Telecom Order CRTC 2026-193

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Gatineau, 30 July 2026

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Determination of costs award for the Canadian Anti-Monopoly Project's participation in the proceeding initiated by Telecom Notice of Consultation 2023-56

Application

1. By letter dated 10 February 2026, the Canadian Anti-Monopoly Project (CAMP) applied for costs for its participation in the proceeding initiated by Telecom Notice of Consultation 2023-56 (the proceeding). In the proceeding, Commission staff initiated, on 5 December 2025, a request for information (RFI) process seeking comments on whether the 30% markup for wholesale high-speed access (HSA) services should be maintained or changed. CAMP participated in that RFI process.

2. CAMP 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 assisted the Commission in developing a better understanding of the matters that were considered, and it participated in a responsible way.

3. With respect to the group or class of subscribers that CAMP submitted it represents, CAMP explained that this group or class consists of more than 1,200 Canadians who subscribe to its newsletter and more than 1,700 who follow its analysis on LinkedIn. According to CAMP, these individuals are concerned about competition policy and have actively sought out CAMP's expert analysis and commentary on the issue. CAMP further explained that wholesale HSA policy directly affects the competitive alternatives available to its subscribers.

4. CAMP explained that it assisted the Commission in developing a better understanding of the matters that were considered by providing comments on the markup history for HSA services and replying to RFI responses submitted by other parties to the proceeding.

5. CAMP requested that the Commission fix its costs at $7,717.47, consisting entirely of consultant fees. CAMP's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which CAMP is entitled in connection with the HST. CAMP filed a bill of costs with its application.

6. CAMP claimed 45 hours for an external consultant at a rate of $165 per hour for reviewing the file, conducting research, and preparing CAMP's RFI response and reply ($7,717.47).

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

8. CAMP suggested that the responsibility for payment of costs should be divided among the costs respondents on the basis of their gross revenues or another similar factor.

9. Bell Canada filed an answer on 23 February 2026 in response to CAMP's application. CAMP filed a reply on 25 February 2026.

Answer

10. Bell Canada submitted that CAMP claimed excessive hours in proportion to its participation in the RFI process, resulting in costs that were not necessarily and reasonably incurred. Based on a per-page comparison with another costs applicant's similar work in a different RFI process within the same proceeding, Bell Canada submitted that CAMP did not adequately justify spending more time on its submissions than the other similarly situated applicant. Accordingly, Bell Canada requested that the Commission reduce CAMP's claimed hours from 45 to 33, resulting in a total reduction of $2,057.94.

11. Bell Canada also requested that the Commission ask CAMP to provide information about its resourcing approach, including whether internal resources may be available for future proceedings.

Reply

12. CAMP submitted that Bell Canada's comparison of its submissions with the work of another costs applicant is inappropriate in this case. CAMP indicated that the other costs applicant's submissions were the result of a joint participation between two established organizations with multiple staff lawyers and analysts who had divided the work. By contrast, one consultant prepared all of CAMP's submissions, including the research, drafting, source verification, and reply work. CAMP added that, although the Commission's supplemental RFI process consisted of just one question, an independent analysis of markup history and of weighted average cost of capital methodology, along with a rebuttal of other parties' positions, were required. As a result, CAMP considered its costs to be reasonable.

13. CAMP also submitted that its research fellows are contract researchers hired for non-telecommunications policy work, which is funded through CAMP's general charitable revenue. CAMP added that its research fellows have no experience with Commission proceedings, the Rules of Procedure, the costs framework, or telecommunications regulatory

policy, and that this is why it had to hire an external consultant with telecommunications regulatory experience.

Commission's analysis

14. 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.

15. 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, CAMP has demonstrated that it meets this requirement. The Commission considers that CAMP represents a broad range of views and the subscribers who support its research and advocacy on issues related to market concentration and anti-monopoly. Additionally, CAMP's subscribers have an interest in the outcome of the proceeding because wholesale HSA policy could impact the competitive telecommunications options available to them.

