

September 9, 2025

Mr. Marc Morin
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, ON
K1A 0N2

By: Intervention Comment Form

Dear Mr. Morin:

Subject: **Comments - Broadcasting and Telecom Notice of Consultation CRTC 2025-94,
Call for comments – A new approach to funding public interest participation in
Commission proceedings** (Public record: 1011-NOC2025-0094)

1. The Canadian Telecommunications Association (“CTA”) is an industry association dedicated to building a better future for Canadians through connectivity. Our members include service providers, equipment manufacturers, and other organizations in the telecommunications ecosystem, that invest in, build, maintain and operate Canada’s world-class telecommunications and broadcasting networks.
2. Through our advocacy initiatives, research, and events, we work to promote the importance of telecommunications to Canada’s economic growth and social development, and advocate for policies that foster investment, innovation, and positive outcomes for Canadians who rely on telecommunications and related services.
3. Canadians’ ability to participate in regulatory matters that impact them via the Commissions proceedings is intended to allow for a robust record from which the Commission can make decisions.
4. The processes currently in place were last reviewed ten years ago, and since then participation in Commission proceedings, including groups who seek costs to support their participation, has grown to include a more diverse range of consumer advocacy groups.

5. CTA comments are being submitted on behalf of our Members and will be limited to specific areas that impact the broader telecom industry. It should be noted that absence of a response to any other elements identified in the Consultation should not be interpreted as agreement or disagreement with such proposals. To the extent that there is any inconsistency between our submission and that of an Association Member in this consultation, the submission of such member shall prevail with respect to its position on the relevant matter.

Introduction

6. The Commission is seeking input on how it could make it easier for parties that have not historically participated in Commission proceedings to participate. The focus of the discussion is tied to the funding models in place and the processes associated with providing that funding to eligible participants. However, in CTA's view a broader examination of how public participation in Commission proceedings is supported is necessary and a comparison to other jurisdictions is instructive.
7. A review of regulatory frameworks for telecommunications in other jurisdictions has identified that Canada is unique in its approach to incentivizing participation in formal processes by offering financial resources to facilitate this participation.
8. Compared to peer¹ jurisdictions, the CRTC's regulatory process stands out in several ways:
 - **Structured Format:** Canada's comment process is more formalized and directive. The CRTC typically outlines specific questions and frameworks for response, whereas countries like Australia, the UK, and the EU often take a more open-ended, discussion-based approach.
 - **Frequency and Format of Hearings:** Canada holds oral hearings more frequently than other regulators. These hearings are procedurally formal, often allowing participants to request to appear, make oral arguments, and be subject to cross-examination from Commissioners — a level of interaction that is rare or nonexistent in peer countries, where hearings (if held) tend to be invite-only and non-adjudicative.

¹ Jurisdictions reviewed include: USA (FCC), Australia (ACMA), United Kingdom (Ofcom); European Union (European Commission, BEREC), and New Zealand (NZ Commerce Commission).

- **Proactive Outreach:** While most jurisdictions consult affected groups when relevant, Canada appears to go further in actively engaging underrepresented communities — particularly in proceedings related to accessibility, Indigenous participation, and digital equity. This outreach is more systematic and visible than in the US, UK, EU, or NZ.
 - **Compensation for Participation:** Canada is unique in offering Intervener costs awards to eligible public interest groups, helping to cover the cost of meaningful participation. Other countries do not provide financial reimbursement and instead focus on lowering the barriers to entry (e.g., simplified comment portals, plain language documents).
9. All this indicates that the CRTC already has robust processes and policies to support public interest participation, especially in comparison to its peers. The premises set out throughout the Commission’s notice that public participation is not well-supported is, quite simply, not true. The current review must also acknowledge all the measures in place to ensure individuals and public interest groups can participate in Commission proceedings and recognize that not all participation warrants funding.
10. While funding is a part of the Canadian experience, the funding is not provided directly by the Commission. Public participation in CRTC proceedings is funded by TSPs, as such they have a direct interest in ensuring that the funding system is responsible, fair and transparent and that funding is used to support parties that contribute to sound decision making.
11. In addition to the responses provided to specific questions, CTA has included an overview of changes it proposes to the current telecom model in Appendix A.

