



## Telecom Order CRTC 2009-386

Ottawa, 26 June 2009

### **Determination of costs award with respect to the participation of the Centre québécois de la déficience auditive in the Broadcasting Notice of Public Hearing 2008-8/Telecom Public Notice 2008-8 proceeding**

File number: 8665-C12-200807943 and 4754-342

1. In an application received by the Commission on 12 February 2009, and a supplementary letter dated 23 March 2009, the Centre québécois de la déficience auditive (CQDA) applied for costs with respect to its participation in the proceeding initiated by Broadcasting Notice of Public Hearing/Telecom Public Notice 2008-8 (the Public Notice 2008-8 proceeding).
2. On 27 March 2009, Bell Aliant Regional Communications, Limited Partnership, Bell Canada, and Télébec, Limited Partnership (collectively, the Companies); MTS Allstream Inc. (MTS Allstream); Rogers Communications Inc. (RCI); Saskatchewan Telecommunications (SaskTel); and TELUS Communications Company (TCC) filed joint comments in response to the CQDA's application. TCC separately filed additional comments on 27 March 2009.

#### **Application**

3. The CQDA requested that the Commission fix its costs at \$1,433.70, consisting entirely of disbursements. The CQDA filed a bill of costs with its application.
4. The CQDA made no submission as to the appropriate costs respondents.

#### **Answer**

5. The Companies, MTS Allstream, RCI, SaskTel, and TCC did not contest the CQDA's entitlement to costs or the amount claimed. The Companies, MTS Allstream, RCI, SaskTel, and TCC further indicated that they did not object to being sole costs respondents with respect to the CQDA's application, due to the administrative burden likely to be incurred by the CQDA with respect to the amount claimed.
6. In separate comments, TCC submitted that wireless revenues should be included as part of the calculation of telecommunications operating revenues (TORs) to determine the allocation among costs respondents.

## Commission's analysis and determinations

7. The Commission finds that the CQDA has satisfied the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure*. Specifically, the Commission finds that the CQDA is representative of a group or class of subscribers that has an interest in the outcome of the Public Notice 2008-8 proceeding, it has participated in a responsible way, and it has contributed to a better understanding of the issues by the Commission.
8. The Commission finds that the total amount claimed by the CQDA 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. In determining the appropriate respondents to an award of costs, the Commission has generally looked at which parties are affected by the issues and have actively participated in the proceeding. The Commission further notes, however, that in allocating costs among respondents, it has also been sensitive to the fact that if too large a number of respondents are named, the applicant may have to collect small amounts from many respondents, resulting in a significant administrative burden to the applicant. In light of the above and given the small size of the costs award in this case, the large number of potential costs respondents, and the result that if all potential costs respondents were retained, the CQDA would be required to collect small amounts from certain respondents, the Commission considers that it is appropriate, in the present circumstances, to limit the respondents to the Companies, TCC, and RCI.
11. The Commission considers that in the present circumstances, it is appropriate to apportion costs among the respondents in proportion to their TORs, as reported in their most recent audited financial statements. In calculating TORs, the Commission considers it appropriate to include wireless revenues, as the Public Notice 2008-8 proceeding dealt extensively with wireless issues. Accordingly, the Commission finds that the responsibility for the payment of interim costs should be allocated as follows:

The Companies	47%
TCC	28%
RCI	25%

12. The Commission notes that Bell Canada 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 the members of the Companies to determine the appropriate allocation of the costs among themselves.

## **Direction as to costs**

13. The Commission **approves** the application by the CQDA for costs with respect to its participation in the Public Notice 2008-8 proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the CQDA at \$1,433.70.
15. The Commission directs that the award of costs to the CQDA be paid forthwith by Bell Canada on behalf of the Companies, TCC, and RCI according to the proportions set out in paragraph 11.

Secretary General

## **Related documents**

- *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 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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