



## Telecom Order CRTC 2025-73

PDF version

Gatineau, 7 March 2025

*File numbers: 8690-R28-202404201 and 4754-758*

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by Rogers Communications Canada Inc.**

#### **Application**

1. By letter dated 17 December 2024, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Rogers Communications Canada Inc. (Rogers). In the proceeding, the Commission considered Rogers' request that the Commission issue an order directing the City of Ottawa to agree to reasonable terms of access to highways and other public places under a municipal access agreement.
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 submitted that it represents the interests of all Canadian consumers, including vulnerable consumers, who have an interest in the outcome of the proceeding.
5. PIAC also submitted that it had assisted the Commission in developing a better understanding of the matters that were considered by supporting Rogers' application and request that an order be issued under subsection 43(4) of the *Telecommunications Act* (the Act). PIAC added that its contribution helped clarify what telecommunications matters fall under federal jurisdiction, as opposed to the Commission's authority. PIAC also provided comments on the definition of beautification and aesthetics and on the methods of calculating relocation costs. Finally, PIAC indicated that it had provided recommendations on the issues raised in Rogers' application.
6. PIAC requested that the Commission fix its costs at \$750.71, consisting entirely of 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 claimed 0.5 hours for external counsel at a rate of \$290 per hour for work reviewing the file (\$150.71 with the HST and the associated rebate) and one day for in-house counsel at a rate of \$600 per day for conducting legal research and drafting the submission (\$600.00).
8. 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**

9. 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.
10. 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 all Canadian consumers, including vulnerable consumers, who have an interest in the outcome of the proceeding.
11. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submissions, especially regarding the definition of beautification and aesthetics and the methods of calculating relocation costs, assisted the Commission in developing a better understanding of the matters that were considered. Furthermore, PIAC participated in the proceeding in a responsible way.
12. 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.

13. 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.
14. 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: Quebecor Media Inc., on behalf of Freedom Mobile Inc., Videotron Ltd., and VMedia Inc.; Rogers (including Shaw Group and Shaw Telecom G.P.); and TELUS Communications Inc.
15. 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>1</sup>
16. 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.
17. Accordingly, the Commission finds that Rogers is the appropriate costs respondent to PIAC's application for costs.<sup>2</sup>

### **Directions regarding costs**

18. The Commission approves the application by PIAC for costs with respect to its participation in the proceeding.
19. Pursuant to subsection 56(1) of the Act, the Commission fixes the costs to be paid to PIAC at \$750.71.
20. The Commission directs that the award of costs to PIAC be paid forthwith by Rogers.

Secretary General

---

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

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

## 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
- *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