



Telecom Order CRTC 2012-565

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Ottawa, 16 October 2012

Determination of costs award with respect to the participation of l'Union des consommateurs in the Telecom Notice of Consultation 2012-206 proceeding

File numbers: 8661-C12-201204057, 8620-R28-201202598, 8661-P8-201116807,
and 4754-404

1. By letter dated 24 May 2012, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2012-206 (the proceeding).
2. The Commission did not receive any interventions in response to the application.

Application

3. L'Union submitted that it had met the criteria for an award of costs set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) because it represented a group or class of subscribers that had an interest in the outcome of the proceeding, it had assisted the Commission in developing a better understanding of the matters that were considered, and it had participated in a responsible way.
4. L'Union requested that the Commission fix its costs at \$5,120, consisting of \$2,300 for legal fees and \$2,820 for consultant and analyst fees. L'Union filed a bill of costs with its application.
5. L'Union made no submission as to the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Commission's analysis and determinations

6. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically, the Commission finds that l'Union represented a group or class of subscribers that had an interest in the outcome of the proceeding, it assisted the Commission in developing a better understanding of the matters that were considered, and it participated in a responsible way.
7. The Commission notes that the rates claimed in respect of consultant and legal fees are in accordance with the rates established in the Commission's *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by l'Union was necessarily and reasonably incurred and should be allowed.

8. 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.
9. In determining the appropriate costs respondents, the Commission has generally considered which parties are affected by the issues and have actively participated in the proceeding. The Commission notes, in this regard, that the following parties actively participated in the proceeding and had a significant interest in its outcome: Bell Canada; Bragg Communications Inc., operating as EastLink; Data & Audio-Visual Enterprises Wireless Inc., operating as Mobilicity; Globalive Wireless Management Corp., operating as WIND Mobile; MTS Inc. and Allstream Inc. (MTS and Allstream); Public Mobile Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P. (Videotron); Rogers Communications Partnership (RCP); Saskatchewan Telecommunications; Shaw Communications Inc. (Shaw); and TELUS Communications Company (TCC).
10. The Commission further notes, however, that in allocating costs among costs respondents, it has also been sensitive to the fact that if numerous costs respondents are named, the applicant may have to collect small amounts from many costs respondents, resulting in a significant administrative burden to the applicant. In light of the above, and given the relatively small size of the costs award and the large number of potential costs respondents in this case, the Commission considers that, consistent with section 48 of the Guidelines, it is appropriate to limit the costs respondents to Bell Canada, MTS and Allstream, RCP, Shaw, TCC, and Videotron.
11. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)¹ 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 costs respondents in proportion to their TORs, based on their most recent audited financial statements as reported to the Commission. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:

TCC	31.0%
RCP	29.7%
Bell Canada	24.5%
MTS and Allstream	5.4%
Shaw	5.0%
Videotron	4.4%

¹ TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

12. The Commission notes that MTS and Allstream filed joint submissions in this proceeding. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes MTS Inc. responsible for payment on behalf of MTS and Allstream, and leaves it to MTS and Allstream to determine the appropriate allocation of the costs among themselves.

Directions regarding costs

13. The Commission **approves** the application by l'Union for costs with respect to its participation in the proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$5,120.
15. The Commission directs that the award of costs to l'Union be paid forthwith by, TCC, RCP, Bell Canada, MTS and Allstream, Shaw and Videotron, according to the proportions set out in paragraph 11.

Secretary General

Related documents

- *Proceeding to consider whether the conditions in the Canadian wireless market have changed sufficiently to warrant Commission intervention with respect to retail wireless services*, Telecom Notice of Consultation CRTC 2012-206, 4 April 2012
- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *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