canadians who use sign language and who rely on VRS from an accessibility viewpoint. The CNSDB submitted that its members are part of the Deaf-Blind community, and that its team members have chosen a consumer-focused approach, researching issues and conducting surveys in a fully accessible manner whenever possible. The CNSDB also submitted that its contribution did not duplicate that of any other public interest parties.

Details of the costs claimed

5. Through its amended costs application, the CNSDB requested that the Commission fix its costs at \$99,855, consisting of \$97,955 in consultant and analyst fees and \$1,900 in disbursements. The CNSDB filed a bill of costs with its application.

6. The CNSDB submitted that it collaborated with the Deaf-Blind Planning Committee (DBPC) and the Deaf Wireless Canada Consultative Committee (DWCC) in an effort to reduce costs associated with these groups' collective participation in the proceeding and to participate in a responsible way.
7. The CNSDB claimed 231 hours at a rate of \$225 per hour for work performed by one external senior consultant (\$51,975), 110 hours at a rate of \$165 per hour for work performed by two external intermediate consultants (\$18,150), 175 hours at a rate of \$110 per hour for work performed by three external consultants (\$19,250), and 52 hours at a rate of \$165 per hour for work performed by one external intermediate analyst (\$8,580). This included 64 hours (\$10,145) to prepare and submit its costs application and an additional 22 hours (\$2,805) to prepare and submit its response to Commission staff's RFI.
8. The CNSDB made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Answer

9. In a joint answer dated 25 January 2024, Bell Canada, Quebecor, Rogers, and TELUS (the companies) asked the Commission to confirm whether the costs submitted by the CNSDB 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 proceeding.
10. The companies submitted that the costs claimed by the CNSDB (as well as those claimed by the DBPC and the DWCC) were high in comparison to the costs claimed by the other costs applicants in the proceeding. The companies submitted that these costs applicants did not coordinate with each other in an efficient and cost-effective manner and appear to have claimed excessive hours.
11. The companies also questioned the use of ChatGPT to estimate the hours that could be reasonably claimed and submitted that the estimates the CNSDB relied on from this tool may not reflect the time actually spent on file review.

RFI

12. On 15 April 2024, the CNSDB responded to the RFI sent by Commission staff on 26 February 2024, clarifying its use of ChatGPT and providing time sheets and other supporting material with respect to the time claimed. The CNSDB also confirmed and corrected some duplication of the fees claimed by its organization regarding identical fees claimed by other costs applicants for the same work performed on the same date by some consultants and/or analysts.
13. Together with its response to the RFI, the CNSDB amended its costs application to remove duplicate claims and to increase the total amount claimed to include an additional 22 hours of work (\$2,805) associated with responding to the RFI.

Commission's analysis

14. 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.
15. 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 CNSDB has demonstrated that it meets this requirement. The CNSDB represented the interests of a specific group of Deaf-Blind Canadians in this proceeding. The CNSDB is a consumer-run association that advocates for new and improved services for people who are Deaf-Blind, promotes public awareness of issues associated with such disabilities, and gathers information to help people who are Deaf-Blind.
16. The CNSDB has also satisfied the remaining criteria through its participation in the proceeding. In particular, the CNSDB's submissions, especially those regarding the experiences of Deaf-Blind persons with VRS and demographic data on VRS consumers' experiences, needs, barriers, and perspectives, assisted the Commission in developing a better understanding of the matters that were considered. The CNSDB's submissions also offered a consumer-focused lens of the issues, barriers, and needs of Deaf-Blind Canadians regarding VRS, including an Indigenous perspective on the matters considered.
17. The Commission also notes that the CNSDB collaborated with the DBPC and the DWCC in an effort to reduce costs associated with their collective participation in the proceeding and to participate in a responsible way. The Commission has reviewed the costs claimed by each group to ensure that this collaboration is accurately reflected, and the Commission is satisfied that the parties have properly allocated the number of hours across their claims.
18. The rates claimed in respect of the CNSDB'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. However, in its review, the Commission identified several areas that required additional examination, and in some cases that required an adjustment in the costs to be awarded.

