



## Telecom Order CRTC 2014-242

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File numbers: 8665-C12-201303536, 8665-C12-200807943, and 4754-433

### **Determination of costs award with respect to the participation of McLaughlin Educational Consulting Services in the proceeding initiated by Telecom Notice of Consultation 2013-155**

1. By letter dated 18 November 2013, McLaughlin Educational Consulting Services (MECS) applied for costs with respect to its participation in the proceeding initiated by Telecom Notice of Consultation 2013-155 (the proceeding).
2. The Commission did not receive any interventions in response to the application.

#### **Application**

3. MECS 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 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. In particular, MECS submitted that since it is directed by a Deaf professional and user of telecommunications services in professional environments in Canada, Dr. Joseph McLaughlin, it has an interest in the outcome of the proceeding.
5. MECS requested that the Commission fix its costs at \$3,260.68, consisting of \$2,032.80 for consultant fees and \$1,227.88 for disbursements. MECS's claim included the federal Goods and Services Tax and the British Columbia Provincial Sales Tax on fees. MECS filed a bill of costs with its application.
6. MECS 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**

7. The Commission finds that MECS has satisfied the criteria for an award of costs set out in section 68 of the Rules of Procedure. For the reasons set out below, the Commission finds that MECS 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 the proceeding in a responsible way.

8. Specifically, the Commission notes that the director of MECS, Dr. Joseph McLaughlin, presented the Commission panel at the public hearing with the commonly held perspectives of Deaf professionals in Canada. This presentation made clear to the Commission the extent to which such professionals, including Dr. McLaughlin, would be affected by the determinations made in the proceeding. Dr. McLaughlin's submissions regarding the benefits of video relay service (VRS) and the issues associated with implementing VRS in Canada, especially surrounding the availability of American Sign Language interpreters, were of particular value. In light of the foregoing, the Commission considers that MECS contributed to a better understanding of the issues and participated responsibly in the proceeding.
9. The Commission notes that the rates claimed in respect of consultant 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 MECS 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 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 by appearing at the public hearing and had a significant interest in its outcome: Bell Aliant Regional Communications, Limited Partnership (Bell Aliant); Bell Canada; Bell Mobility Inc.; KMTS; NorthernTel, Limited Partnership; and Télébec, Limited Partnership (collectively, Bell Canada et al.); Bragg Communications Inc., operating as Eastlink; Cogeco Cable Inc.; MTS Inc. (MTS) and Allstream Inc. (collectively, MTS Allstream); Northwestel Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P. (Videotron); Rogers Communications Inc. (RCI); Saskatchewan Telecommunications; Shaw Communications Inc. (Shaw); and TELUS Communications Company (TCC).
12. 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.
13. 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 et al., MTS Allstream, RCI, Shaw, TCC, and Videotron.

14. The Commission notes that it generally allocates the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs)<sup>1</sup> 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. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:

Bell Canada et al.:	39.8%
TCC:	24.2%
RCI:	23.8%
Shaw:	4.2%
MTS Allstream:	4.1%
Videotron:	3.9%

15. The Commission notes that Bell Aliant filed submissions in the proceeding on behalf of Bell Canada et al., and that MTS Allstream filed joint submissions. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Aliant responsible for payment on behalf of Bell Canada et al., makes MTS responsible for payment on behalf of MTS Allstream, and leaves it to the respective members of Bell Canada et al. and MTS Allstream to determine the appropriate allocation of the costs among themselves.

### **Directions regarding costs**

16. The Commission **approves** the application by MECS for costs with respect to its participation in the proceeding.
17. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to MECS at \$3,260.68.
18. The Commission **directs** that the award of costs to MECS be paid forthwith by Bell Aliant on behalf of Bell Canada et al., by TCC, by RCI, by Shaw, by MTS on behalf of MTS Allstream, and by Videotron, according to the proportions set out in paragraph 14.

Secretary General

### **Related documents**

- *Issues related to the feasibility of establishing a video relay service*, Telecom Notice of Consultation CRTC 2013-155, 27 March 2013, as amended by Telecom Notice of Consultation CRTC 2013-155-1, 16 May 2013

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

- *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