



## Telecom Notice of Consultation CRTC 2014-188

PDF version

Ottawa, 22 April 2014

### Call for comments

**Deadline for submission of proposals: 22 May 2014**

**Deadline for submission of interventions: 25 June 2014**

[\[Submit an intervention or view related documents\]](#)

### Establishing the structure and mandate of the video relay service administrator

File number: 8665-C12-201403287

*The Commission calls for telecommunications service providers (TSPs) that were parties to the video relay service (VRS) proceeding to submit written proposals, prepared in consultation with consumer groups, on the structure, mandate, and governance of the VRS administrator. Other interested persons are also invited to submit proposals. Submissions should detail*

- *the funding application processes for VRS and their respective accountability measures;*
- *the structure and governance of the VRS administrator;*
- *the VRS administrator's mandate;*
- *the implementation plan for the establishment of the VRS administrator, which is to include detailed timelines for the filing of documents with the Commission; and*
- *the composition of the VRS administrator's provisional Board of Directors.*

*These proposals are to be submitted by **22 May 2014**. The Commission calls for written interventions on the proposals and on other relevant issues pertaining to the structure and mandate of the VRS administrator by **25 June 2014**.*

### Background

1. In Telecom Regulatory Policy 2014-187 (the VRS Decision), published concurrently with this notice, the Commission required that telecommunications service providers (TSPs) contribute to the National Contribution Fund (NCF) to pay for the provision of a video relay service (VRS) to be offered nationally in both American Sign Language (ASL) and Langue des signes québécoise (LSQ). Further, the Commission

determined that an independent, centralized, third-party VRS administrator be established to oversee the implementation and ongoing operation of VRS in Canada.

2. The Commission also determined that the VRS administrator is to have a Board of Directors comprising members drawn from TSPs and sign language user organizations (both ASL and LSQ), as well as members with other relevant areas of expertise. In addition, staff and any advisory panels that may be struck to advise the Board of Directors must include the perspectives of both the ASL and LSQ communities.
3. TSPs that have identified members sitting on the Board of Directors of the VRS administrator, whether those members are provisional<sup>1</sup> or elected, must provide the bridge funding required for VRS, beginning on the date of publication of the decision resulting from this notice. This funding will cover pre-incorporation and start-up costs, as well as ongoing VRS operational costs as approved by the Commission. These amounts will be reimbursed to the TSPs from the NCF.

### **Positions of parties to the VRS proceeding**

4. Parties to the VRS proceeding, which was initiated by Telecom Notice of Consultation 2013-155 and led to the VRS Decision, made various submissions regarding the structure and mandate of a possible VRS administrator. Parties were in agreement that members from the VRS user communities would need to be involved in decision-making. As a VRS administrator would oversee both ASL and LSQ services, parties also stressed the importance of having the direct involvement of the ASL and LSQ communities.
5. In addition, Mission Consulting, LLC (Mission Consulting) and Bell Canada et al.<sup>2</sup> submitted detailed views regarding the VRS administrator. These views are presented in the Appendix to this notice, for information purposes only.

### **Call for proposals**

6. Having set out the basic funding model for VRS in the VRS Decision, the Commission now calls for proposals from TSPs that were parties to the VRS proceeding and from other interested persons on the structure and mandate of the VRS administrator. These proposals are to reflect the Commission's determinations in the VRS Decision. Proposals are to be filed with the Commission by **22 May 2014**. The Commission expects that any proposal submitted will be developed in consultation with consumer stakeholder groups and will include the following information at a minimum:

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<sup>1</sup> "Provisional" in the context of this notice refers to a small interim Board of Directors tasked with setting up the voting procedures to elect the first full-term Board of Directors.

<sup>2</sup> Bell Aliant Regional Communications, Limited Partnership on its own behalf and on behalf of DMTS, KMTS, NorthernTel, Limited Partnership, and Télébec, Limited Partnership; Bell Canada; Bell Mobility Inc.; and Northwestel Inc.