Costs claimed for preparing and filing the costs application

19. 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 must not be excessive, and that the time claimed and awarded in the proceeding or other similar proceedings, among other things, may be taken into account.
20. In the proceeding, the CNSDB claimed 64 hours (\$10,145) 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.¹ The amount of time claimed by the CNSDB is significantly higher than the amount of time claimed by most other costs applicants in the proceeding for preparing and filing costs applications.
21. 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).
22. In light of the above, the Commission reduces, on a pro-rata basis to the hourly rates claimed, the time claimed by the CNSDB for preparing and filing its costs application to 24 hours (\$3,806.05).²

Costs claimed for answering the RFI and amending the costs application

23. In addition to the costs claimed for filing its initial costs application, the CNSDB amended its application to claim supplementary costs for the time spent answering Commission staff's RFI regarding its application for costs. This totalled an additional 22 hours (\$2,805).
24. While reasonable costs for preparing a costs application can be necessary for participation in a proceeding, time spent responding to an RFI about issues in a costs application is the responsibility of the costs applicant. The additional submissions gave the CNSDB an opportunity to adjust its costs application.
25. In light of the above, the Commission excludes the costs claimed by the CNSDB to respond to Commission staff's RFI, namely \$2,805 (22 hours).

¹ See Telecom Order 2022-255.

² The CNSDB claimed 37 hours at the rate of \$110 per hour (\$4,070.00) and 27 hours at the rate of \$225 per hour (\$6,075.00) for preparing and filing its costs application. After a pro-rated reduction, the portion allowed represents 13.88 hours at the rate of \$110 per hour (\$1,526.80) and 10.13 hours at the rate of \$225 per hour (\$2,279.25).

Costs claimed for file review time reduced based on ChatGPT estimate

26. In its costs application, the CNSDB willingly disclosed its use of ChatGPT to estimate file review times for Deaf and Deaf-Blind consultants and analysts. Bell Canada, Quebecor, Rogers, and TELUS argued in their answer that, to their knowledge, no costs claimant has ever used artificial intelligence tools to compute hours of work subject to a costs claim. They questioned the use of artificial intelligence to estimate the hours and submitted that the estimates that the CNSDB has relied on from this tool may not reflect the time actually spent on file review.
27. In its reply to Commission staff's RFI, the CNSDB explained that it relied on the estimate produced by ChatGPT out of concern that its actual file review times would be deemed excessive and ultimately be denied. The CNSDB used ChatGPT to estimate how long it should take to review a record and prepare materials in a file like this one, to reduce the number of hours and resulting costs being claimed in its application by 50%. In its application, the CNSDB voluntarily opted to reduce the total number of hours claimed for file review time by 50% and reflected this decision in the time records submitted to the Commission.
28. Costs applicants can decide to seek recovery of only a portion of costs incurred. Whether costs are sought to be recovered in part or in full, the Commission relies on the contents of the costs application, including time-keeping records, to determine if the costs sought are in line with its policies, guidelines, and practices.
29. ChatGPT is not an acceptable tool to assess time spent on a file. However, in its RFI response, the CNSDB provided all necessary documentation in support of its claim, including time-keeping records containing the necessary information set out at section 16 of the Guidelines. The costs claimed for file review time therefore meet the Commission's requirements, and the Commission allows these costs.

Costs respondents and allocation of costs

30. 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 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 (Eastlink); Cogeco Communications Inc. (Cogeco); Quebecor, including Videotron Ltd. and Freedom Mobile Inc.; Rogers, including Shaw Group and Shaw Telecom G.P.; Saskatchewan Telecommunications (SaskTel); TBayTel; TELUS; and Xplore Mobile Inc.
31. 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.³ 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.

32. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:⁴

Company	Proportion	Amount
Bell Canada et al.	34.34%	\$31,150.17
Rogers	28.22%	\$25,598.66
TELUS	24.29%	\$22,033.71
Quebecor	7.95%	\$7,211.53
SaskTel	2.15%	\$1,950.29
Cogeco	1.85%	\$1,678.15
Eastlink	1.19%	\$1,088.53

Directions regarding costs

33. The Commission approves the application by the CNSDB for costs with respect to its participation in the proceeding.

34. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the CNSDB at \$90,711.05.

35. The Commission directs that the award of costs to the CNSDB be paid forthwith by Bell Canada et al., Rogers, TELUS, Quebecor, SaskTel, Cogeco, and Eastlink, according to the proportions set out in paragraph 32 above.

Secretary General

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

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

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