

October 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: Reply 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 pleased to provide the following reply comments on behalf of its Members in relation to this important consultation.
2. It should be noted that an absence of a response to elements identified in the Consultation or within the comments of other interveners should not be interpreted as agreement or disagreement with such proposals. Further, 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

3. As expected, this proceeding has stimulated great interest with a total of 52 interventions filed. Much of the commentary has been thoughtful and is reflective of participants wanting to ensure that robust and relevant public participation remains a part of the CRTC regulatory process. In these instances, the feedback has been concrete and varied in both approach and intent, and Commission will have a big job ahead of it in determining how it will incorporate the various view, suggestions and recommendations.

4. Feedback provided from interveners has also identified that the current public participation process includes barriers that are not related to funding, that have significant impact on making the consultation process more accessible. The Commission will need to focus on ensuring that these barriers are further reduced to simplify the processes around participation itself.
5. Other feedback has been more self-serving and intended to solidify the place of certain interveners within the process to the detriment of new voices. In some cases, the interveners call out other groups that represent similar populations, in effect calling in to question their participation and viewpoints. In addition, language has been used that is both inflammatory and unconstructive and, in some cases, and as identified in this reply, also untrue. While CTA would prefer not to have to address these items, it also must do so to ensure that the record of this proceeding is reflective of actual experiences and factually accurate.
6. Public Interest Advocacy Centre's (PIAC) comments at paragraph 10, exemplifies this troubling perspective:

"The failure of the Commission to update and fix this system have amounted to wrongdoing against PIAC and other public interest organizations. Not only have our advocates been under-compensated for their diligent, persistent and professional contributions on behalf of the public interest, but we have had to regularly face the burden of having to incur substantial post-proceeding time responding to litigious tomes from telecommunications cost respondents attempting to undercut our costs claims. Well-financed and well-staffed regulatory departments seem to have made a sport of trying to undercut public interest costs through lengthy and abusive responses, which draws out the process, adds time, effort, delay, and opportunity cost. Meanwhile, none of that work is compensable."

7. The CTA firmly objects to PIAC's characterization of costs respondents' comments on costs applications as "litigious tomes" and "abusive responses." This framing is not only inaccurate and damaging to costs respondents, but also fundamentally misunderstands the purpose and structure of the costs award framework. Costs respondents are the direct payors of approved costs claims. As such, they have both a legitimate right and responsibility to scrutinize the substance, reasonableness, and appropriateness of costs applications. To characterize this legitimate exercise of respondents' rights as "abusive" or a "sport" is to suggest that costs applicants should

be immune from any scrutiny whatsoever – a position that is untenable in any fair and accountable public interest funding system.

8. Several interveners have voiced a similar, harmful attitude: any decision by a costs respondent to question aspects of costs claims amounts to some form of “*wrongdoing*” or is centred around discrimination. This perspective moves the discussions away from a place of respect and collaborative work on common goals to one where one side wins and the other loses.
9. Moreover, costs respondents would take a less active role in reviewing costs applications if the Commission demonstrated a higher and more consistent level of scrutiny in its treatment of costs claims. However, as noted by Bell, “there has been a marked decline in the level of scrutiny applied to costs applications in recent years. Between 2011 and 2019, the Commission reduced or denied claims in approximately 25% of applications, whereas from 2020 to the present, this figure has dropped to just 9%.”¹
10. TSPs, much like everyone else in the process, are looking for an efficient and well-run regulatory process that allows for reasoned participation by all interveners, quick and relevant decision-making by the Commission, and a reliable, trustworthy and transparent costs process.
11. The current Telecom process, while not perfect, does partially achieve this:
12. The ***Broadcasting and Telecom Information Bulletin CRTC 2010-959, Guidelines on the CRTC Rules of Practice and Procedure*** clearly identifies that Commission is obligated to determine costs awards and the criteria it must use:

“153. Section 56 of the Telecommunications Act grants the Commission the power to award costs to parties who participate in its telecom proceedings.”

“155. Section 68 sets out the criteria the Commission uses to determine whether to award costs. A party is eligible to receive costs if it:

- *has an interest in the proceeding or represents someone who does;*
- *contributed to a better understanding of the issues; and*
- *participated in a responsible way.”*

¹ Bell Intervention, at paragraph 30.

13. Parties seeking costs must submit an application that is reflective of several key components [emphasis added]:

*“158. The application **must demonstrate that the party has met the criteria for the awarding of costs described in section 68**, identify the parties it feels should pay the costs and include the relevant taxation forms listed in Broadcasting and Telecom Information Bulletin 2010-453 to detail the costs incurred (section 66). **The amount of the costs requested should comply with the Commission’s guidelines appended to Telecom Regulatory Policy 2010-963**. The applicant may also find it useful to look at past cost award decisions to see what costs the Commission has previously found to be reasonable.”*

14. TSPs, who are both the main audience for any decision made by the Commission AND the entities that pay the costs awards, are granted the ability to review what parties put forward.

“159. Other parties to the proceeding will have an opportunity to reply within 10 days of the application being filed (section 67).”

15. From there, costs applicants can respond to the costs respondents or provide additional information. The Commission takes into account what is before it and determines costs.
16. The ability for TSPs, as costs respondents, to play a *challenge* function is integral to ensuring that the process functions effectively, efficiently and fairly. As the record has shown, and as identified within this document, not all information helps the process and, by extension, merits costs, nor do all participants behave responsibly.
17. Identifying concerns and responding to costs applications does not “punch down on public interest intervenors”², it simply asks that the Commission award costs in a manner that is responsible and consistent with the rules set out, and fair for all participants.

² PIAC intervention, at paragraph 6.

18. Holding Costs Applicants accountable does not equate to interveners having been “nearly starved to death by undervaluing the work and dignity and contributions of public interest organizations.”³ It ensures that everyone is held to the same standard.
19. It is not “gaslighting”⁴ to both support public participation but also want the costs claims process to work within the established parameters, including ensuring that the system is not being abused.
20. The process allows for costs respondents to challenge applications, but this also means that when the application is unsuccessful or tempered, the blame is placed on the costs respondents whether true or not. However, despite all of this, regardless of which model is ultimately deployed, the costs respondent role is integral and one that must be maintained.

