



## Telecom Costs Order CRTC 2005-1

Ottawa, 8 August 2005

### **Application for costs by The British Columbia Old Age Pensioners' Organization et al. - *Regulatory framework for voice communication services using Internet Protocol*, Telecom Public Notice CRTC 2004-2**

Reference: 8663-C12-200402892 and 4754-238

1. By letter dated 15 October 2004, the British Columbia Public Interest Advocacy Centre (BCPIAC), on behalf of the British Columbia Old Age Pensioners' Organization (BCOAPO), the Council of Senior Citizens' Organizations of British Columbia, the federated anti-poverty groups of British Columbia, the Senior Citizens' Association of British Columbia, the West End Seniors' Network, the End Legislated Poverty and the Tenants Rights Action Coalition (collectively, BCOAPO et al.), applied for costs with respect to BCOAPO et al.'s participation in the proceeding initiated by *Regulatory framework for voice communication services using Internet Protocol*, Telecom Public Notice CRTC 2004-2, 7 April 2004 (the Public Notice 2004-2 proceeding).
2. By letter dated 2 November 2004, Aliant Telecom Inc., Bell Canada, Saskatchewan Telecommunications and Télébec, société en commandite (collectively, the Companies), indicated that they did not oppose the costs application. By letter dated 3 November 2004, TELUS Communications Inc. (TCI) indicated that it considered the application for costs to be reasonable and did not object.

#### **The application**

3. BCOAPO et al. submitted that it 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 represented a group or class of subscribers who receive a benefit or suffer a detriment as a result of the proceeding, it participated responsibly and it contributed to a better understanding of the issues.
4. BCOAPO et al. submitted a bill of costs with the application, claiming a total amount of \$14,526.62. This amount represents \$13,509.86 in fees associated with the preparation of submissions and attendance at the public hearing, consisting of 51.30 hours of work by its legal counsel. It also claimed \$1,016.76 in disbursements.
5. BCOAPO et al. submitted that the respondents should be the Companies, TCI and MTS Allstream Inc. (MTS Allstream).

#### **Commission analysis and determination**

6. The Commission finds that BCOAPO et al. have met the criteria for a costs award set out in subsection 44(1) of the Rules. Specifically, the Commission finds that BCOAPO et al.:
  - (a) represented a class of subscribers that has an interest in the outcome of the Public Notice 2004-2 proceeding of such a nature that the group of subscribers will receive a benefit

or suffer a detriment as a result of the proceeding; (b) participated in a responsible way; and (c) contributed to a better understanding of the issues by the Commission.

7. 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.
8. The Commission notes that the rate claimed in respect of legal counsel fees is in accordance with the rate set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, 15 May 1998. The Commission also finds that the total amount claimed by BCOAPO et al. was necessarily and reasonably incurred and should be allowed.
9. The Commission is of the view that the amount claimed for costs is relatively small. In order to limit the number of parties from whom the applicant is to collect the costs, the Commission names the following parties as respondents: the Companies, TCI and MTS Allstream.
10. The Commission notes that it has, in previous decisions, allocated the responsibility for the payment of costs among respondents on the basis of the respondents' telecommunications operating revenues (TORs), as an indicator of the relative size and interest of the parties involved in the proceeding. The Commission is of the view that, in the present circumstances, it is appropriate to apportion the costs among the respondents in proportion to their most recent TORs. Those proportions are as follow:

the Companies	62%
TCI	30%
MTS Allstream	8%

11. Consistent with previous decisions, the Commission makes Bell Canada responsible for the payment on behalf of the Companies.

#### **Directions as to costs**

12. The Commission **approves** the application by BCPIAC, on behalf of BCOAPO et al., for costs with respect to its participation in the Public Notice 2004-2 proceeding.
13. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to BCPIAC, on behalf of BCOAPO et al., at \$14,526.62.
14. The Commission directs that the award of costs to BCPIAC, on behalf of BCOAPO et al. be paid forthwith by the Companies, TCI and MTS Allstream, according to the proportions noted in paragraph 10.

Secretary General

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