- a draft application for incorporation, including a proposed statement for the purpose of the corporation;
  - a draft bylaw, including a proposed selection process for the Board of Directors, a proposed governance structure, and mechanisms to address any real and potential conflicts of interest;
  - a draft stakeholder agreement, including the mandate of the VRS administrator;
  - proposed funding application processes for VRS;
  - proposed measures to ensure financial accountability;
  - detailed proposed reporting requirements for the VRS administrator to report to the Commission, including information related to financial accountability;
  - an explanation of how the proposal incorporates the viewpoints of the different groups consulted in its development; and
  - a proposed implementation timeline, including timelines for the submission of key documents to the Commission, such as
    - i. applications for funding;
    - ii. financial accountability measures;
    - iii. quality of service measures;
    - iv. complaint and inquiry mechanisms for the VRS administrator and for any VRS providers;
    - v. an education and public awareness campaign; and
    - vi. privacy and confidentiality standards.
7. The Commission notes that the members of the Board of Directors, regardless of which group they are drawn from, will have a fiduciary obligation to act in the best interest of the corporation (i.e. the VRS administrator). The Commission has determined that, to ensure the balance and independence of the Board of Directors,
- the Board of Directors must comprise members drawn from TSPs and sign language user organizations, as well as members with other relevant areas of expertise;
  - the members from sign language user organizations must be drawn from both ASL and LSQ communities; and
  - the Board of Directors is to ensure that staff and any advisory panels that may be struck to advise the Board include the perspectives of both the ASL and LSQ communities.
8. The Commission is of the preliminary view that

- neither the members from sign language user organizations nor the members from TSPs are to have majority representation or the ability to veto any decision;
- a provisional Board of Directors with three members would be more appropriate than one with five or more members, as this would allow for a more expedited process. To ensure the timely implementation of VRS, the Commission expects the provisional Board to focus its efforts on the election of the full-term Board; and
- appropriate members of the provisional Board of Directors would include
  - i. a member taken from Bell Canada et al., as they submitted, in the VRS proceeding, that they have significant experience in establishing and participating in similar administrative bodies, such as the Broadcasting Participation Fund, the Broadcasting Accessibility Fund, and the Commissioner for Complaints for Telecommunications Services, and that their expertise in this area would be valuable to the process of establishing a VRS administrator;
  - ii. a member taken from the Canadian Association of the Deaf (CAD), as it is a national consumer organization representing Deaf citizens. Since CAD does not offer interpretation services in ASL or LSQ, it has no financial interest in VRS; and
  - iii. a member to be selected jointly by Bell Canada et al. and CAD.

### **Call for comments**

9. Proposals will be posted on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) within two business days of their receipt. The Commission hereby calls for interventions on these proposals and on any other relevant issues pertaining to the structure and mandate of the VRS administrator. The Commission will accept interventions that it receives on or before **25 June 2014**.

### **Procedure**

10. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings, where applicable. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), under "Statutes and Regulations." The *Guidelines on the CRTC Rules of Practice and Procedure*, as set out in Broadcasting and Telecom Information Bulletin 2010-959, provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

11. TSPs that were parties to the VRS proceeding are made parties to this proceeding. If these parties wish to file proposals with the Commission, they must do so by **22 May 2014**. Any other interested person who wishes to file a proposal may do so by **22 May 2014**, thereby becoming a party to this proceeding.
12. Parties may file interventions on proposals submitted by other parties by **22 May 2014**. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues and proposals by **25 June 2014**. Interventions must be filed in accordance with section 26 of the Rules of Procedure.
13. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
14. All parties may file replies to interventions with the Commission by **2 July 2014**.
15. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
16. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
17. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax to**  
819-994-0218

18. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The

Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

19. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
20. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

### **Important notice**

21. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email, or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
22. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
23. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
24. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not provide direct access to the information that was provided as part of this public process.

