



## Telecom Order CRTC 2009-105

Route reference: Public Notice 2008-8

Ottawa, 2 March 2009

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

File number: 8665-C12-200807943 and 4754-334

1. By letter dated 4 December 2008, the Neil Squire Society (NSS) 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 23 December 2008, the Commission addressed the application by NSS to Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Companies), MTS Allstream Inc. (MTS Allstream), Rogers Communications Inc. (RCI), and TELUS Communications Company (TCC) [collectively, the interim costs respondents].
3. In response to the application by NSS, the Commission received comments on 6 January 2009 from the Companies, MTS Allstream, RCI, and TCC collectively.
4. NSS did not file any reply comments.

### **Application**

5. In its application, NSS submitted that it has participated responsibly in the Public Notice 2008-8 proceeding, has contributed to a better understanding of the issues by the Commission, and will continue to do so for the remainder of the proceeding. Furthermore, NSS submitted that it does not have the financial resources to pay for its participation in the absence of an award of interim costs.
6. NSS estimated its interim costs to be \$3,520.11, consisting entirely of travel, meals, and accommodation expenses for two of its members, namely the Executive Director and the Manager of Research and Development. For its Executive Director, NSS claimed \$791.00 for airfare, \$505.11 for accommodations from 16 to 18 November 2008 (inclusive), \$158.00 for taxis, and \$144.00 for meals. For its Manager of Research and Development, NSS claimed \$705.51 for airfare, \$867.49 for accommodations from 15 to 19 November 2008 (inclusive), \$135.00 for taxis, and \$214.00 for meals. NSS filed a statement of interim costs incurred along with supporting documentation.
7. NSS made no submission as to the appropriate interim costs respondents.
8. NSS requested that in the event that more than one respondent is to be held liable for interim costs, a single respondent be designated as a payor in full and the others reimburse that payor.

## **Answer**

9. In response to the application by NSS, the interim costs respondents submitted that they did not object to the request by NSS for interim costs or to the amounts claimed.
10. The interim costs respondents similarly did not object to restricting costs respondents for interim costs to themselves, with costs to be paid in proportion to their respective shares of telecommunications operating revenues (TORs) on the condition that the final costs respondents would not be restricted solely to the parties comprising the interim costs respondents.
11. 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 the final costs claimed by NSS, after the final costs have been allocated to all telecommunications service providers listed as interested parties in the Public Notice 2008-8 proceeding, again in proportion to their respective shares of TORs.
12. The interim costs respondents did not address the request of NSS that one of the interim costs respondents be designated as a payor in full and the others reimburse that payor.

## **Reply**

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

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

14. The Commission finds that NSS 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 its participation to date, the Commission is satisfied that NSS 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 of interim costs.
15. The Commission finds that the amount claimed as interim costs by NSS is reasonable and that it was necessarily and reasonably incurred. The Commission considers that this is an appropriate case in which to fix the interim costs to be awarded.
16. With regard to the appropriate respondents to this award of interim costs, the Commission notes the small amount claimed by NSS and the Commission's general approach of limiting the number of respondents to avoid imposing a significant administrative burden on costs applicants when collecting from respondents. In the circumstances, the Commission considers it appropriate to limit the interim costs respondents to the Companies, MTS Allstream, RCI, and TCC.

17. The Commission considers that it is appropriate to apportion the interim costs among the interim costs 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%

18. The Commission notes the submission by NSS that a single interim costs respondent be designated as a payor. However, given the small number of interim cost respondents, the Commission considers that collecting interim costs directly from four parties should not be overly burdensome.
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 NSS 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 NSS at \$3,520.11.
22. The Commission directs that the award of interim costs to NSS be paid forthwith by the interim costs respondents according to the proportions set out in paragraph 17 of this order.
23. NSS 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 30 days after the close of the record in this proceeding.

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
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002
- *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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