Creating one funding system to participate in Commission proceedings

Q1. Should the application process for funding the participation of public interest groups be the same in both telecommunications and broadcasting proceedings?

Q1 CTA Response:

12. CTA supports the current model for telecommunications proceedings augmented with the updates that are proposed within this document. While we hold no specific views in relation to funding of broadcasting proceedings, both processes should allow for strong oversight based on the same eligibility principles to ensure funding is only

supporting meaningful and reasonable participation and help minimize confusion for groups that participate in both telecom and broadcasting related consultations.

13. An overview of the proposed amendments is included as Appendix A.

Q2. If so, should the Commission or an independent third party process the applications?

Q2 CTA Response:

14. As it relates to telecommunications proceedings, the Commission should process funding applications. As the regulator, it has the specialized knowledge and capacity to assess whether applicants for funding have participated in a way that meets the Commission's eligibility criteria. A funding process administered by the Commission provides a level of transparency and oversight that does not exist within a third-party funding model. In addition, under the Commission's purview, there is a mechanism for stakeholders to respond to costs applications and there is recourse if stakeholders disagree with the determination made.

Q3. What are the barriers, if any, to using the same process in telecommunications and broadcasting proceedings? How can these be addressed?

Q3 CTA Response:

15. CTA is not supportive of using a Broadcasting Participation Fund type model for costs applications in telecom proceedings.

Funding participation through an independent third-party fund

Q4. If funding is managed by a single independent third-party fund, would the BPF be the right organization to administer funding?

Q5. If so, what changes would be required to broaden its mandate and funding processes?

Q6. If a different organization would be more appropriate, how could the Commission ensure that individuals and public interest groups continue to receive funding to participate in proceedings while this new organization is being established?

Q4-Q6 CTA Response:

16. As it relates to telecommunications proceedings, funding should not be managed by a single independent third-party fund.

17. Using a third-party to administer funding is a costly, inefficient and ineffective mechanism that lacks sufficient transparency and accountability.

Making funding available to more types of organizations or parties

Q7. How can the Commission's eligibility criteria be streamlined or improved?

Q7 CTA Response:

18. The Commission's eligibility criteria do not need to be streamlined, but they can be improved and strengthened. As identified in the Appendix² to this proceeding:

“Currently, a party seeking funding must demonstrate that (i) they represent Canadians with an interest in Commission proceedings, or have an interest in the proceeding, (ii) their participation helped the Commission develop a better understanding of the issues, and (iii) they participated in the proceeding in a responsible way.”

19. In CTA's view, the present criteria represent a minimum threshold for participants to access funding. A more robust approach would yield better overall results and offer a level of predictability for all participants including the Commission.

20. While the current criteria identifies that a party seeking funding must “demonstrate” that it meets the various requirements, it is not clear to what degree this demonstration actually occurs. Simply declaring in a costs application that criteria were met does not result in the output that is beneficial to decision making.

21. The current criteria should be strengthened. For example:

a. A party seeking funding must demonstrate that “they represent Canadians with an interest in Commission proceedings, or have an interest in the proceeding”:

This requirement should be strengthened to require groups to more clearly explain which specific group of Canadians they represent and what their specific interest is in relation to a given proceeding. If groups state they represent a membership, they should be asked to provide more information such as who their members are,

² Appendix to Broadcasting and Telecom Notice of Consultation CRTC 2025-94, paragraph 1 and 2.

how many members they represent, and how they effectively seek input from their members.

The Commission should require all participants seeking costs to clearly identify the Canadians they represent and, in instances where multiple groups identify that they represent the same population, identify how they differ from other groups. This would help mitigate the current duplication that exists and better allow for an understanding of which views are not present.

Further, eligibility should be limited to organizations representing a group of Canadians, and not those with a personal or business interest in the outcomes of the proceedings.

