



Telecom Order CRTC 2025-177

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Gatineau, 10 July 2025

File numbers: 1011-NOC2023-0089 and 4754-760

Determination of costs award with respect to the participation of the First Mile Connectivity Consortium in the proceeding initiated by Telecom Notice of Consultation 2023-89

Application

1. By letter dated 8 March 2024, the First Mile Connectivity Consortium (FMCC) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2023-89 (the proceeding). In the proceeding, the Commission sought comments from anyone with an interest in connectivity in rural and remote areas, including telecommunications service providers, communities, consumers, and consumer advocates.
2. The Commission did not receive any interventions in response to the application for costs.
3. The FMCC 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 FMCC submitted that it represents First Nations broadband service providers operating in rural, remote and northern regions of the country. With respect to the specific methods by which the FMCC has submitted that it represents this group or class, the FMCC explained that it contributed arguments and evidence from its members' experiences providing services in northern and Indigenous regions.
5. The FMCC requested that the Commission fix its costs at \$55,030.00, consisting entirely of consultant fees. The FMCC claimed 195 hours at a rate of \$225 per hour for three external consultants (\$44,786.25), 35 hours at a rate of \$165 per hour for one external consultant (\$6,063.75), and 38 hours at a rate of \$110 per hour for one external consultant (\$4,180.00). The FMCC's claim included partial federal Goods and Services Tax (GST) on fees less the rebate to which the FMCC is entitled in connection with the GST. The FMCC filed a bill of costs with its application.

6. The FMCC submitted that carriers that participated in the proceeding are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).
7. The FMCC 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 FMCC has demonstrated that it meets this requirement. The FMCC represented the interests of First Nations broadband service providers operating in rural, remote and northern regions of the country who could be affected by decisions arising from the proceeding.
10. The FMCC has also satisfied the remaining criteria through its participation in the proceeding. The FMCC's submissions assisted the Commission in developing a better understanding of the matters that were considered. The FMCC contributed arguments and supporting evidence from its members' experiences providing services in northern and Indigenous regions across Canada. 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 consultant 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 FMCC 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: 307net; Access Communications Co-operative Limited; Bell Canada; Bragg Communications Inc., carrying on business as Eastlink; Cogeco Communications Inc. (Cogeco); Eeyou Communications Network; Great Northern Wireless Inc.; KNet LP; Leepfrog Telecom; National Capital FreeNet; Quebecor Media Inc. (Quebecor); Rogers Communications Canada Inc. (Rogers)¹; Saskatchewan Telecommunications (SaskTel); Spirit Mobile Inc.; SSi Micro Ltd., doing business as SSi Canada; TELUS Communications Inc. (TELUS); TERAGO; Viasat; and Xplore Inc.
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.²
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:³

Company	Proportion	Amount
Bell Canada	34.40%	\$18,930.32
Rogers	29.28%	\$16,112.78
TELUS	24.73%	\$13,608.92
Quebecor	7.52%	\$4,138.26
SaskTel	2.16%	\$1,188.65
Cogeco	1.91%	\$1,051.07

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

³ 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 FMCC 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 FMCC at \$55,030.00.
19. The Commission directs that the award of costs to the FMCC be paid forthwith by Bell Canada, Rogers, TELUS, Quebecor, SaskTel and Cogeco according to the proportions set out in paragraph 16.

Secretary General

Related documents

- *Call for comments – Broadband Fund policy review*, Telecom Notice of Consultation CRTC 2023-89, 23 March 2023, as amended by Telecom Notices of Consultation CRTC 2023-89-1, 17 April 2023, and 2023-89-2, 25 July 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