



## Telecom Costs Order CRTC 2005-3

Ottawa, 18 August 2005

### **Application for costs by the Public Interest Advocacy Centre on behalf of the Consumer Groups - *Northwestel Inc.* - Annual Review of Supplemental Funding for 2004 and 2005, Telecom Public Notice CRTC 2004-6**

Reference: 8695-C12-200413625 and 4754-243

1. By letter dated 6 May 2005 the Public Interest Advocacy Centre (PIAC), on behalf of itself, the Consumers' Association of Canada, the Union des consommateurs and the National Anti-Poverty Organization (the Consumer Groups), applied for costs with respect to their joint intervention in the proceeding initiated by *Northwestel Inc. - Annual review of supplemental funding for 2004 and 2005*, Telecom Public Notice CRTC 2004-6, 23 November 2004 (the Public Notice 2004-6 proceeding).
2. By letter dated 22 June 2005, Northwestel Inc. (Northwestel) filed a response to the Consumer Groups' costs application.

#### **The Application**

3. The Consumer Groups submitted that they had met the criteria for an award of costs as set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules) as they represented a body of subscribers that had a clear interest in the outcome of the proceeding, they participated responsibly and they contributed to a better understanding of the issues through their comments in the proceeding.
4. The Consumer Groups requested that the Commission fix their costs at \$8,344.69, which included the Federal Goods and Services Tax (GST) on certain fees less the rebate to which they are entitled in connection with the GST. The breakdown of the fees, inclusive of the respective GST and rebate portions, includes \$1,190.25 for legal fees and \$7,154.44 for consulting / analyst fees. The Consumer Groups filed a bill of costs with their application.
5. The Consumer Groups served their application on Northwestel and all registered parties to the Public Notice 2004-6 proceeding but did not propose which party should be responsible for costs.

#### **Answer**

6. In answer to the Consumer Groups' application, Northwestel responded that it had no comment on the application or the amounts claimed therein.

## Commission's analysis and determination

7. The Commission finds that the Consumer Groups have met the criteria for a costs award as set out in subsection 44(1) of the Rules. Specifically, the Commission finds that the Consumer Groups: 1) represent various groups of subscribers that have an interest in the outcome of the Public Notice 2004-6 proceeding of such a nature that they will receive a benefit or suffer a detriment as a result of the order or decision resulting from the proceeding; 2) have participated in a responsible way; and 3) have contributed to a better understanding of the issues by the Commission.
8. The Commission notes that the rates claimed in respect of the legal and consulting / analyst fees are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 15 May 1998. The Commission also finds that the total amount claimed by the Consumer Groups was necessarily and reasonably incurred and should be allowed.
9. The Commission is of the view 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 *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002.
10. The Commission finds that the appropriate respondent to the Consumer Groups' costs application is Northwestel.

## Direction as to costs

11. The Commission **approves** the application by PIAC, on behalf of the Consumer Groups, for an award of costs with respect to their participation in the Public Notice 2004-6 proceeding.
12. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC, on behalf of the Consumer Groups, at \$8,344.69.
13. The Commission directs that the award of costs to PIAC, on behalf of the Consumer Groups, be paid forthwith by Northwestel.

Secretary General

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