- b. *A party seeking funding must demonstrate that “their participation helped the Commission develop a better understanding of the issues”:*

Participants who are seeking funding are expected to provide information to Commission that it may not otherwise receive, and that will inform the Commission’s consideration of the issues related to a given proceeding.

The Commission should require all participants seeking costs to clearly identify how they helped to build the record to allow for decision making by linking their contributions to the items that required input/resolution. This would reduce the likelihood that participants will undertake work that is not related to the given proceeding, helping both the participants to focus their work and control their costs and helping the Commission to understand where the contribution was directly related to a proceeding.

- c. *A party seeking funding must demonstrate that “they participated in the proceeding in a responsible way”:*

Participants should be thoughtful in how they approach their work to ensure that it occurs in a way that also allows the process to proceed effectively and efficiently.

Commission should require all participants seeking costs to proactively work with similar groups to minimize duplication. Further groups should be required to ensure that their response is related to, and in proportion to, what is being asked.

This would help mitigate participants undertaking work efforts that are unnecessary to the scope of the consultation.

22. By strengthening the criteria, participating groups will be able to better advocate on behalf of their constituents in meaningful ways, and the Commission, in turn, will benefit from public participation that is more targeted and relevant to the proceeding. TSPs will also have greater assurances that funding decisions are being made in an accountable and transparent manner.

Q8. How can the Commission make it easier for parties that have not historically participated in Commission proceedings to participate?

Q8 CTA Response:

23. It is not clear what groups, in the Commission's view, have not historically participated in proceedings. Once it is understood whose voices have not been sufficiently represented, it becomes easier to determine why they are not participating and whether specific consideration is necessary.
24. The first step to supporting participation of more diverse groups is identifying systemic barriers to participation and taking steps to understand whether/how they impact equity deserving groups. Collaborative work may be required to better educate groups on how Commission processes work, simplifying access to information on the Commission's website, and providing support in navigating the system (either directly or via plain language materials).
25. The Commission should not assume that any barrier to participation is related solely to the availability of funding or the speed of disbursement as this will reduce the likelihood that other barriers are considered and will also create the wrong incentives and motivations for participation.
26. If the goal is to ensure meaningful participation, participants need to understand the relevance of the process to their lives. Simply offering funding to participate in a process that is otherwise inaccessible in all other ways does not lead to the desired end-results.
27. The second question to consider is whether the absence of participation from historically underrepresented groups has hindered the process or decision-making. From a pragmatic perspective, if these groups are captured within the broader context

of communities that do engage, or engage in other ways in respect to topics of specific concern to them, is there a gap that requires filling?

28. Providing financial incentives to encourage under-represented groups to participate solely to ensure representation does not necessarily lead to more productive dialogue and may, in fact, further slow an already delayed process.
29. What we have seen over the past several years is an influx of groups participating across a wide and diverse spectrum of consultations. This identifies that when the consultation is of interest and important to a population, they will provide their input.
30. The Commission has also taken steps to facilitate the participation of diverse groups within their process, such as those representing Canadians with disabilities by putting in place longer timelines and ensuring information is shared in more accessible formats. These steps eliminate barriers in a meaningful way which simply providing funding does not address.
31. Ultimately, reducing the complexity of participation – easier to understand proceedings, clear rules and guidance for how to participate, appropriate accommodations – is the most effective way to promote participation among under-represented groups.

Question 8 (a): Are there specific considerations pertaining to equity-deserving groups, Indigenous rights holders, OLMCs, or academics?

Q8(a) CTA response:

The current approach of limiting funding to individuals and public interest groups that represent consumer interests should be maintained. Academics and other similar groups (i.e., think tanks, experts, etc.) already have sufficient incentives to participate in proceedings to provide their input and should not be eligible for cost recovery.

Q9. Should individuals and public interest groups have to demonstrate that they meet the eligibility criteria every time they apply for funding? If not, at what intervals should they have to?

Q9 CTA Response:

32. Yes. If a group expects to be compensated for their involvement in a proceeding, they should expect to identify how they met the criteria for that specific consultation.

Regulatory processes have a specific objective. Participation in those processes is intended to support meaningful and informed outcomes.

