



Telecom Costs Order CRTC 2005-12

Ottawa, 15 November 2005

Public Interest Advocacy Centre - Application for costs - Telecom Public Notice CRTC 2005-4

Reference: 8678-C12-200505737 and 4754-255

1. By letters dated 3 August 2005 and 2 September 2005, the Public Interest Advocacy Centre (PIAC), on behalf of the Consumer Groups, applied for costs with respect to their joint intervention in the proceeding initiated by *Proceeding to consider extending the price regulation regime for Télébec and TELUS*, Telecom Public Notice CRTC 2005-4, 13 May 2005 (the PN 2005-4 proceeding).
2. By letter dated 10 August 2005 TELUS Communications Inc. (TELUS) filed comments in response to PIAC's application for costs. By letter dated 12 August 2005, the Canadian Cable Telecommunications Association (CCTA) filed comments in response to PIAC's application for costs. In addition, by letters dated 5 August 2005 and 13 September 2005 Aliant Telecom Inc. (Aliant Telecom), Bell Canada and Saskatchewan Telecommunications (SaskTel) (collectively, the Companies) filed comments in response to PIAC's application for costs. The Société en commandite Télébec (Télébec) did not file any comments regarding the issue of costs. PIAC did not file reply comments.

The application

3. The Consumer Groups submitted that they had met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules) as they represent a group of subscribers that had an interest in the outcome of the PN 2005-4 proceeding, they had participated responsibly in the PN 2005-4 proceeding, and they had contributed to a better understanding of the issues by the Commission through their participation in the PN 2005-4 proceeding.
4. The Consumer Groups requested that the Commission fix their costs at \$714.15, consisting entirely of legal fees. The amount requested for legal fees represents 3.0 hours of work for Michael Janigan at a rate of \$230 per hour. PIAC's claim included the Federal Goods and Services Tax (GST) on fees less the rebate to which PIAC is entitled in connection with GST. PIAC filed a bill of costs with its application.
5. PIAC made no submission as to the appropriate respondents in this case; however, Public Notice 2005-4 made Télébec and TELUS Communications (Québec) Inc. (TCQ) parties to the PN 2005-4 proceeding.

Answer

6. In answer to the application, the Companies, CCTA and TELUS all stated that they did not object to PIAC's application.
7. TELUS submitted that the incumbent local exchange carriers (the ILECs) and the competitors should be identified as cost respondents.
8. The Companies submitted that the Companies were not proper costs respondents.
9. CCTA submitted that the ILECs should be the sole cost respondents.

Commission analysis and determination

10. The Commission finds that the Consumer Groups have satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that the Consumer Groups represent a group or class of subscribers that has an interest in the outcome of the proceeding, have participated in a responsible way, and have contributed to a better understanding of the issues by the Commission.
11. The Commission notes that the rates claimed in respect of legal fees are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 15 May 1998. The Commission also finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
12. The Commission is of the view that this is an appropriate case in which to fix the costs and dispense with taxation, in accordance with the streamlined procedure set out in *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002.
13. The Commission notes that the PN 2005-4 proceeding related to the current price regulation regime for Télébec and TCQ. The Commission therefore finds that the appropriate respondents to PIAC's application for costs are Télébec and TCQ.
14. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs among respondents on the basis of the respondents' telecommunications operating revenues (TORs), as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission is of the view that, in the present circumstances, it is appropriate to apportion the costs among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. Accordingly, the Commission finds that the responsibility for the payment of costs should be allocated as follows:

TCQ	56%
Télébec	44%

Direction as to costs

15. The Commission **approves** the application by PIAC for costs with respect to the participation of the Consumer Groups in the PN 2005-4 proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$714.15.
17. The Commission directs that the award of costs to PIAC be paid forthwith by Télébec and TCQ according to the proportions set out in paragraph 14.

Secretary General

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