Recentering the Discussion

21. As CTA identified within its Comments, the current focus on making funding faster and easier takes the Commission’s eyes away from what, in CTA’s view, is the more important element of this consultation: ensuring that groups are participating in Consultations that are relevant to their constituents and that the information that is being provided meets the need and objectives outlined by Commission.
22. There is an opportunity in front of Commission to take further steps in ensuring that the Costs Awards process has the rigour and guard rails in place that would then allow for a more predictable process for all stakeholders. Ultimately, this would also support meaningful public interest participation.
23. It is also important to reclaim the scope of this proceeding, as well as the intent of the public interest funding system. The objective of this proceeding is to support public interest participation “*while being transparent and accountable.*”
24. For additional clarity, the following is contained in ***Broadcasting and Telecom Information Bulletin CRTC 2010-959, Guidelines on the CRTC Rules of Practice and Procedure*** [emphasis added]:

³ PIAC intervention, at paragraph 7.

⁴ PIAC intervention, at paragraph 5.

“3. In recognition of the significant changes in the industries it regulates and in the technology available to conduct its proceedings, the Commission initiated a public proceeding to establish the new Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure (the Rules of Procedure). The objectives of the Rules of Procedure are to:

- **enable informed and effective public participation** in Commission proceedings;*
- **ensure the efficient, transparent and predictable conduct of Commission proceedings;***
- **eliminate unnecessary costs and delays** in the regulatory process; and*
- **provide a comprehensive set of rules applicable in most Commission proceedings, while maintaining the flexibility necessary to address the specific circumstances of each proceeding.”***

25. What this proceeding isn't about is to develop a framework that is intended to subsidize the existence and all operating costs of costs claimants' organizations. It is only meant to cover reasonable costs of participation on a proceeding-by-proceeding basis. Costs awards are not intended to reward groups for the quantity of their outputs, but are intended to reward those that provide relevant and helpful submissions.

Maintaining the Current Telecom Approach

26. CTA maintains its support for the current telecommunications model for proceedings augmented with the updates that were proposed within its intervention and further detailed in the Bell intervention.

27. A similar model can also be implemented for Broadcasting proceedings if that is determined appropriate. It would be possible to harmonize eligibility criteria and application processes across both to minimize participant confusion and allow for strong oversight.

28. Many interveners have noted that the rules need to be “clear and predictable”. As identified at paragraph 18, Deaf and Hard of Hearing Coalition's (DHH Coalition) intervention:

“... having a single cost application process for any Commission proceeding (eg: telecommunications, internet, broadcasting, and ONA) will definitely be the better approach. Standardizing such processes would strongly encourage and even enhance the public interest representation which in turn would improve the quality, legitimacy fulsomeness, and overall balance of CRTC’s record and decisions. Such standardization would make participation sustainable where CRTC may be exposed to diverse and independent voices.”

29. “Front loading” the process⁵ by asking participants to verify their participation would allow the Commission to better determine a participant’s role in each proceeding, as well as their area of interest or expertise. Expecting interveners to identify how they intend to participate (i.e., survey, report, expert, etc.) will also allow the Commission to determine in advance whether the methodology meets their needs and should help eliminate the undertaking of unnecessary work. This will also provide Costs Applicants with a better understanding of what they can reasonably expect in terms of costs, assuming that the work they undertake remains in scope and is helpful to Commission.
30. Coupling this with a better definition of the parameters for the various types of consultative processes and the establishment of a cap would further clearly identify to participants what could reasonably be expected.
31. Bell’s intervention does a clear job of providing fuller details concerning several of these elements and their proposal warrants a fulsome review. At paragraph 4 they state:

“It proposes reforms to improve procedural clarity, enhance oversight, and align the Commission’s practices with those of other leading Canadian regulators. These recommendations are designed to support meaningful public engagement while safeguarding the integrity and sustainability of the costs award process.”

32. The Bell proposal is grounded in the processes that are currently being used by other regulatory agencies and balances participation on important issues with the provision of information relevant to the decision making.

⁵ Implementing (1) a Requirement for participants to apply for Intervener Status; (2) Requirement for Interveners to provide scope of participation.

33. The Commission has the ability to not only learn from what has been put in place by organizations like the Ontario Energy Board (as well as other energy regulators that have similar processes in place) but implement these ideas quickly.
34. From a practical perspective, while participants may claim that a more stringent application process places an administrative burden on them, it is also important to balance that with the intended end results, which include more informed decisions as to their participation in a proceeding, and less costs challenges.
35. While several interventions note that the payment process is “faster” under the Broadcasting regime, nothing has been put on record that would indicate a third party would improve the costs applications procedure, or the level of participation, or calibre of decisions. A fuller approach needs to take in to account all elements of a model, over-and-above that associated with speed of payment.
36. As noted by the Canadian Association of Broadcasters (CAB), page 5:

“If the Commission determines that funding should be managed by a fund, and if the BPF continues to administer public participation funding, it must be required to adopt a much more rigorous and transparent approach to considering applications and granting funding, one more aligned with the Commission’s approach to telecom cost awards, including a right to review by contributors and a process for managing disputes. It must also adopt better governance, including more regular oversight by contributors.”

37. Using a third-party to administer funding is a costly, inefficient and ineffective mechanism that lacks sufficient transparency and accountability. It also does not provide any level of predictability given that the funding is precarious.

Participation versus Eligibility

38. A review of interventions highlights that there isn’t a clear recommendation in terms of eligibility criteria.

39. Some support a system with annual demonstrations or confirmations⁶, while others support a model where those that have previously participated be automatically approved.⁷

40. Others advocate for more of a hybrid approach that is linked to ensuring appropriate behaviour.

- Forum for Research and Policy in Communications (FRPC) at (page 10):
“[I]ndividuals and public-interest groups should not have to demonstrate that they meet the eligibility criteria whenever they apply for funding – as long as individual parties’ previous submissions raised no concerns regarding professional conduct, frivolous submissions or vexation behaviour. Once such concerns have been raised, the parties should have to reestablish their compliance with the CRTC’s eligibility criteria for a reasonable period of time (for, say, the next several proceedings).”