33. Commission's own policies require that participation be meaningful and responsible. Allowing participants to access funding without ensuring they meet eligibility criteria is not responsible and undermines the trust of TSPs in the costs awards process.
34. Participation in CRTC proceedings is not meant to serve as a source of full-time compensation for participants, and the cost recovery process should not be structured to function that way. If engaging in regulatory proceedings demands time and resources equivalent to full-time work, then the process itself requires reassessment.

Q10. Should funding be available for informal Commission activities that take place before or outside of formal Commission proceedings (for example, the CRTC Interconnection Steering Committee meetings, informal consultations, and roundtable meetings)? If so, which activities should be eligible for funding?

Q10 CTA Response:

35. No. Funding using the telecom model should not be available for any activity that takes place outside of formal proceedings.
36. There is a lack of transparency and accountability for such informal activities, which does not allow the Commission or costs respondents to meaningfully assess whether identified participants and activities are eligible for funding under the existing policies.

Informal consultations, and roundtable meetings

37. Informal Commission activities may play an important role in the stakeholder relationship but should be undertaken at the sole discretion of Commission for its specific benefit. If Commission is of the view that incentives are required for informal activities, it should determine how to fund it within its existing resources. Funding by TSPs should be limited to formal processes that include transparency and accountability in relation to the activities being undertaken. As no similar mechanisms exist for informal activities, it should not be the responsibility of industry to fund this activity.

CRTC Interconnection Steering Committee meetings

38. CISC plays a very specific and important role in shaping how Commission directives become reality. They cover the technical "how" in some Commission policies and

decisions. Participation is voluntary and open to anyone with an interest in a given topic. However, given the nature of the discussion, participation is generally limited to those with the technical or operational expertise to implement solutions. Discussions are intended to be collaborative in nature and rely on the participation of individuals that know and understand the topics being discussed.

Ensuring that the funding system covers appropriate costs

Q11. What costs should be eligible for reimbursement? Do the Commission's rates need to change? If so, how?

Q11 CTA Response:

Rates

39. Commission rates do not need to be changed as they are in line with those of other regulatory agencies³ that provide for cost claims. A review of fee structures from these organizations further identifies that they have placed additional constraints on things like maximum hours and maximum rates allowable.

Roles and their definitions

40. What is required is a review and potential redefinition or expansion of the roles themselves to ensure that they are identifying and capturing the breadth of participants more appropriately. For example, BC Utilities Commission⁴ and Régie de l'énergie⁵ both provide definitions for what constitutes an "analyst/consultant" as it relates to their professional contributions to a proceeding, while the Commission⁶ defines consultant/analyst as a person that isn't legal counsel or an expert witness. Despite the Commission's broad definition, the roles of "consultant" and "analyst" should be more specific and aligned to professional thresholds, similar to how other tribunals define such roles.

³ Regulators include Alberta Utilities Commission, BC Utilities Commission, Ontario Energy Board, and Régie de l'énergie.

⁴ British Columbia Utilities Commission ~ New Rules of Practice and Procedure for Participant Cost Awards ~ Final Order: (b) consultants, who are specialists in aspects of business or science such as finance, economics, accounting, engineering or the natural sciences, providing services related to their speciality;

⁵ Régie de l'énergie GUIDE DE PAIEMENT DES FRAIS 2020: a. Analyste : personne qualifiée qui, dans le cadre d'une audience ou d'une séance de travail, assiste un participant dans l'analyse des questions à débattre;

⁶ **Telecom Regulatory Policy CRTC 2010-963, Revision of CRTC costs award practices and procedures and Guidelines for the Taxation of Costs:** (d) "Consultant" or "Analyst" means a person who participated in a proceeding, but who was not a person who acted as legal counsel or an expert witness;

41. Commission needs to more appropriately account for individuals that participate outside of these definitions. A review and modification of roles will allow for a clearer determination of participants and speak to the nature of contributions.

Q12. Should the Commission use a different way to determine how much a party should receive? If so, explain how and why.

