



Telecom Costs Order CRTC 2008-19

Ottawa, 29 October 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 the Part VII application by TELUS Communications Company to review and vary Telecom Decision 2008-1

Reference: 8662-T66-200805989 and 4754-320

1. By letter dated 27 May 2008, the Public Interest Advocacy Centre (PIAC) applied for costs on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization (the Consumer Groups) with respect to their participation in the proceeding initiated by the Part VII application by TELUS Communications Company (TCC) to review and vary Telecom Decision 2008-1.
2. On 26 September 2008, TCC filed comments in response to PIAC's application. PIAC did not file any reply comments.

Application

3. PIAC submitted that the Consumer Groups 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 body of subscribers that had an interest in the outcome of the proceeding initiated by the Part VII application, they had participated responsibly, and they had contributed to a better understanding of the issues by the Commission through their submissions.
4. PIAC requested that the Commission fix its costs at \$5,261.33, consisting entirely of legal fees for external 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.
5. PIAC made no submission as to the appropriate costs respondents.

Answer

6. In response to the application, TCC stated that it did not object to PIAC's entitlement to costs nor to the amounts being claimed.

Commission's analysis and determinations

7. The Commission finds that the Consumer Groups, as represented by PIAC, have satisfied the criteria for a costs award set out in subsection 44(1) of the Rules. Specifically, the Commission finds that the Consumer Groups are representative of a group or class of subscribers that has an interest in the outcome of the proceeding, they have participated in a responsible way, and they have contributed to a better understanding of the issues by the Commission.

8. 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.
9. 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.
10. The Commission notes that it has generally determined that the appropriate respondents to an award of costs are the parties who have a significant interest in the outcome of the proceeding and have participated actively in the proceeding. The Commission considers that TCC has a significant interest in the outcome of the above referenced proceeding as it brought the Part VII application in the first place and has participated actively throughout the proceeding. The Commission therefore finds that the appropriate respondent to PIAC's application for costs, on behalf of the Consumer Groups, is TCC.

Direction as to costs

11. The Commission **approves** the application by PIAC, on behalf of the Consumer Groups, for costs with respect to their participation in the proceeding initiated by the Part VII application by TCC to review and vary Telecom Decision 2008-1.
12. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$5,261.33.
13. The Commission directs that the award of costs to PIAC be paid forthwith by TCC.

Secretary General

Related documents

- *Use of deferral account funds to improve access to telecommunications services for persons with disabilities and to expand broadband services to rural and remote communities*, Telecom Decision CRTC 2008-1, 17 January 2008
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002

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