### **Availability of documents**

25. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by using the file number provided at the beginning of this notice or by visiting the "Participate" section of the website, selecting "Submit Ideas and Comments," then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

26. Documents are also available from Commission offices, upon request, during normal business hours.

### **Commission offices**

Toll-free telephone: 1-877-249-2782

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Les Terrasses de la Chaudière  
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#### **Manitoba**

360 Main Street, Suite 970  
Winnipeg, Manitoba R3C 3Z3  
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## **Saskatchewan**

2220 – 12<sup>th</sup> Avenue, Suite 620  
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*\*Note that effective 30 April 2014, the Saskatchewan office will be located at the following address (telephone and fax numbers remain unchanged):*

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Regina, Saskatchewan S4P 2H1

## **Alberta**

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## **British Columbia**

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Vancouver, British Columbia V6B 1C1  
Tel.: 604-666-2111  
Fax: 604-666-8322

Secretary General

## **Related documents**

- *Video relay service*, Telecom Regulatory Policy CRTC 2014-187, 22 April 2014
- *Issues related to the feasibility of establishing a video relay service*, Telecom Notice of Consultation CRTC 2013-155, 27 March 2013, as amended by Telecom Notice of Consultation CRTC 2013-155-1, 16 May 2013
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

## Appendix

### Detailed proposals from Mission Consulting and Bell Canada et al. (for information purposes only)

#### Mission Consulting

1. Mission Consulting completed an independent VRS feasibility study,<sup>3</sup> which proposed that the VRS administrator's mandate should include the following:
  - a. Ensure the orderly and timely development of VRS in Canada, and oversee its ongoing operations to ensure that the VRS system
    - provides an efficient service of high quality;
    - minimizes opportunity for waste and fraud (this includes procuring services at competitive rates);
    - facilitates continued oversight by the Commission;
    - protects the privacy of users;
    - uses the interpreter pool efficiently;
    - provides flexibility to allow for future technological and other developments, including possible integration of Internet Protocol relay service;
    - enables access to 9-1-1 service in the most efficient and reliable way possible; and
    - ensures predictability and long-term stability of the cost of the service.
  - b. Set VRS operational standards.
  - c. Monitor services for quality and other considerations (this includes customer complaints that cannot be resolved by the provider).
  - d. Periodically report to the Commission.
2. Mission Consulting also submitted that the VRS administrator's Board of Directors should consist of nine members, comprising
  - four consumer members (appointed by consumer groups);
  - two independent members with expertise in running corporations or organizations without ties to the telecommunications industry, the VRS industry, or consumers (nominated through an independent process and/or a third-party ad hoc nominating committee selected by an independent firm); and

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<sup>3</sup> The Mission Consulting report is available here.

- three telecommunications industry members (appointed by the TSPs).
3. Mission Consulting later submitted that the size of the Board of Directors was not a significant concern and that the composition was more important; therefore, a proposal such as that of Bell Canada et al. (as presented below) would be acceptable.
  4. Mission Consulting also submitted that quorum and majority voting thresholds (e.g. three of the four consumer members) could be set for decisions regarding significant VRS policies and practices. Additionally, to ensure that approvals reflect funding obligations and accountability, thresholds for decisions regarding budget and cost could be set separately (e.g. unanimous approval by the three telecommunications industry members).

### **Bell Canada et al.**

5. In Bell Canada et al.'s proposed structure, which was similar to the one included in Mission Consulting's proposal, there were seven Board of Directors members, comprising
  - three accessibility members;
  - two TSP members; and
  - two independent members.
6. Bell Canada et al. submitted that certain vetoes, such as vetoes regarding costs, should belong to TSPs collectively.
7. With respect to a provisional Board of Directors, Bell Canada et al. submitted that it should consist of five members, comprising three representatives from Deaf and hard of hearing organizations that attended the VRS hearing and two representatives from TSPs.