Q12 CTA Response:

42. Costs determinations should be based on the principles in the ***Guidelines for the Assessment of Costs*** established in TRP 2010-963:⁷

- a. “costs awarded shall not exceed those necessarily and reasonably incurred by the applicant in connection with its participation in the proceeding (see paragraph 44(6)(b) of the Telecommunications Rules and subsection 70(2) of the Rules of Procedure);*
- b. the costs assessment process should be fair to all parties concerned;*
- c. the costs assessment process should be efficient and effective for the parties and for the Commission;*
- d. to the extent possible and advisable, the costs assessment process should provide the parties with certainty of result;*
- e. the costs assessment process must maintain the flexibility necessary to ensure that costs are awarded in light of the particular circumstances of a proceeding or intervention; and*
- f. the costs assessment process must take into account financial assistance received from government or other sources for the purpose of participating in Commission proceedings under the Act (see subsection 44(7) of the Telecommunications Rules, subsection 70(1) of the Rules of Procedure, and Bell Canada v. Consumers’ Association of Canada, [1986] 1 S.C.R. 190).”*

43. This process should be further augmented by a cap on fees based on the nature and complexity of the consultation itself. For example, the extent of participation required to address a Part 1 is vastly different than for a broader consultation so the parameters established for costs applications should be reflective of this.

⁷ Telecom Regulatory Policy CRTC 2010-963, Revision of CRTC costs award practices and procedures, paragraph 4.

44. Further introducing caps on fees would clearly delineate the extent that funding is available for a given consultation and would ensure that participants manage their activities and time accordingly.

45. As identified earlier in this submission, CTA is proposing amendments to the current Telecom process in Appendix A.

Q13. If the current costs model is maintained, how could the process be simplified?

Q13 CTA Response:

The process does not require simplification. The Commission should prioritize ensuring the system in place is transparent, accountable and responsible; that participating organizations are participating appropriately, and engaging in consultations where they have a specific and relevant view to put forward; and that the quality of the information provided on the record meets the bar for attaining objectives (i.e., decision making).

Consultations are intended to address very specific items and issues, and participation funding should be limited to parties that meet the eligibility criteria, have a financial barrier to participate and have a specific and relevant contribution to make. As participants have become familiar with the ability to claim costs, some have begun to engage in consultations in which they provide minimal new and unique input that is relevant and/or seek to expand the content of a proceeding outside of its scope, which is disruptive to Commission processes and increases costs for costs respondents.

In addition, participating in consultation processes should not be used as a mechanism to fund the on-going operations of organizations or groups. The funding process must establish better parameters that will allow for a greater level of accountability related to cost claims.

Determining who should be funding participation and how much funding they should provide

Q14. If funding is collected through a third-party fund like the BPF:

(a) who should be required to contribute to the fund?

(b) how should the Commission calculate who pays and how much they should pay?

Q15. If respondents are identified on a proceeding-by-proceeding basis:

(a) who should be responsible for paying the costs in each proceeding?

(b) could the Commission's current process be simplified, for example, by:

(i) increasing the minimum contribution any one company must pay? (The current minimum is \$1,000.)

(ii) establishing at the outset (for example, every year or at the beginning of each proceeding), which companies should pay, and the amounts they could be expected to pay? If so, on what basis should those amounts be calculated?

Q14-15 CTA Response:

46. CTA supports maintaining the current model for telecommunications proceedings, with the updates that are proposed within this document. While we hold no specific views in relation to funding of broadcasting proceedings, both processes should allow for strong oversight based on the same eligibility principles to ensure funding is only supporting meaningful and reasonable participation and help minimize confusion for groups that participate in both telecom and broadcasting related consultations.

47. An overview of the proposed amendments is included as Appendix A.

Building a system that provides funding in a timely manner

Q16. In general, what can the Commission do to issue funding decisions more quickly?

Q16 CTA Response:

48. The speed at which funding decisions are made is linked to the speed at which Commission determinations on consultations are made. The Commission must take steps to ensure that the process itself does not get bogged down by duplication, participation (and then costs applications) that are out of scope and provide no substantive input, and unwarranted and unnecessary procedural requests.

