



Telecom Costs Order CRTC 2007-11

Ottawa, 26 October 2007

Public Interest Law Centre – Application for costs – *Review of proposals to dispose of the funds accumulated in the deferral accounts*, Telecom Public Notice CRTC 2006-15

Reference: 8678-C12-200615578 and 4754-298

1. By letter dated 12 September 2007, the Public Interest Law Centre (PILC), on behalf of Manitoba Keewatinook Okimowin (MKO), applied for costs with respect to MKO's participation in the proceeding initiated by Telecom Public Notice 2006-15 (the Public Notice 2006-15 proceeding).
2. Comments were received from Bell Canada on behalf of itself, Bell Aliant Regional Communications, Limited Partnership and Saskatchewan Telecommunications (the Companies), and TELUS Communications Company (TCC). PILC did not file reply comments.

The application

3. PILC submitted that MKO 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 it represents a group of subscribers that had an interest in the outcome of the Public Notice 2006-15 proceeding, had participated responsibly, and had contributed to a better understanding of the issues by the Commission through its participation in the Public Notice 2006-15 proceeding.
4. In particular, PILC submitted that MKO represents members of 29 First Nations in northern Manitoba and one in Saskatchewan, all of which are in remote and high-cost areas. PILC also submitted that MKO had made every effort to participate responsibly and to minimize costs and duplication of effort.
5. PILC requested that the Commission fix its costs at \$44,681.05 for legal and consultant fees. PILC filed a bill of costs with its application.
6. PILC claimed 90.8 hours at a rate of \$206 per hour for legal fees for Myfanwy Bowman. PILC also claimed 115.45 hours at a rate of \$225 per hour for consulting fees for Nick Slonosky.
7. PILC submitted that the appropriate respondent in this case was MTS Allstream Inc. (MTS Allstream) since MKO's intervention focused exclusively on the proposal filed by MTS Allstream.

Answer

8. In answer to the application, the Companies took no position concerning MKO's entitlement to costs or the amount claimed, and TCC stated that it did not object to MKO's entitlement or to the amount claimed. The Companies and TCC agreed that MTS Allstream is the most appropriate cost respondent.

Commission's analysis and determination

9. The Commission finds that MKO has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that MKO is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, has participated in a responsible way, and has contributed to a better understanding of the issues by the Commission.
10. The Commission notes that the rates claimed in respect of legal and consultant fees are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 24 April 2007. The Commission also finds that the total amount claimed by PILC was necessarily and reasonably incurred and should be allowed.
11. 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 Telecom Public Notice 2002-5.
12. In determining the appropriate respondents to an award of costs, the Commission has generally looked at which parties are affected by the issues and have actively participated in the proceeding. Given that MKO's participation focused exclusively on the proposal filed by MTS Allstream, the Commission concludes that MTS Allstream is the appropriate respondent to PILC's costs application.

Direction as to costs

13. The Commission **approves** the application by PILC for costs with respect to MKO's participation in the Public Notice 2006-15 proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PILC at \$44,681.05.
15. The Commission **directs** that the award of costs to PILC be paid forthwith by MTS Allstream.

Secretary General

Related documents

- *Review of proposals to dispose of the funds accumulated in the deferral accounts*, Telecom Public Notice CRTC 2006-15, 30 November 2006
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002

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