- PIAC, paragraphs 84-85: *“84- The Commission should consider having something similar to a Frequent Intervenor Form as followed under the OEB’s cost award policies and procedures. The OEB requirement is as follows:*

The OEB requires intervenors who participate in three or more adjudicative proceedings in a year to file a standardized “Frequent Intervenor Form” that contains information about the party’s mandate and objectives, the constituency and membership they represent, the types of programs or activities by which they carry out their mandate, their governance structure, and their reporting mechanism.”

“85- However, parties should still be required to indicate how they have contributed to the specific proceeding. This could be helpful to justify the billing hours and/or any other expenses incurred (as necessary). Importantly, if the Commission were to continue with the adversarial costs process as followed

⁶ DHH Coalition intervention, at paragraph 38: *No, cost applicants must not be required to demonstrate that they meet the eligibility criteria every time they apply for funding. Instead, they must demonstrate their eligibility once and again on an annual basis.*

⁷ CDGM intervention, at paragraph 24: *Presumptive eligibility for equity-deserving organizations: Organizations like CDGM that serve historically marginalized communities should have automatic or expedited approval once their mandate and history of advocacy have been verified, avoiding repetitive paperwork.*

under the telecommunications costs regime, and if any parties object to any aspect of the costs application, the Commission will have more details at its disposal to reach a fair determination on that application.”

41. In CTA’s view, the two elements (participation and costs) have become somewhat intertwined in a way that is creating a false dichotomy, and perhaps some confusion.
42. Increasing public participation in the Commission’s proceedings does not mean that all participants should or will be eligible for costs claims. The Commission can and should look at mechanisms that will bring new voices to the regulatory table. This may or may not include costs applications as part of formal proceedings.
43. Ultimately, eligibility for costs claims must continue to be tied to a set of criteria that include a key notion of whether the intervener has brought something of benefit to the discussion.
44. The Disability Screen Office, at paragraph 16, clearly identified concerns that underline the need for a more robust eligibility process:

“However, currently the application asks the applicant to explain how their submission is relevant and this question should be both maintained and thoroughly vetted. Some public interest organizations have one or two issues and raise them in each consultation, whether they are relevant or not.”

45. For those that are looking to claim costs, the present criteria should not be loosened. At best, the current approach represents the minimum threshold for participants to access funding.
46. As noted by CAB, page 7: *“Applicants for funding should be required to demonstrate how their submission will add value to the record of any proceeding and that, as noted in paragraph 2 of the appendix to the notice, “their participation helped the Commission develop a better understanding of the issues.” This can only be done on a proceeding-by-proceeding basis.”*
47. CTA supports maintaining the current eligibility requirements as they relate to any participant seeking costs. This view is aligned with that of Commission and puts the onus on costs applicants to participate in ways that are meaningful and responsible.

However, it is also imperative that the Commission apply greater scrutiny in evaluating applications under the modernized public interest funding framework.

48. To that end, 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.

Increasing Participation by Removing Institutional Barriers

49. Many submissions, either directly or indirectly, identified barriers related to the regulatory process and complexity of information, and provided concrete ways that the Commission could attract participation from groups by either building more awareness or simplifying how information is provided.

For example:

- CAB, at paragraph 6: *As for the goal of ensuring participation from a diverse range of parties, the CAB believes that the Commission can build on its current outreach and engagement initiatives – including plain language notices and consultation webpages – and further reassure interested parties that participating in Commission proceedings does not require costly research or representation by legal professionals.*
- FRPC, page 9. FRPC undertook an extensive review of the Commission’s website and identified the challenges of navigating the site to find relevant information concerning not only open Consultations, but also the process to participate: *“...the CRTC’s website is complex and at times leads to difficult-for-the-average-person-to-understand deadends.”*
- Canada Deaf Grassroots Movement (CDGM) identified the need for simplified and clear language, and accessible forms, as part of paragraph 24: *“Simplified, clear language: The current process is highly technical and intimidating for new participants. Using plain language and providing ASL/LSQ video explanations would reduce barriers.”, and, “Accessible forms and processes: Applications should be fully accessible, including video submissions, screen-reader compatibility, and forms designed for DeafBlind individuals.”*

50. Ultimately, reducing the complexity of participation – easier to understand proceedings, plain language content, clear rules and guidance for how to participate,

appropriate accommodations – is the most effective way to promote participation among under-represented groups.

Funding for Informal Activities

51. Many interveners have called for funding for non-formal activities that range from CRTC roundtables and CISC groups, to more out-of-scope items that fall well outside of CRTC's purview (like conferences).
52. CTA continues to oppose public interest funding for informal activities. We also question what the ultimate objective of these informal activities is from the standpoint of aligning with the formal regulatory outcomes, and why those objectives can't be met within the current process.
53. Limiting public interest funding to formal Commission proceedings ensures transparency and accountability which cannot occur within forums that are not open to everyone. Further, one would expect that anything gathered within an informal setting would need further validation and consultation via formal proceedings. To that end, the "work" would be occurring twice. In addition, if TSPs are also required to fund an informal system, they will, in effect, be paying for duplicated efforts and potentially decisions without recourse.
54. CTA also assumes that if Commission adopts the recommendations in relation to removing barriers to participation that some of these outcomes will be easier to achieve within a formal process.
55. CTA reasserts that if Commission is of the view that incentives are required for informal activities, it should determine how to fund it without relying on TSPs, and clearly identify who is eligible to participate and what the resulting outcomes are.
56. Suggestions were made for the establishment of a fund that could be accessed by participants, funded by other government agencies or departments. For example, the Consumers Council of Canada references FACTOR in explaining how that fund was established to support operational needs of organizations and improving the "supply" of artists. While this example does not translate to the discussion around increasing public participation in regulatory proceedings it could serve as an example of the role of government in supporting organizations outside of the current processes.

57. The Commission should explore the potential development of such a model in partnership with ISED or other telecom-touching government departments as a potential mechanism to further support its own informal processes. However, even with this type of model in place, CTA advises caution around the activities that Commission ultimately chooses to fund.

