



Telecom Costs Order CRTC 2007-17

Ottawa, 10 December 2007

Application for costs by l'Union des consommateurs – *Review of general tariff bundling rules and requirements for market trials in light of Decision 2007-51, Telecom Public Notice CRTC 2007-12*

Reference: 8663-C12-200709925 and 4754-301

1. By letter dated 25 September 2007, l'Union des consommateurs (l'Union) applied for costs with respect to its participation in the proceeding initiated by Telecom Public Notice 2007-12 (the Public Notice 2007-12 proceeding).
2. The Commission did not receive any comments in answer to the application.

The application

3. L'Union 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 represented a group of subscribers that had an interest in the outcome of the Public Notice 2007-12 proceeding, it had participated responsibly in the Public Notice 2007-12 proceeding, and it had contributed to a better understanding of the issues by the Commission.
4. L'Union filed a bill of costs with its application and requested that the Commission fix its costs at \$6,600 for in-house legal fees incurred.
5. L'Union did not name any costs respondents or take any position with respect to the allocation of its costs.

Commission's analysis and determinations

6. The Commission finds that l'Union has satisfied the criteria for an award of costs set out in subsection 44(1) of the Rules. Specifically, the Commission finds that l'Union is representative of a group or class of subscribers that has an interest in the outcome of the proceeding, has participated in a responsible way, and has 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 Telecom Public Notice 2002-5.
8. The Commission notes that the rates claimed in respect of in-house legal fees are in accordance with the rates set out in the Legal Directorate's *Guidelines for the Taxation of Costs*, revised as of 24 April 2007. The Commission also finds that the total amount claimed by l'Union was necessarily and reasonably incurred and should be allowed.

9. 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 notes, in this regard, that the following parties, amongst others, actively participated in the Public Notice 2007-12 proceeding and held an interest in its outcome: Bell Canada, Bell Aliant Regional Communications, Limited Partnership, Saskatchewan Telecommunications and Télébec, Limited Partnership (collectively the Companies); TELUS Communications Company (TCC); MTS Allstream Inc. (MTS Allstream); Primus Telecommunications Canada Inc.; Quebecor Media Inc. (QMI) and Rogers Communications Inc. (RCI).
10. The Commission further notes, however, that in allocating costs amongst respondents it has also been sensitive to the fact that if too large a number of respondents are named, the applicant may have to collect small amounts from many respondents, resulting in significant administrative burden to the applicant.
11. In light of the above and given the relatively small amount claimed as costs by l'Union, the large number of potential costs respondents and the result that if all potential costs respondents were retained, l'Union would be required to collect amounts from certain respondents that would be negligible, the Commission is of the view that it is appropriate, in the present circumstances, to limit the respondents to the Companies, TCC, MTS Allstream, RCI and QMI and to apportion costs among these in proportion to their respective telecommunications operating revenues, as reported in their most recent audited financial statements. The Commission finds that the responsibility for the payment of costs should be allocated as follows:

The Companies	54.0%
TCC	31.8%
MTS Allstream	7.5%
RCI	4.5%
QMI	2.2%

12. Consistent with its general approach articulated in Telecom Costs Order 2002-4, the Commission makes Bell Canada responsible for payment on behalf of the Companies and leaves it to the members of the Companies to determine the appropriate allocation of the costs among themselves.

Direction as to costs

13. The Commission **approves** the application by l'Union for costs with respect to its participation in the Public Notice 2007-12 proceeding.
14. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to l'Union at \$6,600.

15. The Commission **directs** that the award of costs to l'Union be paid forthwith by Bell Canada on behalf of the Companies, TCC, MTS Allstream, RCI and QMI according to the proportions set out in paragraph 11.

Secretary General

Related documents

- *Review of general tariff bundling rules and requirements for market trials in light of Decision 2007-51*, Telecom Public Notice 2007-12, 11 July 2007
- *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

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