



Telecom Order CRTC 2010-31

Ottawa, 25 January 2010

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the Telecom Regulatory Policy 2009-243 proceeding

File numbers: 8662-B2-200910606 and 4754-360

1. By letter dated 24 September 2009, the Public Interest Advocacy Centre (PIAC), on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization (collectively, "the Consumer Groups"), applied for costs with respect to its participation in the proceeding initiated by an application to review and vary Telecom Regulatory Policy 2009-243 (the proceeding).
2. On 25 November 2009, TELUS Communications Company (TCC) and MTS Allstream Inc. (MTS Allstream) filed comments separately in response to PIAC's application. On the same day, Bell Canada, on behalf of itself; Bell Aliant Regional Communications, Limited Partnership; and Télébec, Limited Partnership (collectively, the Bell companies) filed joint comments in response to PIAC's application. On 26 November 2009, Saskatchewan Telecommunications (SaskTel) filed comments in response to the application. PIAC did not file reply comments.

Application

3. PIAC submitted that it had met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules), because it represents a group of subscribers that had an interest in the outcome of the proceeding, it had participated responsibly, and it had contributed to a better understanding of the issues by the Commission through its participation in the proceeding.
4. PIAC requested that the Commission fix its costs at \$1,093.16, which consists of legal fees. 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. The Bell companies and MTS Allstream indicated that they had no objection to the awarding of these costs to PIAC. The Bell companies submitted that costs should be allocated among the costs respondents in proportion to their respective share of telecom operating revenues (TORs).

7. SaskTel and TCC submitted that because they had not participated in the proceeding, they should not be considered cost respondents.

Commission's analysis and determination

8. The Commission finds that PIAC has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that PIAC represented a group or class of subscribers that had an interest in the outcome of the proceeding, it participated in a responsible way, and it contributed to a better understanding of the issues by the Commission.
9. The Commission notes that the rates claimed in respect of legal fees are in accordance with the rates set out in the Commission's 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.
10. 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.
11. 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 notes, in this regard, that the Bell companies and MTS Allstream actively participated in the proceeding and had a significant interest in its outcome.
12. The Commission notes that in previous decisions it has 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 of 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 Bell companies	87%
MTS Allstream	13%

13. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Bell companies and leaves it to the members of this group to determine the appropriate allocation of the costs among themselves.

Direction as to costs

14. The commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.

15. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$1,093.16.
16. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada on behalf of the Bell companies and by MTS Allstream, according to the proportions set out in paragraph 12.

Secretary General

Related documents

- *Forbearance with respect to retail directory assistance services provided by the large incumbent local exchange carriers*, Telecom Regulatory Policy CRTC 2009-243, 1 May 2009
- *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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