The Costs Applications Process “in Action”

58. Within its 99-page report (“Ten Years Of Participation And Lessons For Funding Reform: Accessibility Costs And Equity In Public Interest Participation - A Decade Of Evidence” (“DWCC report”), Sept. 9, 2025, DWCC provided several examples of what it purported to be “a balanced analysis of the systemic challenges faced by accessibility-focused groups”.

59. In advancing its position, DWCC suggested at paragraph 95 that “[t]he objections repeatedly advanced by the telcos reflected an audist and oppressive posture toward accessibility groups, often dismissing or minimizing the legitimacy of our contributions”, which is clearly false.

60. CTA has reviewed the six proceedings in question to better understand the nature of the issues identified. Based on its review of the Costs Orders, it is clear from the actual documents (Costs Respondents’ correspondence and Commission Decisions) that the characterizations put forward by DWCC are not only false, but also damaging to the integrity of the costs award process, as well as to costs respondents.

61. The very examples that DWCC has provided as its “proof” all identify a series of issues that had rightly raised concerns amongst costs respondents and Commission. What these 6 examples provide is confirmation that, while not elegant, the process works: Costs Applications are submitted, eligibility is verified, where questions arise in the costs process they are remedied in a manner that is fair (based on requirements and evidence), transparent (open for review and recourse) and holds participants accountable.

62. The review of these examples has also clearly identified that accessibility supports have not been questioned by TSPs as asserted by DWCC.

63. **Example 1: 2015-134:** Nature of inquiry – Costs respondent seeking clarification concerning the status of intervener participants and applicable rates.

The DWCC has characterized this exchange as “... ***the Commission and telecommunications service providers scrutinized DWCC’s filings line by line—raising objections not only about costs claimed, but also about the very basis of who could be recognized as a consultant or analyst.***” However, a review of the actual filed correspondence does not reveal “significant clashes” but rather more mundane questions concerning the status of participants and their applicable rates.⁸ Much of the confusion resulted from information that DWCC itself had put forward.

64. **Example 2: 2016-116:** Nature of inquiry – Costs respondent seeking clarification as to whether costs could be claimed for a survey that was not made part of the public record.

DWCC has claimed that “[t]he heightened scrutiny extended beyond consultant rates and hours worked ***to the very evidence DWCC brought forward.***”, which is simply not true.⁹ At question was whether DWCC’s survey report formed part of the evidence for the proceeding and, as such, whether the costs associated with it could be claimed.

⁸ Bell letter filed July 29, 2016 (Telecom Notice of Consultation 2015-134, *Review of basic telecommunications services* (TNC 2015-134) – Application for Costs by the Deaf Wireless Canada Committee – Response), at paragraph 8 [emphasis added]:

“Putting aside the fact that the DWCC consultants/analysts were volunteers in the present circumstances and no costs are recoverable to be compensated through the Commission’s cost award process, and the fact that, if costs had been incurred, the DWCC consultants/analysts should have been billed as in-house resources to DWCC using daily rates and not outside consultants/analysts charging hourly rates⁸, the statement above is indicative of a broader problem with the Commission’s costs processes. The rates set out in Appendix A to the Guidelines are meant to serve as the maximum rates that may be claimed for in-house and outside resources participating in Commission proceeding. However, cost claimants are consistently using these maximum rates as the default rates to be claimed, without any need to demonstrate that such a rate is actually the rate that an individual ordinarily charges for services rendered.”

⁹ TELUS letter filed March 17, 2017 (Telecom Notice of Consultation CRTC 2016-116, *Establishment of a regulatory framework for next-generation 9-1-1 in Canada* (“TNC 2016-116”), – Answer to Application for Final Costs by Deaf Wireless Canada Committee (“DWCC”)), at paragraph 3 and 7 [emphasis added]:

3. TELUS does not oppose DWCC’s entitlement to a cost award. However, the full quantum claimed by DWCC should not be awarded because it includes the costs related to conducting a survey and then producing of a survey report that was not part of the record and, thus, are not eligible for reimbursement.

7. Given that the survey report was not part of the evidentiary record, interested parties did not respond to the survey report and its purported findings as part of the proceeding. In addition, the fact that the survey is not on the record of TNC 2016-116 means that the survey report cannot be considered by the Commission when rendering its decision and cannot assist the Commission in developing a better understanding of the matters to

In this instance, Commission determined that the survey had been added to the record of the proceedings, however it did reduce the costs claimed by DWCC. As identified in the Commission's determination, DWCC's survey costs were determined to be disproportionate to the usefulness of the survey.¹⁰

65. **Example 3: 2016-293:** Nature of inquiry – Costs respondent seeking clarification concerning (1) whether ASL/LSQ costs could be claimed after Commission declined them, and (2) whether videos that were produced and never made available could be included in the costs claim.

Again, DWCC has characterized the objections as that of industry pushing back “against accessibility measures”, noting at paragraph 86:

“While DWCC’s efforts centered on making the process accessible to the Deaf community through ASL and LSQ video materials, its claims were again met with objections from telecommunications companies, particularly TELUS. These objections targeted not only the eligibility of video-related costs but also the broader question of how accessibility work should be valued within the Commission’s framework.”

Both assertions are false as the Costs respondent clearly noted in their response¹¹ that [emphasis added]:

be considered. As a result, the DWCC’s costs attributed to the production of the survey and the creation of the survey report should be denied in full.

¹⁰ **Telecom Order CRTC 2018-66, Determination of costs award with respect to the participation of the Deaf Wireless Canada Committee in the proceeding that led to Telecom Regulatory Policy 2017-182**, at paragraph 19 [emphasis added]:

“However, while the Commission appreciates the use of the survey to gather and report on the views of Deaf, hard-of-hearing, and deaf-blind communities, care must be taken to ensure that the amount claimed for such activity is proportionate to what is reasonable in the circumstances. In the present case, the costs claimed by the DWCC solely for developing and conducting the survey and producing an associated report were greater than the total costs claimed by any other costs applicant in the proceeding. While the survey and the associated report did assist the Commission in developing a better understanding of the matters that were considered, the level of assistance provided to the Commission is not proportionate to the amount of time and costs spent by the DWCC. Accordingly, the Commission reduces by half the DWCC’s costs associated with the survey.”

