



## Telecom Costs Order CRTC 2006-9

Ottawa, 30 August 2006

### **Canadian Association of the Deaf – Application for costs – CISC Accessibility Issues Ad-Hoc Working Group (AIWG)**

Reference: 8663-C12-200402892 and 4754-266

1. By letter dated 7 April 2006, the Canadian Association of the Deaf (CAD) applied for costs with respect to its participation in the CRTC Interconnection Steering Committee (CISC) Accessibility Issues Ad-Hoc Working Group (AIWG).
2. By letter dated 19 April 2006, Aliant Telecom Inc., Bell Canada, Saskatchewan Telecommunications and Société en commandite Télébec (collectively, the Companies) filed comments in answer to the application. By letter dated 21 April 2006, TELUS Communications Company (TCC) filed its response to the application.

#### **The application**

3. The CAD submitted that it had met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* (the Rules) as it represents a group of subscribers that had an interest in the outcome of the CISC-AIWG deliberations, had participated responsibly and had contributed to a better understanding of the issues.
4. In particular, the CAD submitted that it represents the deaf community which is directly impacted by Message Relay Services, the subject of the CISC-AIWG deliberations. The CAD also submitted that it made submissions and participated in conference calls and in the drafting of the CISC-AIWG report. Finally, it submitted that its participation had brought up points that had not been considered or had been inadequately considered before it joined the committee and as such submitted that it had contributed to a better understanding of the issues.
5. The CAD submitted a bill of costs with its application, claiming a total amount of \$13,043.30 in legal fees.
6. The CAD took no position on the appropriate respondents to its application.

#### **Answer**

7. In answer to the application, the Companies and TCC did not object to the CAD's entitlement to costs or the amount claimed.
8. With respect to the appropriate respondents and the allocation of costs, the Companies submitted that the Commission should identify the same costs respondents and allocate costs in the same proportion as it did for the costs awards in the main voice over Internet protocol (VoIP) proceeding, on the basis that the CISC-AIWG dealt with broad-based social issues that affect the entire telecommunications industry and its users and that in CISC the Companies

made significant contributions. In the Companies' view, to select only those parties who participated in the CISC-AIWG as cost respondents would impose a financial burden on those parties who acted in a socially responsible manner.

9. TCC recommended that the respondents to the CAD's application and the cost allocation methodology should be the same as that adopted by the Commission in *Application for costs by ARCH: A Legal Resource Centre for Persons with Disabilities – Regulatory framework for voice communication services using Internet Protocol*, Telecom Public Notice CRTC 2004-2, Telecom Costs Order CRTC 2005-2, 8 August 2005, and *Application for costs by ARCH: A Legal Resource Centre for Persons with Disabilities – Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, Telecom Costs Order CRTC 2006-2, 23 February 2006. Specifically, TCC recommended that the Companies, TCC and MTS Allstream Inc. be responsible for 75% of the costs based on their telecommunications revenues and the cable companies (Rogers Communications Inc. (Rogers), Shaw Communications Inc. (Shaw), Cogeco Cable Inc. (Cogeco), Bragg Communications Inc. carrying on business as Eastlink (Eastlink) and Quebecor Média Inc. (QMI)) be responsible for the remaining 25%.

### **Commission analysis and determination**

10. The Commission finds that the CAD has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that the CAD is representative of a group or class of subscribers that has an interest in the outcome of the CISC-AIWG deliberations, has participated in a responsible way, and has contributed to a better understanding of the issues by the Commission.
11. The Commission notes that the legal fees claimed 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 was necessarily and reasonably incurred and should be allowed.
12. 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.
13. In determining the appropriate respondents to an award of costs, the Commission has generally looked at which parties are affected by the issues and have actively participated in the proceeding. The Commission has, however, also considered the potential administrative burden on applicants if they were required to collect small amounts from many respondents.
14. Accordingly and consistent with *ARCH Disability Law Centre – Application for Costs – CISC Accessibility Issues Ad-Hoc Working Group (AIWG)*, Telecom Costs Order CRTC 2006-7, 16 June 2006, wherein the Commission awarded costs to ARCH Disability Law Centre for the same CISC-AIWG deliberations, the Commission concludes that the appropriate respondents to the CAD's application for costs are Bell Canada and TCC (collectively, the respondent ILECs) as well as Cogeco, QMI, Rogers, Eastlink and Shaw (collectively, the respondent cable companies).

15. Accordingly, the respondent ILECs are to share \$9,782.48, which represents 75% of the costs awarded, in proportion to their most recent telecommunications operating revenues (TORs), as follows:

Bell Canada	60%
TCC	40%

With respect to the respondent cable companies, the Commission considers that they should equally share \$3,260.82, which represents the remaining 25% of the costs, such that each pays \$652.17.

**Direction as to costs**

16. The Commission **approves** the application by the CAD for costs with respect to its participation in the CISC-AIWG.
17. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the CAD at \$13,043.30.
18. The Commission directs that the award of costs to the CAD be paid forthwith by the respondent ILECs and the respondent cable companies according to the proportions set out in paragraph 15.

Secretary General

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