



Telecom Order CRTC 2025-98

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Gatineau, 14 May 2025

File numbers: 1011-NOC2021-0102 and 4754-727

Determination of costs award with respect to the participation of the Canadian Association of the Deaf – Association des Sourds du Canada in the proceeding initiated by Telecom Notice of Consultation 2021-102

Application

1. By letter dated 14 January 2024, the Canadian Association of the Deaf – Association des Sourds du Canada (CAD-ASC) 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 CAD-ASC's costs application. Commission staff sent a request for information (RFI) to the CAD-ASC on 26 February 2024. On 18 March 2024, the CAD-ASC filed a reply to the RFI.
3. The CAD-ASC 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 CAD-ASC submitted it represents, the CAD-ASC explained that it represents the interests of Deaf, Deaf-Blind, and hard of hearing (DDBHH) individuals who use American Sign Language (ASL) and Langue des signes québécoise (LSQ) and who rely on VRS. The CAD-ASC also submitted that its contribution did not duplicate that of any other public interest parties.

Details of the costs claimed

5. The CAD-ASC requested that the Commission fix its costs at \$19,505, consisting entirely of consultant fees. The CAD-ASC filed a bill of costs with its application.

6. The CAD-ASC claimed 8.5 days at a rate of \$470 per day for work performed by one in-house consultant (\$3,995) and 141 hours at a rate of \$110 per hour for work performed by two external consultants (\$15,510). This included 3 hours at a rate of \$110 per hour to prepare and submit the costs application (\$330).
7. The CAD-ASC made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Answer

8. In a joint answer dated 25 January 2024, Bell Canada, Quebecor, Rogers, and TELUS noted that the CAD-ASC's application was incomplete because it did not include a cover letter or supporting documentation. The companies submitted that they required additional information to assess the reasonableness of the costs claimed by the CAD-ASC. The companies also challenged the total amount of costs claimed by all the costs applicants in the proceeding.

RFI

9. On 18 March 2024, the CAD-ASC responded to the RFI sent by Commission staff on 26 February 2024, providing additional documentation, including timesheets for the types of costs it claimed.

Commission's analysis

10. 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.
11. 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 CAD-ASC has demonstrated that it meets this requirement. The CAD-ASC represents the interests of DDBHH individuals who use ASL and LSQ and who rely on VRS.
12. The CAD-ASC has also satisfied the remaining criteria through its participation in the proceeding. In particular, the CAD-ASC's submissions focused on user experience of VRS since its inception and identified accessibility barriers and technical issues encountered by

DDBHH individuals who use ASL and LSQ, including members of Indigenous communities. The CAD-ASC assisted the Commission in developing a better understanding of the matters that were considered by suggesting ways to improve VRS, answering questions posed in the proceeding, and addressing communications equity, the funding cap, and needs relating to sign language.

13. 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. In addition, the amounts claimed for the preparation of the costs application are within the reasonable range established by the Commission in Telecom Order 2025-97.
14. The Commission finds that the total amount claimed by the CAD-ASC was necessarily and reasonably incurred and should be allowed.
15. 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; 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.
16. 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.¹ 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 the responsibility for payment of costs should be allocated as follows:²

| Company | Proportion | Amount |
|--------------------|-------------------|---------------|
| Bell Canada et al. | 36.22% | \$7,064.71 |
| Rogers | 29.77% | \$5,804.69 |

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

² In this order, the Commission has used the TORs of the costs respondents based on their 2022 audited financial statements.

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|----------|--------|------------|
| TELUS | 25.62% | \$4,999.13 |
| Quebecor | 8.39% | \$1,636.47 |

Directions regarding costs

18. The Commission approves the application by the CAD-ASC for costs with respect to its participation in the proceeding.
19. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the CAD-ASC at \$19,505.
20. The Commission directs that the award of costs to the CAD-ASC be paid forthwith by Bell Canada et al., Rogers, TELUS, and Quebecor according to the proportions set out in paragraph 17 above.

Secretary General

Related documents

- *Determination of costs award with respect to the participation of the Deaf Wireless Canada Consultative Committee in the proceeding initiated by Telecom Notice of Consultation 2021-102*, Telecom Order CRTC 2025-97, 14 May 2025
- *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