¹¹ **Telecom Notice of Consultation CRTC 2016-293, Review of the Wireless Code, as amended (“TNC 2016-293”) - Answer of TELUS Communications Company (“TELUS”) to Application for final costs by Deaf Wireless Canada Committee (“DWCC”), April 28, 2017**

*“7. Given that wireless service accessibility and its treatment under the Wireless Code were issues in this proceeding, **the Commission should have incurred ASL and LSQ translation costs directly.** That would have allowed the DWCC and other participants who communicate in sign language to participate fully in this proceeding without the need to pay for such translation themselves. ”*

*“8. **Once the Commission declined to provide ASL and LSQ translation directly as part of the proceeding, it is not clear to TELUS whether DWCC’s costs in supplying the translation themselves become recoverable disbursements as part of the CRTC’s costs procedures. TELUS does not recall paying translation costs for parties in the past as part of costs claims. TELUS is willing to have these included as costs because the Company recognizes the need for full participation in CRTC proceedings. However, TELUS asks that the Commission fund these costs directly in future hearings, especially when accessibility issues are directly at issue.**”*

However, the real crux of the matter in this costs application related to whether the DWCC videos could be claimed because they were not part of the public record [emphasis added]:

*“10. First, TELUS notes that **no videos of ASL and LSQ wireless terminologies are part of the TNC 2016-293 proceeding** that ended on February 27, 2017. As a result, any costs associated with video production should not be recovered as part of this proceeding.”*

*“11. **DWCC did file its list of 32 wireless terminologies** that it considered should be translated in sign languages, as part of its proposal from its initial submission. **This list of proposed 32 wireless terminologies was filed, as part of DWCC’s answer to Undertaking 1 from Commissioner Menzies from the hearing.**”*

*“15. **Direct and indirect costs related to ASL and LSQ video production cannot be considered as part of the TNC 2016-293 because they were not ready and could not assist the Commission in developing a better understanding of the matters. Only the written list of 32 terminologies filed in English as part of the DWCC’s response to Undertaking 1 falls under this criterion.** As such, DWCC’s cost claim directly or indirectly related to video production of its list of 32 wireless terminologies should be rejected from final cost award. As such, the claim under this heading should be dismissed.”*

The Commission, within its determination, agreed and adjusted the costs claim appropriately.¹²

66. **Example 4: 2017-33:** Nature of inquiry – Commission seeking clarification concerning (1) status of a specific consultant resulting from discrepancies in the forms that DWCC filed, and (2) confirmation that DWCC appropriately served costs respondents.

In the report, at paragraph 98 [emphasis added], DWCC states that ***“Cost applications were frequently met with significant challenges and reductions, including: a. Telecom Notice of Consultation 2017-33, in which DWCC’s claimed costs were reduced by approximately 200 hours of labour;”***

Further as noted within the DWCC report [emphasis added]:

“104. The Commission has also gone beyond reviewing hours and rates to directly probe the professional timelines of DWCC’s consultants. In the costs application associated with TNC CRTC 2017-33, Commission staff issued a letter on 26 February 2018 requiring DWCC to confirm the exact date on which Ms. Anderson-Kellett (Lisa Anderson) began offering services as a consultant.”

*“107. This episode illustrates how **the Commission not only scrutinized the substance of DWCC’s claims but also required documentary verification of consultant biographies and start dates to determine the appropriate rate band.** For a small community-based organization, such requests imposed an additional*

¹²Telecom Order CRTC 2017-380, Determination of costs award with respect to the participation of the Deaf Wireless Canada Consultative Committee in the proceeding that led to Telecom Regulatory Policy 2017-200, para 28 and 29 [emphasis added]:

“Concerning the third category, namely costs related to the production of the DWCC’s terminology videos, the Commission notes that these videos did not form part of the record of the proceeding. In fact, the videos were neither completed nor available publicly, on the record or elsewhere, prior to the issuance of Telecom Regulatory Policy [2017-200](#). Accordingly, the Commission could not have taken them into account in its consideration of the matters at issue in the proceeding, and the other parties to the proceeding had no opportunity to view or comment on them in the course of formulating their own submissions. In the circumstances, it would be inappropriate for these parties to be ordered to pay an award of costs relating to the production of these videos. This leads to an exclusion of 120 hours for the two senior consultants at the rate of \$165 per hour and \$3,249.17 in disbursements.”

“However, the videos themselves are separate and distinct from a list of 32 common wireless contract terminologies of particular concern to Deaf subscribers, which was prepared by the DWCC and filed on the record of the proceeding. The Commission determines that the DWCC’s costs in relation to the preparation of this list should be allowed. The hours of work spent by the DWCC’s consultants on this task have been included in the first category of costs, as discussed above.”

administrative burden, often requiring archival research and third-party confirmation.”

The issues concerning status were successfully resolved, as noted by Commission in the Costs Order, however the costs claim was reduced for an unrelated and valid reason [emphasis added]:

- 18. While the DWCC provided conflicting dates in its costs application as to when Ms. Anderson-Kellett first began offering services as a consultant, the Commission considers that the DWCC’s response to the request for information and the supporting statements from two members of the British Columbia Video Relay Service Committee are reliable indicators of when Ms. Anderson-Kellett began offering services as a consultant. Accordingly, the Commission finds that Ms. Anderson-Kellett first began acting as a consultant in June 2008.**
- 19. With regard to this requirement, the Guidelines (i) outline considerations for evaluating whether or not the time expended by a claimant is excessive under the circumstances, and (ii) provides a list of non-exhaustive factors the Commission generally takes into account, including examining the amount of time claimed and associated costs awarded in other similar proceedings. In this case, the DWCC was an important intervener in the proceeding through its contribution on accessibility-related issues. However, the complexity of the proceeding did not justify the total amount of time claimed by the DWCC with respect to the survey and associated report, i.e. 443.75 hours. The time claimed by the DWCC with respect to the survey and associated report alone significantly exceeded any of the total time claims and associated costs awards arising out of similar proceedings, specifically the proceedings related to video relay service (Telecom Regulatory Policies 2014-187 and 2014-659). Further, although surveys are one method of providing evidence to the Commission, there is nothing inherent in a survey that would make the time claimed by the DWCC with respect to the survey incomparable with the time claimed by a similar applicant for work associated with other types of submissions. Therefore, the Commission considers that the significant difference between the time claimed in the proceeding and that in other similar proceedings is an indicator that the time claimed by the DWCC is excessive in the circumstances.**

23. In addition, while parts of the survey and the associated report assisted the Commission in developing a better understanding of the matters that were considered, some parts did not directly address issues within the scope of the proceeding. Specifically, portions of the survey and report discussing TTY-to-TTY calls were outside the scope of the proceeding. Therefore, portions of the survey and report did not assist the Commission in developing a better understanding of the matters that were considered.