Q17. How can the Commission simplify applications for interim costs so that applicants can obtain funding earlier in a proceeding?

Q17 CTA Response:

49. The process for accessing interim costs does not require simplification. Eligible participants can request interim funding at any point in the consultation process.

50. Given that participants are seeking funding prior to producing their work, the current requirement to complete a form outlining key information is appropriate and necessary.

Ensuring that funding is used in the public interest

Q18. Should the Commission require that individuals and public interest groups provide an attestation that they and anyone who worked with them during the proceeding have not engaged in hate speech?

Q19. What other mechanisms can the Commission put in place to ensure that public interest funding does not support hate speech?

Q18-19 CTA response:

51. By keeping responsibility for costs decisions with the Commission, the Commission will maintain oversight of the process and be able to more effectively ensure that participating organizations act responsibly and comply with all laws.

52. In addition, modifying the process as identified in Appendix A will give additional structure to the process.

Supporting consultations for Indigenous groups and official language minority communities

Q20. Should the Commission establish different processes to fund the participation of Indigenous groups, such as Indigenous organizations and governments, in Commission proceedings? If so, what should those processes be?

Q21. Should the Commission establish different processes for funding for OLMCs? If so, what should those processes be?

Q20-21 CTA response:

53. No. Establishing separate processes for different groups risks increasing the complexity of the process rather than simplifying it. The Commission should, instead, work to lower the barriers to entry making it easier for all parties to understand how to participate in Commission processes. Maintaining a single process also ensures procedural fairness for all entities.

Supporting participation in proceedings under the Online News Act

Q22. Are there any additional matters that the Commission should consider to support participation in proceedings that take place under the Online News Act?

Q22 CTA response:

54. CTA does not have a view regarding proceedings under the Online News Act.

Conclusion

55. The Commission has already put in place mechanisms that support the participation of groups within the regulatory consultation process and participation in Commission proceedings has grown to include a more diverse range of consumer advocacy groups.
56. While the focus of this discussion is tied to the existing funding models and the processes associated with providing that funding to eligible participants, a broader review is necessary to understand what other barriers exist that may be more detrimental to public participation. This review is essential to fully understand what groups are not currently represented, what the impacts of that are, and what mechanisms need to be put in place to address it.
57. CTA supports the current model for telecommunications proceedings augmented with the updates that are proposed within this document and in Appendix A. A more robust approach would yield better overall results and offer a level of predictability for all participants including the Commission.
- The Commission should better define the parameters for the various types of consultative processes, establish caps, and ensure that the process to determine costs awards is adhered to and applied consistently.
 - Participants seeking costs should be required to apply for Intervenor Status, provide a scope of participation, and clearly identify how they meet the eligibility criteria for each specific consultation that they participate in.
58. Funding should continue to be limited to eligible individuals and public interest groups that represent consumer interests, and for activities that take place as part of formal proceedings only. A review and potential redefinition or expansion of participants' roles is necessary to ensure that they are identifying and capturing the breadth of participants more appropriately
59. The current Commission rates should remain, and Commission should continue to process funding applications as it has the specialized knowledge and capacity to assess whether applicants for funding have participated in a way that meets the Commission's eligibility criteria, providing a level of transparency and oversight that does not exist within a third-party funding model. Retaining responsibility for costs decisions with the Commission also ensures Commission oversight of the process and better ensures that participating organizations act responsibly and comply with all laws.

60. The Commission should prioritize ensuring the system in place is transparent, accountable and responsible; that participating organizations are participating appropriately, and engaging in consultations where they have a specific and relevant view to put forward; and that the quality of the information provided on the record meets the bar for attaining objectives (i.e., decision making).
61. Processes associated with costs applications should allow for strong oversight based on the same eligibility principles to ensure funding is only supporting meaningful and reasonable participation and help minimize confusion for groups that participate in both telecom and broadcasting related consultations.
62. CTA appreciates the opportunity to provide its comments in relation to this important proceeding.

