Telecom Order CRTC 2026-168

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Determination of costs award with respect to the participation of the Canada Deaf Grassroots Movement in the proceeding initiated by its application to review and vary Telecom Regulatory Policy 2025-54

Application

1. By letter dated 8 August 2025, the Canada Deaf Grassroots Movement (CDGM) applied for costs with respect to its participation in the proceeding initiated by its application to review and vary Telecom Regulatory Policy 2025-54 (the proceeding). In the proceeding, the applicant requested that the Commission review some of the determinations it made in the policy, grouped under six main categories: video relay service (VRS) reliability, competition in the VRS market, expanding VRS functionalities, accessibility for marginalized users, removal of the funding cap, and governance reform.

2. Bell Canada filed an answer, dated 18 August 2025, in response to the CDGM's application. On 28 August 2025, the CDGM replied to Bell Canada's answer.

3. The CDGM 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 CDGM has submitted it represents, the CDGM explained that this group or class consists of an estimated 370,000 Deaf, Deaf Indigenous, Hard of Hearing, and Deaf-Blind (DDIHHDB) individuals across Canada. With respect to the specific methods by which the CDGM has submitted that it represents this group or class, the CDGM explained that it advocates for equal accessibility, transparent governance, and improved telecommunications services for DDIHHDB individuals and their families across Canada.

5. The CDGM requested that the Commission fix its costs at $5,940, consisting entirely of consultant fees. The CDGM filed a bill of costs with its application.

6. The CDGM claimed 54 hours at a rate of $110 per hour for an external consultant to review the file and prepare submissions and the costs application ($5,940).

7. The CDGM submitted that the telecommunications service providers that participated in the proceeding are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Answer

8. Bell Canada submitted that the Commission should deny the CDGM's application for costs because it did not meet the legal threshold for a review and vary application. Bell Canada added that the CDGM had failed to establish substantial doubt as to the correctness of Telecom Regulatory Policy 2025-54 (the policy).

9. Bell Canada further submitted that a costs application should be denied when it does not meet this threshold for a review and vary application. Bell Canada explained that it would be against the public interest to award costs where an application appears not to meet the governing legal standard, imposes an unnecessary administrative burden, and does not contribute to the record beyond a reiteration of settled positions.

Reply

10. The CDGM submitted that it contributed to the record beyond settled positions by presenting unique accessibility perspectives and evidence from DDIHHDB individuals across Canada who are affected by VRS. The CDGM indicated that its lived-experience evidence and community-based accessibility data ensured that DDIHHDB voices were reflected on the record and strengthened the Commission's understanding of the impacts of the policy.

11. The CDGM added that the accessibility concerns in its submissions were not adequately addressed in the policy, including those related to interpreter shortages, Deaf-Blind exclusion, and insufficient awareness of VRS. The CDGM submitted that these omissions failed to adequately consider basic accessibility principles and raised substantial doubt as to the correctness of the policy.

12. The CDGM further submitted that the purpose of awarding costs is to allow public interest and equity-deserving groups to be able to meaningfully engage in proceedings and that denying them may dissuade grassroots Deaf-led participation in Commission proceedings.

Commission's analysis

13. 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.

14. 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 CDGM has demonstrated that it meets this requirement. The CDGM represents the interests of DDIHHDB individuals across Canada, who have an interest in the outcome of the proceeding because they are often directly affected by VRS.

15. The CDGM has also satisfied the remaining criteria through its participation in the proceeding. In particular, the CDGM's submissions emphasized the extent and importance of ongoing accessibility concerns for DDIHHDB users and highlighted those that it found were not adequately addressed in the policy. While the CDGM's submissions did not raise substantial doubt as to the correctness of the policy, they brought possible issues to the Commission's attention regarding persistent accessibility barriers and assisted the Commission in developing a better understanding of the matters that were considered. The CDGM also participated in a responsible way.

16. Regarding Bell Canada's answer, the Commission notes that an award of costs does not require that the costs applicant be successful in its review and vary application. The criteria an applicant is required to meet are set out in section 68 of the Rules of Procedure. Additionally, in Telecom Regulatory Policy 2010-963, the Commission stated that automatically denying costs when a costs applicant's application under Part VII of the Telecommunications Rules or Part 1 of the Rules of Procedure has not been successful could have a chilling effect on those who wish to raise issues of public interest.[1]

17. The Commission assesses each costs application on its merits. This approach allows for the possibility of awarding costs when parties raise issues of public interest, even if those parties are ultimately unsuccessful in their application. The Commission also notes that ensuring that funding is used effectively in the public interest is a key theme in the Commission's current proceeding on improving public interest participation.

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[1] Telecom Regulatory Policy 2010-963, at paragraph 26.

18. 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 CDGM was necessarily and reasonably incurred and should be allowed.

19. 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.

20. 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 and its affiliates (Bell Canada et al.);[2] Bragg Communications Inc., carrying on business as Eastlink; Cogeco Communications Inc.; Quebecor Media Inc., on behalf of its affiliates Freedom Mobile Inc. and Videotron Ltd.; Rogers Communications Canada Inc. (Rogers); Saskatchewan Telecommunications; TBayTel; TELUS Communications Inc. (TELUS); and Xplore Inc.

21. 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]

22. 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.