16. CAMP has satisfied the second criterion through its participation in the proceeding. In particular, CAMP's submissions, especially those regarding the appropriate markup level for wholesale HSA services, and its replies to RFI responses submitted by other parties, assisted the Commission in developing a better understanding of the matters that were considered.

17. Finally, CAMP has satisfied the third criterion by participating in the proceeding in a responsible way. Accordingly, the Commission finds that the applicant meets the criteria for an award of costs under section 68 of the Rules of Procedure.

18. The rates claimed for consultant fees are in accordance with the rates established in the *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963.

Was the total amount claimed by CAMP necessarily and reasonably incurred?

19. The Commission's assessment of whether costs are necessarily and reasonably incurred depends on the specific circumstances of each case. This assessment is generally based on a non-exhaustive list of considerations set out in paragraph 18 of the Guidelines, including:

    - the extent of the applicant's participation, the degree of complexity of the issues to which that participation related, and the amount of documentation involved in the proceeding;
    - the duplication of substantive submissions among claimants;
    - the experience and expertise of the claimant; and
    - the time claimed and awarded in the proceeding or in other similar proceedings.

20. While the length of a submission can be an indicator of the extent of the applicant's participation, this is only one element that the Commission considers when considering whether amounts claimed are necessarily and reasonably incurred.

21. First, the supplemental RFI is related to the markup for wholesale HSA services, which is a complex issue that requires an understanding of the historical context. Second, CAMP offered a distinct point of view by stating that markups should not increase, and it was the only party that specifically addressed other parties' RFI responses. Third, the Commission accepts that CAMP hired an external consultant because it does not have the same level of experience with complex historical questions about telecommunications rates as other parties in the proceeding. Therefore, based on all these considerations, the Commission considers that CAMP's costs were necessarily and reasonably incurred.

22. Regarding Bell Canada's other request that CAMP provide information about its resourcing approach, the Commission is satisfied with CAMP's explanation. CAMP's research fellows are contract researchers who were hired for policy work on competition that is not specific to telecommunications or the Commission's proceedings. Therefore, CAMP hired a consultant with telecommunications regulatory experience to participate in the proceeding.

23. In light of the above, the Commission finds that the total amount claimed by CAMP was necessarily and reasonably incurred and should be allowed.

24. 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.

Costs respondents and allocation

25. 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 a proceeding and have participated actively in that proceeding. The Commission therefore considers that the following parties are the appropriate costs respondents: Beanfield Technologies Inc.; Bell Canada; Bragg Communications Inc., carrying on business as Eastlink; Cogeco Communications Inc., on behalf of Cogeco Connexion Inc.; the Competitive Network Operators of Canada; Quebecor Media Inc., on behalf of its affiliate Videotron Ltd.; Rogers Communications Canada Inc. (Rogers); Saskatchewan Telecommunications; TekSavvy Solutions Inc.; TELUS Communications Inc. (TELUS); and Xplore Inc.

26. 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]

27. 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.

28. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:[2]

Company	Proportion	Amount
Rogers	45.06%	$3,477.49
TELUS	33.46%	$2,582.27
Bell Canada	21.48%	$1,657.71

Directions regarding costs

29. The Commission approves the application by CAMP for costs for its participation in the proceeding.

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[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 most recent financial statements.

30. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to CAMP at $7,717.47.

31. The Commission directs that the award of costs to CAMP be paid forthwith by Rogers Communications Canada Inc., TELUS Communications Inc., and Bell Canada according to the proportions set out in paragraph 28 above.

Secretary General

Related documents

- *Notice of hearing – Review of the wholesale high-speed access service framework*, Telecom Notice of Consultation CRTC 2023-56, 8 March 2023, as amended by Telecom Notices of Consultation CRTC 2023-56-1, 11 May 2023; 2023-56-2, 4 July 2023; 2023-56-3, 6 November 2023; and 2023-56-4, 8 April 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