



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

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5 September 2017

VIA GCKey

Ms. Danielle May-Cuconato
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON
K1A 0N2

PIAC File #6652

Dear Ms. May-Cuconato,

**Subject: Commission file 8620-R63-201705675
TNW Wireless Inc Part 1 Application Relating to Mandatory
Wholesale Roaming Agreements
Costs claim by PIAC**

Pursuant to section 66 of the *CRTC Rules of Practice and Procedure*,¹ the Public Interest Advocacy Centre (“PIAC”) hereby applies to the Commission for an award of costs in respect of their participation in the above-noted proceeding.

Eligibility

Subsection 66(1) set out the requirements for an award for final costs:

66 (1) In the application, the applicant must

- (a) demonstrate that they
 - (i) have, or represent a group or a class of subscribers that has, an interest in the outcome of the proceeding,
 - (ii) assisted the Commission in developing a better understanding of the matters that were considered, and
 - (iii) participated in the proceeding in a responsible way;
- (b) identify the respondents that should pay the costs; and
- (c) if interim costs were awarded to them, provide an explanation of any difference between those interim costs and the final costs for which they are applying.

¹ SOR/2010-277.

(a) PIAC has an interest in the outcome; mandate of PIAC is to represent public at large

PIAC intervenes in telecommunications proceedings on behalf of Canadian consumers and users of telecommunications services, particularly vulnerable consumers. It advocates for equitable access, affordability and protection for telecommunications users, as well as other public interest goals such as public safety, transparency and accountability of telecommunications service providers.

PIAC is a national non-profit, continued under the Canada Not-for-profit Corporations Act and a registered charity. PIAC's purposes under its Articles of Continuance are:

1. to engage in the research and study of matters of concern and interest to the public and to publish or otherwise make available the results of said research an study or any works of public concern or interest;
2. to act as a liaison between other public interest or citizens' groups engaged in public interest advocacy;
3. to assist in and promote the activity of public interest representation throughout Canada and elsewhere, and to cooperate with other public interest and citizens' groups throughout Canada and elsewhere; and
4. **to make representations to governing authorities on behalf of the public at large or on behalf of public interest groups with respect to matters of public concern and interest**, and to teach public interest advocacy skills and techniques.

Consumers of telecommunications services stand to gain as potential subscribers of TNW Wireless Inc's service and to lose as a result of any consequential decrease in investment in facilities. The consumers PIAC represents therefore have an interest in the outcome of the proceeding.

(b) Assisted the Commission in developing a better understanding of matters considered

PIAC submits it assisted the Commission in developing a better understanding of the matters considered in this proceeding.

- PIAC's comments identify and apply the applicable legal framework set out in *Telecom Decision 2017-56*,
- PIAC's comments identify the public policy considerations animating the Commission's determinations in *Telecom Decision 2017-56*,
- PIAC's comments analyze the novel technological solution proposed by TNW,
- PIAC's comments address the potential for TNW to build or contract for a carrier Wi-Fi network which might allow it to meet the requirements of *Telecom Decision 2017-56*,
- PIAC's comments are concise and focused, and
- PIAC offered a distinct point of view as the only intervener representing consumer interests.

(c) Participation in a responsible way

PIAC participated responsibly. PIAC:

- Filed a focused and concise intervention;
- Complied with all CRTC deadlines and directions set out in the *CRTC Rules of Practice and Procedure*; and
- Relied almost exclusively on junior in-house counsel.

Responsibility for, and apportionment of, costs

Regarding responsibility for costs, PIAC submits that TNW Wireless Inc, as the party who initiated the proceeding and stands to benefit the most from it, would be the most appropriate costs respondent. However, Bell, Telus, Eastlink, Quebecor, Rogers and Shaw would also be appropriate costs respondents as they are beneficiaries of the current facilities-focused regulatory regime. PIAC submits that its costs should be allocated half to TNW and half to the other respondents and interveners (excluding Iristel) on the basis set of telecommunications operating revenues as set out in TRP CRTC 2010-963 at para 47-48.

Payment

PIAC is filing a Summary Bill of Costs (in Form V), and CRTC Form 1.²

If awarded, respondents should make payment as follows:

Public Interest Advocacy Centre
1204-ONE Nicholas Street
Ottawa, ON
K1N 7B7

Should you have any questions regarding the details of the claim please contact our office administrator, Donna Brady, at 613-562-4002 ext. 21 or dbrady@piac.ca.