67. **Example 5: 2020-178:** Nature of inquiry – Costs respondent seeking confirmation from Commission that Commission would ensure that costs applicants met all requirements, especially in relation to the number of hours claimed by senior consultants.

Again, citing paragraph 98, DWCC states that applications were frequently met with significant challenges and reductions, including: **“b. Telecom Notice of Consultation 2020-178, involving a large team of 15 professionals and 30 mystery shoppers, which faced extensive questioning;”**

In this instance, the costs respondent noted that the *“[t]he magnitude of this costs claim merits specific attention, especially in comparison to the costs claim amounts requested by other accessibility advocacy organizations.”*¹³

¹³ TELUS letter, filed April 19, 2022 (Call for comments – Accessibility – Mobile wireless service plans that meet the needs of Canadians with various disabilities, Telecom Notice of Consultation CRTC 2020-178 (“TNC 2020-178”) – Cost claims of the Deaf Wireless Canada Committee (“DWCC”), the Canadian National Society of the Deaf-Blind, Inc. (“CNSDB”), the Deaf and Hard of Hearing Coalition (“DHH Coalition”), and the Canada Deaf Grassroots Movement (“CDGM”)), paragraphs 6-12.

⁶ TELUS notes that the majority of work completed by DWCC was performed by senior consultants. In TELUS’ view, it appears that much of the work conducted by senior consultants ought to have been delegated to junior or intermediate consultants as a means to control DWCC’s costs. For instance, DWCC claims a total of **764 hours and \$148,555.00** (excluding added taxes) in consulting and analyst fees.⁴ Of this amount, **561 hours** were billed by senior consultants, while only 137 hours were billed by junior consultants (and 66 hours were billed by a junior analyst). In other words, approximately one quarter of total hours were billed by junior consultants and analysts.”

⁸ Notably, the Commission has expressed that “costs applicants should rely on articling students or junior counsel to the greatest extent possible to avoid incurring excessive costs.”⁵ In TELUS’ view, this principle, which ensures that costs are controlled and comply with subsection 70(2) of the Rules, should apply equally to the use of intermediate and junior consultants. It is not clear why it was necessary for senior consultants to conduct tasks at the Commission’s highest allowable hourly rates that likely could have been assigned to junior or intermediate consultants.”

In its Costs Order, Commission noted that DWCC's claims were in accordance with the Guidelines and allowed the Costs.

68. **Example 6: 2021-102:** Nature of inquiry – Costs respondent seeking confirmation as to whether DWCC satisfied the criteria for costs and challenged the total costs claimed by ALL costs applicants, not just DWCC.

Again, paragraph 98 c., DWCC state notes:

c. Telecom Notice of Consultation 2021-102, in which DWCC collaborated with multiple organizations, incorporated accessibility measures, and ensured Deaf-Blind participation, yet still faced intensive review."

As identified within the Costs Order¹⁴ at paragraphs 9 and 10, costs respondents asked for Commission to:

"9. It is also noteworthy that, of the 764 total hours claimed for consulting and analysts, 458 hours and \$103,050.00 in fees has been claimed by Ms. Anderson at the senior consultant hourly rate.⁶ As noted above, it is likely that many of the tasks conducted by Ms. Anderson could have been completed by an intermediate or junior consultant at a lower hourly rate to avoid unnecessary costs."

"10. For example, according to the Form IIIs submitted in DWCC's costs application, Ms. Anderson claims 280 hours and \$63,000.00 to "prepare evidence" at the senior consultant hourly rate, while only 42 hours have been claimed by junior DWCC team members for the same activity."

"11. Furthermore, Ms. Anderson's Timesheets include routine review, editorial and formatting tasks billed at the senior consultant hourly rate. For instance, on May 9-15th, 2021, 47 hours (\$10,575.00) is claimed for review activities such as "fine-tuning," editing and proofreading. In addition, on August 8-18th, 2021, 6.5 hours (\$1462.50) is claimed for: "Final editing, Formatting, Fiddling with Table of Contents, trimming & cutting up Table 1.1, inserting infographic, organizing & fixing up Appendices, double checking, proof reading, top to bottom & finalizing with Executive Summary." Likewise, on July 8-21st, 2021, Ms. Anderson claims \$550.00 for "Double-checking report references with page numbers." It would have been reasonable for these activities to have been delegated, in whole or in part, to intermediate or junior consultants. In fact, junior consultants have been tasked with review, editorial and formatting responsibilities during the proceeding, indicating that DWCC's junior consultants can be appropriately relied on for this purpose."

"12. Additionally, Mr. Beatty has claimed 99 hours and \$22,275.00 at the senior consultant hourly rate, including 64 hours (\$14,400.00) to "prepare evidence."¹⁰ Again, it is not clear why many of the tasks conducted by Mr. Beatty could not have been performed by an intermediate or junior consultant. For instance, Mr. Beatty appears to have billed at least 4 hours for design-related tasks, such as "discussing colour scheme" and "creating cover image" for various submissions.¹¹ In TELUS' view, it is likely that DWCC could have relied on the services of junior team members for many of the tasks conducted by Mr. Beatty in order to control costs. As such, TELUS requests that the Commission assess whether DWCC's use of senior consultant resources complies with subsection 70(2) of the Rules."

