



Telecom Order CRTC 2012-59

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Ottawa, 27 January 2012

Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the Telecom Notice of Consultation 2011-302 proceeding

File numbers: 8678-C12-201107714 and 4754-393

1. By letter dated 15 November 2011, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation on behalf of itself and the Consumers' Association of Canada (collectively, the Consumer Groups) in the proceeding initiated by Telecom Notice of Consultation 2011-302 (the proceeding).
2. On 23 November 2011, Northwestel Inc. (Northwestel) filed an intervention in response to PIAC's application. PIAC did not file a reply.

Application

3. PIAC submitted that the Consumer Groups 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 they represented a group or class of subscribers that had an interest in the outcome of the proceeding, they had assisted the Commission in developing a better understanding of the matters that were considered, and they had participated in a responsible way.
4. PIAC requested that the Commission fix its costs at \$35,357.32, consisting of \$20,095.76 for legal fees, \$13,330.32 for consultant and analyst fees, and \$1,931.24 for disbursements. PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.
5. PIAC submitted that Northwestel is the appropriate party to be required to pay any costs awarded by the Commission (the costs respondent).

Answer

6. In response to the application, Northwestel did not object to PIAC's eligibility for costs or to the amount claimed.

Commission's analysis and determinations

7. The Commission finds that the Consumer Groups have satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. Specifically,

the Commission finds that the Consumer Groups represented a group or class of subscribers that had an interest in the outcome of the proceeding, they assisted the Commission in developing a better understanding of the matters that were considered, and they participated in a responsible way.

8. The Commission notes that the rates claimed in respect of legal fees, consultant and analyst fees, and disbursements 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 PIAC 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. The Commission finds that Northwestel is the appropriate costs respondent to PIAC's costs application.
11. Accordingly, the Commission considers that Northwestel should be solely responsible for the payment of costs.

Directions regarding costs

12. The Commission **approves** the application by PIAC for costs with respect to its participation in the proceeding.
13. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$35,357.32.
14. The Commission directs that the award of costs to PIAC be paid forthwith by Northwestel.

Secretary General

Related documents

- *Review of price cap regulatory framework for Northwestel Inc. and related matters*, Telecom Notice of Consultation CRTC 2011-302, 6 May 2011, as amended by Telecom Notice of Consultation CRTC 2011-302-1, 22 June 2011
- *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