



Telecom Order CRTC 2025-120

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Gatineau, 23 May 2025

File numbers: 8662-C6-202405753 and 4754-759

Determination of costs award with respect to the participation of the Manitoba Coalition in the proceeding initiated by Cogeco Communications Inc.

Application

1. By letter dated 14 March 2025, Aboriginal Council of Winnipeg, Harvest Manitoba, and the Manitoba Branch of the Consumers' Association of Canada (collectively, the Manitoba Coalition) applied for costs with respect to its participation in the consolidated process initiated by applications from Cogeco Communications Inc. (Cogeco), Rogers Communications Inc. (Rogers)¹, and TekSavvy Solutions Inc. (TekSavvy) [the proceeding].² In the proceeding, applicants requested that the Commission review and vary Telecom Regulatory Policy 2024-180, with the main issue in the proceeding being whether Bell Canada, Rogers and TELUS Communications Inc. (TELUS) should have access to wholesale high-speed access (HSA) services.
2. The Commission did not receive any interventions in response to the application for costs.
3. The Manitoba Coalition 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, the Manitoba Coalition submitted that it represents the interests of Manitoba consumers. With respect to the specific methods by which the Manitoba Coalition has submitted that it represents this group or class, the Manitoba Coalition explained that its participation was directly informed by independent consumer research and input from Manitobans.

¹ Since the 2023 telecommunications operating revenues (TORs) were reported, ownership transactions have changed the makeup of Rogers. As a result, Shaw Cablesystems G.P.'s TORs have been added to Rogers'.

² The Commission, via a [Secretary General Letter](#) dated 25 November 2024, consolidated the three applications submitted by Cogeco, Rogers and TekSavvy to review and vary aspects of Telecom Regulatory Policy 2024-180 into a single Part I proceeding.

5. The Manitoba Coalition requested that the Commission fix its costs at \$6,805.60, consisting entirely of legal fees. The Manitoba Coalition claimed 2.60 hours at a rate of \$206 per hour for one external legal counsel (\$535.60) and 38 hours at a rate of \$165 per hour for one external legal counsel (\$6,270.00).
6. The Manitoba Coalition submitted that the carriers who sought to review and vary Telecom Regulatory Policy 2024-180 are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).
7. The Manitoba Coalition suggested that the responsibility for payment of costs should be divided among the 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, the Manitoba Coalition has demonstrated that it meets this requirement. The Manitoba Coalition represented the interests of Manitoba consumers who could be affected by this proceeding. The Manitoba Coalition was the only intervener in this proceeding to present a province-specific, consumer-focused perspective.
10. The Manitoba Coalition has also satisfied the remaining criteria through its participation in the proceeding. The Manitoba Coalition's submissions assisted the Commission in developing a better understanding of the matters that were considered. The Manitoba Coalition provided a perspective distinct from those of other consumer groups, highlighting for the Commission the diversity in consumers' needs and priorities. 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 the Manitoba Coalition 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 had a significant interest in the outcome of the proceeding and participated actively in the proceeding: Bell Canada, Bragg Communications Incorporated, carrying on business as Eastlink, Bravo Telecom, Cogeco, D2 Technologie, Fibernetics Corporation, MasterCom Inc., Orizon Mobile, Quebecor Media Inc. on behalf of its affiliates Freedom Mobile Inc. and Videotron Ltd., Rogers, Saskatchewan Telecommunications, TekSavvy, and TELUS.
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.³
15. 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.
16. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:⁴

Company	Proportion	Amount
Rogers	41.55%	\$2,827.73
TELUS	35.10%	\$2,388.77
Bell Canada	23.35%	\$1,589.10

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 most recent audited financial statements.

Directions regarding costs

17. The Commission approves the application by the Manitoba Coalition for costs with respect to its participation in the proceeding.
18. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the Manitoba Coalition at \$6,805.60.
19. The Commission directs that the award of costs to the Manitoba Coalition be paid forthwith by Rogers, TELUS and Bell Canada according to the proportions set out in paragraph 16 above.

Secretary General

Related documents

- *Competition in Canada's Internet service markets*, Telecom Regulatory Policy CRTC 2024-180, 13 August 2024
- *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
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002