¹⁴ **Telecom Order CRTC 2025-97, Determination of costs award with respect to the participation of the Deaf Wireless Canada Consultative Committee in the proceeding initiated by Telecom Notice of Consultation 2021-102**

“... confirm whether the costs submitted by the DWCC satisfy the criteria for an award of costs set out under section 68 of the Rules of Procedure. The companies also challenged the total amount of costs claimed by all the costs applicants in the proceeding.

“The companies submitted that the costs claimed by the DWCC (as well as those claimed by the CNSDB and the DBPC) were high in comparison to the costs claimed by the other costs applicants in the proceeding. “The companies submitted that these costs applicants did not coordinate with each other in an efficient and cost-effective manner and appear to have claimed excessive hours.”

As part of its review, the Commission identified a need for additional information and requested the completion of RFIs by costs claimants. This resulted in DWCC correcting instances where it included duplicate fees within costs applications, and then further amending its costs application to increase the amount claimed.¹⁵

Commission identified in its Costs Order [emphasis added]:

18. The Commission awards costs to reimburse parties for reasonable expenses that were necessary for a party to file submissions that allow the Commission to have a better understanding of the substantive issues in a proceeding pursuant to paragraph 4(a) of the Guidelines and subsection 70(2) of the Rules of Procedure. This can include reasonable costs to file a costs application because reimbursement for expenses is often critical to ensuring that public interest participants can participate in a meaningful way. However, paragraphs 18 and 19 of the Guidelines state that time claimed must not be excessive, and that time claimed and awarded in the proceeding or other similar proceedings, among other things, may be taken into account.

¹⁵ Telecom Order CRTC 2025-97, Determination of costs award with respect to the participation of the Deaf Wireless Canada Consultative Committee in the proceeding initiated by Telecom Notice of Consultation 2021-102, [emphasis added]:

11. On 15 April 2024, the DWCC responded to the RFI sent by Commission staff on 26 February 2024, confirming and correcting some duplication of the fees claimed by its organization regarding identical fees claimed by other costs applicants for the same work performed on the same date by some consultants and/or analysts.
12. Together with its response to the RFI, the DWCC amended its costs application to remove duplicate claims and to increase the total amount claimed to include an additional 117 hours of work (\$20,920.00) and \$2,449.95 in disbursements associated with responding to the RFI.

19. ***In the proceeding, the DWCC claimed 90 hours (\$14,220) to prepare and file its costs application. In the last seven years, the highest amount of time claimed and awarded to costs applicants for preparing and submitting costs applications has been 24 hours. This includes files where costs were claimed for applications of similar complexity by costs applicants representing the DDBHH community, who the Commission has acknowledged require additional time and resources to participate in Commission proceedings. The amount of time claimed by the DWCC is significantly higher than the amount of time claimed by most other costs applicants in the proceeding for preparing and filing costs applications.***

20. *To ensure consistency and equitable treatment between all costs applicants, the Commission finds that, generally, a reasonable amount of time to claim for the filing of a **costs application would be no more than 24 hours** (or its daily equivalent, as applicable and pro-rated).*

21. *In light of the above, **the Commission reduces, on a pro-rata basis to the hourly rates claimed, the time claimed by the DWCC for preparing and filing its costs application to 24 hours (\$3,792.20).***

Costs claimed for answering the RFI and amending the costs application

22. *In addition to the costs claimed for filing its initial costs application, the DWCC amended its application to claim supplementary costs for the time spent answering Commission staff's RFI regarding its application for costs. This totalled an additional 117 hours (\$20,920) and \$2,449.95 in disbursements.*

23. ***While reasonable costs for preparing a costs application can be necessary for participation in a proceeding, time spent responding to an RFI about issues in a costs application is the responsibility of the costs applicant. The additional submissions gave the DWCC an opportunity to adjust its costs application.***

24. ***In light of the above, the Commission excludes the costs claimed by the DWCC to respond to Commission staff's RFI, namely \$20,920 (117 hours of work) and \$2,449.95 (disbursements).***

69. To be clear, CTA is not discounting that the process can be challenging to navigate for participants.

70. With the addition of new groups participating in consultations, and claiming for costs, there will be a heightened need for Commission to ensure that all Costs Applications requirements are properly followed, and consistently applied.
71. While there is room for additional improvement in how the Orders are explained, this is unlikely to address the real issue at hand which is having groups take on work that may not be necessary nor meet the actual needs of the Commission in relation to the specific procedure. This can only be addressed in advance of the work being done.
72. For this reason, the process should be further modified to allow groups to better understand what is claimable in real and concrete terms. However, in CTA's view this should occur at the beginning of the process as part of the application to intervene (described in Appendix A of the original Comments).

Clarification Concerning Items Where CTA is Named

73. Within both its report and intervention, DWCC has named CTA and made several claims that are either misleading or not true. While CTA has valued the input of DWCC over the past several years, the comments put forward by DWCC need to be addressed.

DWCC Report:

74. At paragraph 12, DWCC notes that it has "*been called to participate in accessibility consultative and engagement committees*" for CTA (amongst others). CTA would like to clarify that while DWCC has been invited to participate in its annual Industry Consultations, this invitation has also been extended to a broad variety of organizations that represent or advocate on behalf of persons with disabilities, including other groups representing the Deaf, DeafBlind and Hard of Hearing communities. CTA feels that it is important to make this clarification given the remarks that DWCC has made in relation to other organizations within this proceeding. CTA, and TSPs, have valued the contributions of ALL participants within the industry consultation and do not consider the views of one organization as being more valid or important than another.
75. At paragraph 227-233, DWCC has identified an exchange that it had with CTA, and separately with certain TSPs, where it requested sponsorship funding to participate at a conference in the U.S. Clearly activities of this type are not within the scope of this

proceeding, and most certainly are not covered by **Telecom Regulatory Policy 2023-41**.¹⁶ The direction provided in TRP 2023-41 is clearly related to the Industry Consultations which the Commission mandated occur annually, and not relevant for any other activity.

