



Telecom Costs Order CRTC 2008-15

Ottawa, 15 August 2008

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization in the proceeding initiated by Bragg et al.'s Part VII application to review and vary Telecom Decision 2007-130

Reference: 8662-B60-200801862 and 4754-319

1. By letter dated 6 May 2008, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization (the Consumer Groups) in the Part VII application to review and vary Telecom Decision 2007-130 submitted on 4 February 2008 by Bragg Communications Inc., Cogeco Cable Canada Inc., Quebecor Media Inc. on behalf of Videotron Ltd., Rogers Cable Communications Inc. and Shaw Communications Inc. (collectively, Bragg et al.).
2. On 13 May 2008, Bell Aliant Regional Communications, Limited Partnership, Bell Canada and Saskatchewan Telecommunications (collectively, the Companies) filed comments in response to PIAC's application.
3. Bragg et al. did not file comments in response to PIAC's application.
4. PIAC did not file a reply to the comments submitted regarding its costs application.

Application

5. PIAC submitted that it 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 represented a body of subscribers who had an interest in the outcome of the proceeding initiated by Bragg et al.'s Part VII application, it had participated responsibly, and it had contributed to a better understanding of the issues by the Commission through its answer in the proceeding.
6. PIAC requested that the Commission fix its costs at \$4,791.87, consisting entirely of legal fees for outside counsel. PIAC's claim included the federal Goods and Services Tax (GST) on fees less the rebate to which PIAC is entitled in connection with the GST. PIAC filed a bill of costs with its application.
7. PIAC submitted that the appropriate respondents in this case were Bragg et al.
8. PIAC suggested that the responsibility for payment of costs should be divided equally among the applicant cable companies.

Answer

9. In answer to the application, the Companies stated that they did not oppose PIAC's claim.

Commission's analysis and determinations

10. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that PIAC is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, it has participated in a responsible way, and it has 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 24 April 2007. The Commission also finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
12. The Commission considers 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.
13. The Commission finds that the appropriate respondents to PIAC's costs application are Bragg et al.
14. The Commission considers that Bragg et al. should equally share responsibility for payment of \$4,791.87, such that each pays \$958.38.

Direction as to costs

15. The Commission **approves** the application by PIAC, on behalf of the Consumer Groups, for an award of costs with respect to their participation in the proceeding initiated by Bragg et al.'s Part VII application to review and vary Telecom Decision 2007-130.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$4,791.87.
17. The Commission directs that the award of costs to PIAC be paid forthwith by the costs respondents in the proportions indicated above in paragraph 14.

Secretary General

Related documents

- *Establishment of an independent telecommunications consumer agency*, Telecom Decision CRTC 2007-130, 20 December 2007
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002

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