Kind regards,



Ursula Grant,
VP Industry and Consumer Affairs

Appendix A

63. Information from a broad, diverse and relevant set of stakeholders is necessary to facilitate sound decision making and strong regulatory outcomes. The following additions are being proposed to the telecom costs recovery process to optimize participation and help achieve the intended results.
64. Putting clear parameters in place will help eligible participants make informed decisions as to the nature of their participation.
65. While the inclusion of these steps may add an additional stage at the beginning of the process it will ultimately serve all participants and the Commission in better managing resources. These are reasonable steps to put in place to ensure that a process that financially incentivizes participation has guard-rails.

A. Better definition of the parameters for the various types of consultative processes (i.e., Part 1, Consultations, etc.)

66. The eligibility criteria for each type of consultation activity should be clearly identified and reflect the level of complexity for each activity. A response to a Part 1 application, for example, does not require the same level of input as a Consultation and would therefore not result in the same resource expenditure on the part of participants.
67. In addition, in circumstances where the participant is the one initiating a process (for example, a Review and Vary), they should not be able to claim costs for the initial submission. And in instances where the application does not meet the criteria, no cost claims should be granted.

B. Establishment of a cap

68. Commission should identify mechanisms to ensure that costs applications remain reasonable. This could be achieved using different capping mechanisms including:
 - a. identifying the level of “complexity” based on each type of proceeding with a funding cap for each;
 - b. identifying a cap for specific types of activities that are to be undertaken; and/or
 - c. identifying a cap for allowable expenses based on a role that include a cap on the hourly or daily rate, as well as the number of hours that are claimable.

C. Requirement for participants to apply for Intervenor Status

69. In instances where a party wants to participate in a proceeding/consultation AND intends to submit a costs application they would be required to submit an application to become an 'intervenor' in advance of participating.
70. The person applying for intervenor status would have to show (1) they represent the direct interest of a unique group of customers, (2) have a substantial interest directly related to the consultation in question, and (3) intend to participate responsibly.
71. A standard form should be developed for the collection of relevant information. Parties would be required to identify their mandate and objectives, their membership and constituency represented, and their governance structure. This will help to ensure that duplication of similar groups is minimized, and that the party represents the membership it claims to represent.
72. Assuming that all requirements are met, the Commission would grant Intervenor status. However, receiving Intervenor status would not be guaranteed.
73. Organizations that do not gain Intervenor status would still be eligible to participate but would not receive funding for their participation.

D. Requirement for Intervenors to provide scope of participation

74. As the commission clearly identifies the areas that it expects to cover within a consultation, intervenors would be able to provide an overview of the specific areas they wish to provide comments on and in what fashion.
75. This would allow the Commission:
- to know in advance when multiple groups of a similar nature expect to provide feedback on the same items. In these instances, Commission can decide whether the participation of all groups is necessary, or can direct groups to collaborate in their response.
 - to understand when the proposed input doesn't align with the identified scope of the proceeding. In these instance, Commission can ensure that appropriate direction is provided to the group.

- to determine whether the input of the group in relation to the identified scope would lead to meaningful input. For example, does the group have the expertise to provide feedback on technical matters.
- to determine if the proposed mechanism for participation is warranted and necessary.

E. Commission considerations for awarding costs

76. Commission's process to determine costs awards should be adhered to and applied consistently. Where necessary, the decision should clearly reflect:

- whether Intervenor costs were necessarily and properly incurred in the conduct of the proceeding;
- whether such costs were reasonable;
- whether the Intervenor has demonstrated through its participation that it has:
 - participated responsibly in the process;
 - contributed to a better understanding by the Commission and complied with all the Commissions requirements
 - made reasonable efforts to combine its intervention with that of one or more similarly interested parties, and to co-operate with all other parties;
 - made reasonable efforts to ensure that its participation in the process was not unduly repetitive and was focused on relevant and material issues;
 - engaged in any conduct that tended to lengthen the process unnecessarily;
 - or
 - engaged in any conduct which the Commission considers inappropriate or irresponsible.

77. An opportunity for TSPs to respond to costs applications must remain part of the process.

*** End of Document ***