



## Telecom Costs Order CRTC 2008-21

Ottawa, 7 November 2008

### **Determination of award for interim costs with respect to the participation of the Canadian Hearing Society in the Broadcasting Notice of Public Hearing/Telecom Public Notice 2008-8 proceeding**

Reference: 8665-C12-200807943 and 4754-330

1. By letter dated 20 October 2008, the Canadian Hearing Society (CHS) applied for interim costs with respect to its participation in the proceeding initiated by Broadcasting Notice of Public Hearing/Telecom Public Notice 2008-8 (Public Notice 2008-8 proceeding).
2. On 22 October 2008, the Commission addressed the application by CHS to Bell Canada and Bell Aliant Regional Communications, Limited Partnership (collectively, the Companies), Rogers Communications Inc. (Rogers), TELUS Communications Company (TCC), and MTS Allstream Inc. (MTS Allstream) [collectively, the interim costs respondents].
3. In response to CHS's application, the Commission received comments on 27 October 2008 from the Companies, Rogers, and MTS Allstream collectively, as well as comments from TCC.
4. CHS did not file any reply comments.

### **Application**

5. In its application, CHS sought costs in order to enable four of its members (namely, the Special Advisor to the President, CHS Public Affairs; the Director, CHS Ontario Interpreter Services; the Manager, CHS Communication Devices; and the CHS Management Sign Language Interpreter) to attend the public consultation in Gatineau for one day. CHS submitted that it does not have sufficient financial resources to participate effectively in the proceeding in the absence of an award of interim costs.
6. In regard to the costs related to the attendance of the CHS Management Sign Language Interpreter, CHS explained that this individual is familiar with CHS's particular presentation and language, and that past use of outside interpreters has been ineffective due to the absence of such familiarity.
7. CHS estimated its interim costs to be \$2,145, consisting of travel expenses for the four members identified above, as well as the cost of the interpreting services required for one day's participation in the proceeding. Specifically, CHS claimed airfare in the amount of \$1,600, at an estimated cost of \$400 per person, and \$160 for meals, at an estimated cost of \$40 per person. The applicant's claim for interpreting services consisted of \$385 for an estimated seven hours of interpreting services at a rate of \$55 per hour.
8. CHS made no submission as to the appropriate interim costs respondents.

## **Answer**

9. In response to the application by CHS, the Companies, MTS Allstream, and Rogers stated that they did not object to the request by CHS for interim costs nor to the amounts claimed.
10. Those parties similarly did not object to restricting costs respondents for interim costs to the interim costs respondents, to be paid in proportion to their respective shares of telecommunications operating revenues (TORs).
11. TCC expressed concern with the selection by the Commission of the interim costs respondents. According to TCC, interim costs in this proceeding should be assessed to the same costs respondents as would be assessed any final costs, namely all telecommunications service providers (TSPs) participating in the Public Notice 2008-8 proceeding. In the alternative, if this were not possible, TCC agreed that interim costs should be awarded against the interim costs respondents, in proportion to their respective TORs.
12. Finally, the interim costs respondents submitted that their respective shares of interim costs be deducted from the respective amounts that each of them may be liable to pay for CHS's final costs, after the final costs have been allocated to all TSPs listed as interested parties in the Public Notice 2008-8 proceeding, again in proportion to their respective shares of TORs.

## **Reply**

13. CHS provided no reply to the submissions of the interim costs respondents.

## **Commission's analysis and determinations**

14. The Commission finds that CHS has satisfied the criteria for an award of interim costs set out in subsection 45(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules). Based on CHS's submissions and responses to interrogatories to date, the Commission is satisfied that CHS is representative of a class of subscribers that has an interest in the outcome of the Public Notice 2008-8 proceeding, that it will participate responsibly, that it will contribute to a better understanding of the issues by the Commission, and that it does not have the financial resources to participate effectively in the absence of an award for interim costs.
15. With regard to the attendance of CHS's Management Sign Language Interpreter, the Commission considers that, based on CHS's previous experiences with outside interpreters and on the particular facts of this case, its effective participation will best be ensured by the presence of its Management Sign Language Interpreter.
16. The Commission considers that this is an appropriate case in which to fix the maximum interim costs awardable.

17. With regard to the appropriate respondents to this award of interim costs, the Commission notes the small amount claimed by CHS and the need for CHS to be able to collect the interim costs awarded in a timely manner so as to be able to participate effectively in the Public Notice 2008-8 proceeding. In the circumstances, the Commission considers it appropriate to limit the interim costs respondents to the Companies, TCC, MTS Allstream, and Rogers.
18. The Commission considers that in the present circumstances, it is appropriate to apportion the interim 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 interim costs should be allocated as follows:

The Companies	49.3%
TCC	36.4%
MTS Allstream	7.4%
Rogers	6.9%

19. The Commission notes that Bell Canada has filed submissions in the Public Notice 2008-8 proceeding on behalf of the Companies. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Companies and leaves it to them to determine the appropriate allocation of the interim costs among themselves.

### **Direction as to costs**

20. The Commission **approves** the application by CHS for interim costs with respect to its participation in the Public Notice 2008-8 proceeding.
21. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the interim costs to be paid to CHS at a maximum of \$2,145.
22. CHS is to submit a maximum of two accounts for expenses incurred to the interim costs respondents and to the Commission. The accounts are to be accompanied by an affidavit of disbursements and supporting documents.
23. The Commission directs that the award of interim costs to CHS be paid within five days of receipt of the account by the interim costs respondents according to the proportions set out in paragraph 18 of this Order.
24. CHS is directed to file an application for final costs, along with any additional documentation required by subsection 45(4) of the Rules, no later than 10 days after the close of the record in this proceeding or as otherwise directed by the Commission during the course of the Public Notice 2008-8 proceeding or upon its closing.

Secretary General

## Related documents

- *Notice of consultation – Unresolved issues related to the accessibility of telecommunications and broadcasting services to persons with disabilities*, Broadcasting Notice of Public Hearing CRTC 2008-8/Telecom Public Notice CRTC 2008-8, 10 June 2008, as amended by Broadcasting Notice of Public Hearing CRTC 2008-8-1/Telecom Public Notice CRTC 2008-8-1, 24 July 2008, and Broadcasting Notice of Public Hearing CRTC 2008-8-2/Telecom Public Notice CRTC 2008-8-2, 17 October 2008
- *Action Réseau Consommateur, the Consumers' Association of Canada, Fédération des associations coopératives d'économie familiale and the National Anti-Poverty Organization application for costs – Public Notice CRTC 2001-60*, Telecom Costs Order CRTC 2002-4, 24 April 2002

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