76. What is also quite troubling is the opening line of paragraph 227 which implies that CTA is withholding reimbursement.¹⁷ At no point in time has CTA agreed to provide sponsorship funding to DWCC for its attendance at conferences, or for any other activity of this nature. Therefore, the notion that CTA is now withholding payment of any sort is ludicrous. CTA is also compelled to note that it declined sponsorship in advance of the conference, which means that DWCC willingly incurred the associated costs.
77. As part of this exchange, CTA also suggested that DWCC consider attending The Canadian Telecom Summit (“CTS”) and noted that if costs were a concern they would discuss options with the CTS organizers. CTA took this a step further by actively working with organizers to identify how it could lower the barriers for accessibility groups to attend.
78. As a point of fact: CTA has facilitated the attendance of accessibility groups at CTS since 2023. To ensure that costs were not prohibitive, CTA sponsored the participation of accessibility groups, like DWCC, by covering their full registration costs. In addition, CTA has also paid for accessibility services, including ASL and CART, to be provided at CTS during the same period. To be clear, CTA was not required to undertake any of this but did so willingly to support the ongoing collaboration between TSPs and accessibility related groups.

¹⁶ DWCC report at paragraph **228**, [emphasis added]:

*“Despite clear references to **Telecom Regulatory Policy 2023-41** in **paragraph 41**, and the **2023 Policy Direction**, which encourage service providers to financially support accessibility groups, all sponsorship requests were refused. **Paragraph 41** states that the “**Commission encourages the industry to explore methods of providing financial support** for community representatives participating in consultations with persons with disabilities—support that could include financing.”*

¹⁷ DWCC report at paragraph **227**, [emphasis added].

*“**The challenges of reimbursement delays are not theoretical**. A concrete example is the **TDI Conference 2023**, held July 27–29, 2023, in Maryland. DWCC recognized the importance of this fully accessible international event for Deaf, DeafBlind, and Hard-of-Hearing participants and sought sponsorship support from the three national carriers (Bell, Rogers, TELUS) as well as the Canadian Telecommunications Association (CTA).”*

DWCC Intervention:

79. DWCC again mentions conference within their intervention as an informal activity that should be funded, and go so far as suggesting that TSPs should be encouraged to “invest in a national telecommunications accessibility conference, led and organized by Deaf, DeafBlind, and Hard of Hearing (DDBHH) organizations.”¹⁸

80. The rationale for this suggestion is laid out in paragraph 53 where DWCC states [emphasis added]:

*“53. At present, **too many decisions are being made in settings designed and directed by others, such as the Canadian Telecommunications Association (CTA), where accessibility concerns are often considered after the fact rather than built into the design.** A community-led conference would allow DDBHH organizations to set the agenda, identify emerging accessibility priorities, and propose solutions that reflect the realities of end-users across Canada. This approach would not only strengthen accessibility outcomes but also demonstrate genuine partnership between industry and equity-seeking groups.”*

81. CTA is disappointed by DWCC’s suggestion that the Association operates in a manner contrary to the interests of persons with disabilities. This assertion is unfounded and misrepresents the Association’s role and activities. CTA’s accessibility-related work is collaborative and designed to support regulatory and policy objectives established by the Commission. Discussions that occur within CTA’s committee structure allow TSPs to exchange information and coordinate activities that are necessary for the effective planning and delivery of CRTC-mandated initiatives, such as the Annual Consultations and the development of the Wireless and Internet Code videos. These processes ensure that accessibility considerations are built into industry practices in a structured and informed way. These discussions do NOT include topics such as the development of products and services, or the pricing of products and services. Each TSP determines independently the products, services, and pricing it offers.

82. Furthermore, as explained to DWCC on multiple occasions and, as the Commission is well aware, CTA is a private, not-for-profit organization and is not under the purview of the Commission. While CTA regularly supports initiatives that advance accessibility,

¹⁸ 52. The Commission should encourage telecommunications companies to invest in a national telecommunications accessibility conference, led and organized by Deaf, DeafBlind, and Hard of Hearing (DDBHH) organizations. Such a forum would provide space for community-led dialogue on a wide range of accessibility topics, ensuring that solutions are shaped by those with lived experience rather than imposed from the outside.

it is under no obligation to fund or sponsor the activities of any specific organization. Should DWCC wish to organize an accessibility conference, it is entirely free to do so and to seek participation and sponsorship from interested parties.

83. DWCC also references the CTA and uses the CTS, at paragraph 54, as an example of *“industry and regulatory practices continue to marginalize Deaf, DeafBlind, and Hard of Hearing (DDBHH) Canadians by excluding their participation in key events and decision-making spaces.”*
84. This accusation is entirely without basis. The notion that CTA seeks to exclude, or has the authority to exclude, DDBHH individuals or organizations from participation in CTS is simply absurd. In fact, the opposite is true: participation by accessibility organizations and individuals, and inclusion of accessibility related content, has increased in recent years, in no small part due to CTA’s efforts.
85. As Commission is aware, CTS is an independently organized telecom industry conference produced by Macgregor Communications, which determines its agenda based on industry trends and areas of interest to participants. An Advisory Board helps to further identify and refine themes. CTA is 1 of seven members and does not hold any special authority or veto power over the conference program.
86. DWCC’s reference to “Industry Gatekeeping of Accessibility Content” appears to conflate disagreement with exclusion. It is entirely reasonable that conference organizers make independent decisions about programming. Disagreement with DWCC’s preferred approach does not equate to marginalization or bad faith. CTA remains committed to fostering open and respectful collaboration with all stakeholders, including accessibility organizations, but rejects unfounded insinuations that its work undermines accessibility objectives or the interests of Canadians with disabilities.

Conclusion

87. It is clear from the record of the proceeding that there is an interest amongst all stakeholders to ensure meaningful public participation remains a robust part of the Commission’s regulatory processes.

88. However, it is also equally clear that focusing attention squarely on funding models and processes is not likely to fully achieve the desired results.
89. The Commission has an opportunity to further augment its public interest participation framework to enable *informed and effective public participation, ensure processes that are efficient, transparent and predictable, eliminate unnecessary costs and delays, and provide a comprehensive set of rules.*
90. CTA appreciates the opportunity to provide its thoughts on how improvements can be made to the overall system as part of its Comments and Reply Comments and looks forward to ongoing collaboration with all stakeholders.

Kind regards,



Ursula Grant,
VP Industry and Consumer Affairs

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