Yours truly,



Ben Segel-Brown
Counsel for PIAC

cc. TNW Wireless
Respondents (Bell and Telus)
Intervenors (Eastlink, Iristel, Quebecor, Rogers, and Shaw)

² Being the appropriate taxation forms listed in Broadcasting and Telecom Information Bulletin CRTC 2010-453, as amended from time to time.



Applicant:

FEES CLAIMED: (include all applicable taxes less any applicable tax rebates)				
NAME OF CLAIMANT	TOTAL CLAIM	SUBTOTAL	SUBTOTAL	TOTAL
LEGAL FEES:				
Legal Counsel (list each separately)				
1	John Lawford	\$241.14		
2	Ben Segel-Brown	\$2,100.00		
3				
SUBTOTAL - Legal Counsel Fees			\$2,341.14	
LEGAL ASSISTANT: (List each individual separately)				
1				
2				
3				
SUBTOTAL - Legal Assistant Fees			\$0.00	
ARTICLING STUDENT: (List each individual separately)				
1				
2				
SUBTOTAL - Aticling student fees			\$0.00	
SUBTOTAL - LEGAL FEES			\$2,341.14	
CONSULTANTS/ANALYSTS FEES:				
CONSULTANTS:(List each individual separately)				
1				
2				
3				
SUBTOTAL - Consultant fees			\$0.00	
ANALYSTS: (List each individual separately)				
1				
2				
3				
SUBTOTAL - Analyst fees			\$0.00	
SUBTOTAL CONSULTANT/ANALYST FEES			\$0.00	
EXPERT WITNESS FEES: (List each individual separately)				
1				
2				
SUBTOTAL - EXPERT WITNESS FEES			\$0.00	
TOTAL FEES				\$2,341.14
DISBURSEMENTS: (include all applicable taxes less any applicable tax rebates)				
SUBTOTAL DISBURSEMENTS EXCLUDING MEALS				
SUBTOTAL MEALS CLAIMED				
TOTAL DISBURSEMENTS				
TOTAL FEES AND DISBURSEMENTS				\$2,341.14



FORM I – SUMMARY OF LEGAL FEES

Applicant: **Public Interest Advocacy Centre**

Claimant: **Ben Segel-Brown**

Employment status of claimant, as reported to the law society (ies) of which the claimant is a member

Claimant's Title: Articing Student
(check one):

Legal Assistant _____
Date when qualified as a law clerk or paralegal: _____

Legal Counsel
For legal counsel that are not in-house:
Completed years of practice: _____
Year of Call to the Bar: _____
Has the lawyer practised continually since Call to the Bar? Yes
No

(If no, provide details and explanations on a separate sheet)

Rate Claimed: **600.00 Daily**

SERVICE	TIME CLAIMED (Use quarter-day increments for in-house services)		FEE CLAIMED (days or hours x rate)
	Days	Hours	
PREPARATION:			
Review File			
Research			
Intervention	2 3/4		1,650.00
Editing & Citations			
Review and Revise Comments			
Prepare for hearing			
Final Comments			
Application			
Request for Disclosure			
Reply			
1. _____			
2. _____			
3. _____			
ATTENDANCE:			
Attend hearing			
Other (specify):			
1. _____			
2. _____			
PROCEDURAL:			
Costs Application			
Taxation Application			
Other (specify):			
1. TELUS Procedural Letter	3/4		450
2. _____			
3. _____			
TOTAL TIME CLAIMED: DAYS 3 1/2			
TOTAL FEES:			\$2,100.00
Add TAXES:			
(GST@ _____ PST @ _____ HST@ _____)			
HST Allowable Claimed)			
TOTAL CLAIM:			\$2,100.00

I certify that the above information is true and accurate.

