

Ottawa, Thursday, October 25, 2001

File No. PR-2000-073

IN THE MATTER OF a complaint filed by P&L Communications Inc. under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c. 47;

AND IN THE MATTER OF a decision made pursuant to subsection 30.16(1) of the *Canadian International Trade Tribunal Act* to award P&L Communications Inc. its reasonable costs incurred in relation to filing and proceeding with the complaint.

## ORDER

In a determination made on July 24, 2001, the Canadian International Trade Tribunal (the Tribunal) awarded P&L Communications Inc. (PLCom) its reasonable costs incurred in relation to filing and proceeding with the complaint.

On September 20, 2001, PLCom submitted to the Tribunal its claim for costs in the amount of \$34,536.71. On September 28, 2001, the Library of Parliament wrote to the Tribunal stating that it had no comment regarding PLCom's claim.

With respect to legal fees, the Tribunal allows all the hours claimed at their respective rates with the exception of the hours claimed for the services of a librarian. As per Appendix B to the *Procurement Cost Guidelines* (the Guidelines), legal fees can only be claimed for legal counsel, legal assistants or articling students. Therefore, the Tribunal allows \$19,085.64 for legal services.

Regarding the claim for the president of PLCom acting as "representative", the Tribunal allows the time claimed up to April 6, 2001, when PLCom retained a law firm to act as counsel of record. This represents 11.25 days at the in-house rate of \$400.00 per day, as stipulated in Appendix B to the Guidelines. Therefore, the Tribunal allows \$4,500.00 for the time that the president of PLCom acted as "representative".

With respect to the claim for the consultant on contract with PLCom, the accompanying form shows that the consultant was acting as representative. However, prior to the retention of legal counsel, the president of PLCom acted as representative and, once retained, legal counsel acted as representative of PLCom. The Tribunal is of the view that this is a duplication of effort and finds that the additional expense of representation by a consultant was neither reasonable nor necessary. Therefore, the Tribunal does not allow these representative fees.

Finally, with respect to disbursements, the Tribunal notes that these are the actual disbursements charged to PLCom by its legal counsel and will allow the full amount of \$1,400.22.

The Tribunal hereby awards PLCom costs in the amount of \$24,985.86 for filing and proceeding with the complaint and directs the Library of Parliament to take appropriate action to ensure prompt payment.

Pierre Gosselin  
Pierre Gosselin  
Presiding Member

Michel P. Granger  
Michel P. Granger  
Secretary