



Telecom Order CRTC 2009-315

Route reference: Telecom Public Notice 2008-16

Ottawa, 29 May 2009

Determination of costs award with respect to the participation of PIAC, on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization Groups, in the Telecom Public Notice 2008-16 proceeding

File number: 8663-C12-200814740 and 4754-335

1. By letter dated 23 January 2009, the Public Interest Advocacy Centre (PIAC) on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization (the Consumer Groups) applied for costs with respect to their participation in the proceeding initiated by Telecom Public Notice 2008-16 (the Public Notice 2008-16 proceeding).
2. On 27 January 2009, TELUS Communications Company (TCC) filed comments in response to the application by PIAC. On 28 January 2009, Bell Canada on behalf of itself and Bell Aliant Regional Communications, Limited Partnership, Saskatchewan Telecommunications and Télébec, Limited Partnership (collectively, the Companies) filed comments in response to the application by PIAC. PIAC did not file 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 group of subscribers that had an interest in the outcome of the Public Notice 2008-16 proceeding, they had participated responsibly, and they had contributed to a better understanding of the issues by the Commission through their participation in the Public Notice 2008-16 proceeding.
4. PIAC requested that the Commission fix its costs at \$4,305, consisting of legal fees and 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 claimed 17 hours at a rate of \$250 per hour for legal fees associated with outside legal counsel.
6. PIAC made no submission as to the appropriate costs respondents.

Answer

7. In response to the application, both the Companies and TCC and stated that they had no objection to PIAC's eligibility for costs or the amounts claimed. The Companies submitted that any costs awarded should be allocated among the Companies, TCC, and MTS Allstream Inc. (MTS Allstream) in proportion to their relative share of telecommunications operating revenues (TORs).

Reply

8. PIAC did not file reply comments.

Commission's analysis and determinations

9. The Commission finds that the Consumer Groups have satisfied the criteria for an award of costs 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.
10. The Commission notes that the rates claimed in respect of outside legal counsel 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 this revised total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.
11. 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.
12. The Commission finds that the appropriate respondents to PIAC's costs application are the Companies, TCC, and MTS Allstream.
13. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs among respondents on the basis of the respondents' TORs, as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission considers that, in the present circumstances, it is appropriate to apportion the 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 costs should be allocated as follows:

The Companies	55%
TCC	37%
MTS Allstream	8%

14. The Commission notes that Bell Canada filed submissions in the Public Notice 2008-16 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 the members of the Companies to determine the appropriate allocation of the costs among themselves.

Direction as to costs

15. The Commission **approves** the application by PIAC for costs with respect to their participation in the Public Notice 2008-16 proceeding.
16. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$4,305.
17. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada on behalf of the Companies, TCC, and MTS Allstream, according to the proportions set out in paragraph 13.

Secretary General

Related documents

- *Notice of consultation – Review of various customer account management regulatory measures*, Telecom Public Notice CRTC 2008-16, 3 November 2008, as amended by Telecom Public Notice 2008-16-1, 27 November 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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