Date: **9/5/2017** Signature of claimant: **Ben Segel-Brown**

Public Interest Advocacy Centre

Client Summary

Date of Report: Sep 05, 2017 Report by: Working Lawyer
 Include Transactions: Jan 01, 1980 to Sep 05, 2017 For Lawyer(s): Ben Segel-Brown
 Sort by: Alphabetic Client Range: 6652 to 6652
 Area of Law Range: 1 to 199

Non-billable Time Excluded

Client #	Mat Code	Client Name	Matter Description	Resp	-----Work in Progress-----			-----Billed-----		
Date	N/B	Description	Hours	Fees	Disb.	Hours	Fees	Disb.		
6652		CRTC TNW WIRELESS:	CRTC	BSB						
07/05/17		Downloading application, creating file, marking deadlines	0.10	[REDACTED]						
07/10/17		Read and summarized application, sent memo to John	2.00	[REDACTED]						
07/28/17		Drafting Intervention, discussing with John	2.50	[REDACTED]						
07/31/17		Reviewing Sugar Mobile proceeding record, developing intervention	1.20	[REDACTED]						
08/01/17		Developing application, focusing on researching UK approach, past Competition Bureau and Commission conclusions on wholesale competition.	1.50	[REDACTED]						
08/01/17		Developing intervention	0.60	[REDACTED]						
08/03/17		Developing intervention	1.00	[REDACTED]						
08/03/17		Developing Intervention	2.00	[REDACTED]						
08/04/17		Developing and submitting intervention	7.00	[REDACTED]						
08/11/17		Reviewing and analyzing interventions	1.00	[REDACTED]						
08/11/17		Reading answers	1.30	[REDACTED]						
08/14/17		Finishing reading Telus reply, drafting cost claim.	1.00	[REDACTED]						
08/18/17		Reading Telus Procedural Letter, Reading TNW Reply, Drafting Intervention on TELUS procedural letter	2.30	[REDACTED]						
Total Client:			23.50	[REDACTED]	0.00	0.00	0.00	0.00		
Grand Total:			23.50	[REDACTED]	0.00	0.00	0.00	0.00		



FORM I – SUMMARY OF LEGAL FEES

Applicant: **Public Interest Advocacy Centre** Claimant: **John Lawford**

Employment status of claimant, as reported to the law society (ies) of which the claimant is a member **Private Practice**

Claimant's Title: Articing Student

(check one):

Legal Assistant

Date when qualified as a law clerk or paralegal: _____

Legal Counsel

For legal counsel that are not in-house:

Completed years of practice: **24**

Year of Call to the Bar: **1992**

Has the lawyer practised continually since Call to the Bar? Yes No

(If no, provide details and explanations on a separate sheet)

Rate Claimed: **\$290.00 per hour**

SERVICE	TIME CLAIMED (Use quarter-day increments for in-house services)		FEE CLAIMED (days or hours x rate)
	Days	or Hours	
PREPARATION:			
Review File			
Intervention		0.8	232.00
Prepare Interrogatories			
Respond to Interrogatories			
Prepare Intervention/Comments			
Prepare Evidence			
Legal Research			
Prepare for Hearing			
Prepare Argument			
Prepare Reply Comments			
Consult with Client			
Case Management			
Other (specify):			
ATTENDANCE:			
Attend hearing			
Other (specify):			
Undertakings			
Disclosure			
PROCEDURAL:			
Costs Application			
Taxation Application			
Other (specify):			
1.			
2.			
3.			
TOTAL TIME CLAIMED:	HRS	0.8	
TOTAL FEES:			\$232.00
Add TAXES:			
(GST@ _____ PST @ _____ HST@ 13%)			\$30.16
		HST Allowable Claimed	\$9.14
TOTAL CLAIM:			\$241.14

I certify that the above information is true and accurate.

Date: **9/5/2017** Signature of claimant: _____

Public Interest Advocacy Centre

Client Summary

Date of Report: Sep 05, 2017 Report by: Working Lawyer
 Include Transactions: Jan 01, 1980 to Sep 05, 2017 For Lawyer(s): John Lawford
 Sort by: Alphabetic Client Range: 6652 to 6652
 Area of Law Range: 1 to 199

Non-billable Time Excluded

Client #	Mat Code	Client Name	Matter Description	Resp	-----Work in Progress-----			-----Billed-----		
Date	N/B	Description	Hours	Fees	Disb.	Hours	Fees	Disb.		
6652		CRTC TNW WIRELESS:	CRTC	BSB						
08/04/17		Review of intervention.	JL	0.80	232.00					
Total Client:				0.80	232.00	0.00	0.00	0.00	0.00	
Grand Total:				0.80	232.00	0.00	0.00	0.00	0.00	