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

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[2] Bell Canada and its affiliates Bell Conferencing Inc.; Bell Mobility Inc.,; Câblevision du Nord de Québec inc.; Distributel Communications Limited; EBOX, a division of Bell Canada; Groupe Maskatel Québec LP; KMTS, a division of Bell Canada; NorthernTel, Limited Partnership; Northwestel Inc.; Ontera, a division of Bell Canada; Oricom Internet Inc.; Réseau Internet Québec inc.; Réseau Picanoc.Net inc.; and Télébec, Société en commandite.

[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.

Company	Proportion	Amount
Bell Canada et al.	39.76%	$2,361.74
Rogers	32.29%	$1,918.03
TELUS	27.95%	$1,660.23

Directions regarding costs

24. The Commission approves, by majority decision, the application by the CDGM for costs with respect to its participation in the proceeding.

25. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the CDGM at $5,940.

26. The Commission directs that the award of costs to the CDGM be paid forthwith by Bell Canada and its affiliates, Rogers Communications Canada Inc., and TELUS Communications Inc. according to the proportions set out in paragraph 23.

27. A dissenting opinion by Commissioner Ellen C. Desmond, K.C. is attached to this order.

Secretary General

Dissenting opinion of Commissioner Ellen C. Desmond, K.C.

Background

1. The Canada Deaf Grassroots Movement (CDGM) is a national organization that advocates for equal rights and opportunities for Deaf individuals in our Canadian society. It is an organization that often intervenes before the Commission and successfully brings unique accessibility perspectives to various proceedings.

2. One such proceeding was the Commission's review of video relay service (VRS), which was commenced with Telecom Notice of Consultation 2021-102. In this matter, the Commission built a robust public record that included comments from a variety of individuals and groups, such as VRS users, the Canadian Administrator of VRS, telecommunications service providers, and organizations representing the Deaf and Hard of Hearing community, including the CDGM. Thereafter, the CDGM applied for and was awarded costs,[1] having made important and substantive submissions at that time.

3. This proceeding resulted in the issuance of Telecom Regulatory Policy 2025-54 (the policy). As part of the policy, the Commission made a number of determinations, including updating its VRS policy to ensure that the service is more inclusive and diverse and to enhance its usability.

4. The CDGM subsequently filed a review and vary application, seeking a review of various determinations made in the policy. The Commission, after carefully assessing the record, determined in Telecom Decision 2026-73 that the CDGM had not established a substantial doubt as to the correctness of the updated VRS policy. The application was dismissed.

Costs application

5. The CDGM has now requested costs in the amount of $5,940 arising from the review and vary application it filed. It submitted that it has met the criteria for a costs award as set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, which requires the Commission to consider:

   (a) whether the applicant has represented a group or class of subscribers that had an interest in the outcome of the proceeding;

   (b) the extent to which the applicant has assisted the Commission in developing a better understanding of the matters to be considered; and

   (c) whether the applicant has participated in the proceeding in a responsible way.

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[1] See Telecom Order 2025-101.

6. My colleagues have determined that these three criteria have been satisfied and that costs should follow. With the greatest respect to my colleagues, I do not agree.

7. In particular, I am not satisfied that the second criterion has been properly considered by the majority. The CDGM provided a strong and compelling intervention at first instance and in response to the original notice of consultation. It successfully assisted the Commission in acquiring a better understanding of accessibility concerns and persistent accessibility barriers during the original proceeding.

8. In contrast, and in filing the review and vary application, the CDGM reiterated many of the same arguments that were offered in the proceeding leading to the policy. Indeed, at paragraph 3 of its review and vary submission, the CDGM acknowledged that "many of these issues were raised in our intervention in the original proceeding".

9. Moreover, when the Commission issued Telecom Decision 2026-73, it specifically stated as follows at paragraph 15:

> 15. Regarding the review and vary application, while the CDGM expressed dissatisfaction with certain aspects of Telecom Regulatory Policy 2025-54 and reiterated many of the recommendations it made in the proceeding that led to the regulatory policy, it did not demonstrate an error, a fundamental change, a failure to consider a basic principle, or a new principle that would raise a substantial doubt as to the correctness of the decision.

10. In light of this finding, it is not possible to conclude that the CDGM substantially assisted the Commission **in developing a better understanding of the matters to be considered** (emphasis added).

11. In awarding costs, my colleagues have referred to Telecom Regulatory Policy 2010-963, where the Commission stated that **automatically denying costs** (emphasis added) when an application has not been successful could have a chilling effect on those who wish to raise issues of public interest. I agree with this statement. It is important that applicants have the ability to bring forward public interest issues and successfully recover costs, where appropriate.

12. At the same time, it is not sufficient to simply express dissatisfaction or restate original arguments as this does not assist in providing a **better understanding of the matters in issue** (emphasis added). An applicant should be able to demonstrate that they have, in some way, gone further than reiterating their original position.

13. In effect, costs should only be awarded where the Commission's framework and criteria have been satisfied. In this case, and **having considered the extent to which the applicant has assisted the Commission in developing a better understanding of the matters to be considered** (emphasis added), costs should not be awarded.

Related documents

- *Canada Deaf Grassroots Movement – Application to review and vary Telecom Regulatory Policy 2025-54*, Telecom Decision CRTC 2026-73, 22 April 2026

- *Determination of costs award with respect to the participation of the Canada Deaf Grassroots Movement in the proceeding initiated by Telecom Notice of Consultation 2021-102*, Telecom Order CRTC 2025-101, 14 May 2025

- *Review of video relay service*, Telecom Regulatory Policy CRTC 2025-54, 21 February 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

- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002