December 17, 2015

Ms. Janice Charette
Clerk of the Privy Council
and Secretary to the Cabinet
Langevin Block
80 Wellington Street
Ottawa, ON   K1A 0A3

Dear Ms. Charette:


1. Saskatchewan Telecommunications (SaskTel) has reviewed the petition to the Governor in Council (GiC) from DiversityCanada Foundation (DCF) and National Pensioners Federation (NPF) (together the Petitioners) requesting that the GiC vary Telecom Decision CRTC 2015-131 and Telecom Order CRTC 2015-132 so as to award DCF and NPF full costs, with interest.

2. The following constitutes SaskTel’s comments on the petition. Failure by SaskTel to address any specific assertion made in the petition should not be construed as acceptance of such assertion where acceptance would be inconsistent with the interests of SaskTel.

3. SaskTel has also reviewed the comments submitted by the Canadian Wireless Telecommunications Association (CWTA) and agrees with the position taken by the CWTA that the Petition should be denied for the reasons given by the CWTA. SaskTel notes that the summary provided by the CWTA at paragraph 6 of their submission is an accurate representation of the applications, decisions and orders of the related proceedings.

**Background**

4. SaskTel did not participate in each application or petition in the chain of proceedings and therefore would like to summarize its participation:
- **Application – December 2, 2013**: DCF, on behalf of itself and NPF, applied to the CRTC for an award of costs with respect to its participation in the proceeding related to its application to review and vary Section J of The Wireless Code;

- **Response – December 12, 2013**: SaskTel filed a response opposing the DCF application;

- **Decision – May 8, 2014**: the CRTC issued Telecom Order CRTC 2014-220, in which it **denied** the application by DCF for costs with respect to its participation in the review and vary proceeding; and

- **Application – August 1, 2014**: DCF filed a Part 1 Application with the CRTC to review and vary Telecom Order CRTC 2014-220. SaskTel did not respond to this application or participate in any further proceeding related to this matter.

**DCF GIC Petition**

5. SaskTel submits that the Commission was clear in all of its decisions that the Petitioners did not provide evidence that would allow the Commission to gain a better understanding of the issues and this Petition does not provide evidence to the contrary.

6. SaskTel submits that the Commission did provide adequate reasons for its decisions and supported those decisions based on the eligibility criteria that is established for cost applications and with legal precedents.

7. SaskTel notes that where pertinent issues are raised by a participant in proceedings, the Commission does consider the merits of those arguments and that might justify an award of costs. This was not the case in the series of applications made by DCF and simply being a participant does not automatically qualify an applicant to an award of costs.

8. SaskTel is of the view that awarding costs to any applicant who makes a submission, regardless of the substance of the application, sets a dangerous regulatory precedent. Participants must provide new evidence and or contribute to a better overall understanding of the issues at hand to be entitled to be awarded costs.

**Conclusion**

9. SaskTel has reviewed the CWTA response to the Petition and agrees with the views and comments of the CWTA.
10. It is clear to SaskTel that the Petition does not address any of the deficiencies identified by the Commission in the proceedings that lead up to this Petition. The Petition does not present any new or justifiable reason to be awarded costs.

11. SaskTel feels strongly that the awarding of costs for an application that contained a number of factual inaccuracies and was deficient in the identification of any errors which the Commission may have made in law or in fact, would only serve to encourage similarly unhelpful applications of this nature in the future.

12. SaskTel respectfully requests the Governor in Council deny the DCF petition and appreciates the opportunity to provide these comments.

Sincerely,

W.N. (Bill) Beckman
Senior Director - Regulatory Affairs

GCV/nb

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