



## Telecom Decision CRTC 2014-377

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### **MTS Inc. and Allstream Inc. – Further proposals for the use of deferral account funds to improve access to telecommunications services for persons with disabilities**

*The Commission **approves** the use of MTS Allstream's deferral account funds to cover costs associated with Internet Protocol (IP) Relay implementation and website portal development to improve the accessibility of the company's consumer-focussed website (mts.ca) that provides information about the products and services it offers. The Commission **denies** the use of MTS Allstream's deferral account funds to cover costs associated with Text Messaging with 9-1-1 service testing and preparation, the development of hot keys to automate the setup of described video and closed captioning on MTS Allstream's IP television (IPTV) service remote control, and website portal development to improve the accessibility of the corporate website (mtsallstream.com) that provides information about the company such as career, investor, and governance information. The Commission **directs** MTS Inc. to file a plan for the disposal of the remaining deferral account funds earmarked for accessibility initiatives within 60 days of the date of this decision.*

#### **Background**

1. In Telecom Decision 2006-9, the Commission concluded that proposals that focus on improving accessibility to telecommunications services for persons with disabilities would be an appropriate use of the funds remaining in the incumbent local exchange carriers' (ILECs) deferral accounts. The Commission directed MTS Allstream Inc., among other ILECs, to allocate a minimum of five percent of the accumulated balance in its deferral account to fund programs to improve accessibility to telecommunications services for persons with disabilities.
2. In that same decision, the Commission established the following guidelines for initiatives to improve accessibility to telecommunications services for persons with disabilities:
  - The initiative must improve accessibility to telecommunications services for persons with disabilities;
  - The ILECs must consult with advocacy organizations for persons with disabilities; and

- Drawdowns from each ILEC's deferral account were to be applied within its own territory.

The Commission also stated that competitive neutrality is a principal part of the objectives set out in Telecom Decisions 2002-34 and 2002-43 (the price cap decisions) which established the deferral accounts, and should be balanced against all relevant factors when evaluating proposals.

3. In Telecom Decision 2008-1, the Commission determined that the use of deferral account funds for national initiatives was not consistent with the requirement that drawdowns from each ILEC's deferral account were to be applied within its own territory. In addition, the Commission permitted the ILECs to set aside any unallocated portion of their accessibility funds for future accessibility initiatives and considered that these funds were to be fully utilized by the end of 2011.
4. In that same decision, the Commission also determined that MTS Allstream Inc.'s proposal to improve and enhance the accessibility of the company's consumer-focused website was consistent with the guidelines established in Telecom Decision 2006-9 and approved the initiative. As noted in its *2009 Report on Accessibility Initiatives*, MTS Allstream Inc. completed these enhancements in December 2009 and made a deferral account drawdown of \$462,000.

## **Application**

5. The Commission received a letter from MTS Allstream Inc., dated 29 July 2011, in which it proposed to use its deferral account to fund various initiatives to improve access to telecommunications services for persons with disabilities. The proposals in this letter included an initiative to assess the viability of enhancing voice mail features to include accessibility options. Then, by letter dated 5 January 2012, MTS Allstream Inc. withdrew this proposal, stating that it would be unable to implement the initiative until 2013 or 2014.
6. In a Commission staff letter dated 24 July 2012, MTS Inc. and Allstream Inc. (collectively, MTS Allstream)<sup>1</sup> were requested to submit a formal application for Commission approval of their proposed initiatives to improve accessibility to telecommunications services for persons with disabilities. The Commission received an application from MTS Allstream dated 24 August 2012; the application was later amended on 15 March 2013.<sup>2</sup>
7. MTS Allstream's final proposal consisted of the following initiatives:

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<sup>1</sup> As of early 2012, MTS Allstream Inc. became known as two separate entities, namely, MTS Inc. and Allstream Inc.

<sup>2</sup> On 14 February 2013, Commission staff requested that MTS Allstream provide additional information concerning their application. In providing this additional information, the companies were to take into account the Commission's determinations set out in Telecom Decision 2013-22.

- \$209,000 for Internet Protocol (IP) Relay implementation costs;
  - \$113,000 for Text Messaging with 9-1-1 service (T9-1-1)<sup>3</sup> testing and preparation costs;
  - \$60,000 for the development of hot keys to automate the setup of described video (DV) and closed captioning (CC) on the MTS Allstream Internet Protocol television (IPTV) service remote control; and
  - \$355,000 for website portal development to improve accessibility, with \$270,000 of this amount for enhancements to the MTS website and \$85,000 to the MTS Allstream (corporate) website.
8. Further, MTS Allstream submitted that, if the proposal outlined above to develop hot keys was denied, the \$60,000 requested for that initiative should be directed instead towards additional website portal development to implement a single search initiative. MTS Allstream also proposed directing the \$113,000 drawdown requested for their T9-1-1 proposal to the website portal development initiative to improve the accessibility of MTS Allstream “wizards” should the Commission deny their T9-1-1 initiative. The MTS Allstream “wizards” are web-based utilities that guide customers through various tasks to assist them when obtaining MTS Allstream services.
  9. In support of their application, MTS Allstream provided information related to the MTS Allstream Accessibility Forum, which was established subsequent to the issuance of Telecom Decision 2008-1. This forum included representatives from accessibility advocacy groups.
  10. The Commission received no interventions regarding MTS Allstream’s application. The public record of this proceeding, which closed on 13 September 2013, is available on the Commission’s website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the file number provided above.
  11. In assessing each of the initiatives summarized in paragraph 7 above, the Commission has addressed the following:
    - Is each initiative consistent with the guidelines established in Telecom Decisions 2006-9 and 2008-1?
    - Is each initiative competitively neutral; if not, is there nevertheless a rationale for approval?

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<sup>3</sup> This was referred to as Text Messaging to E9-1-1 Service in MTS Allstream’s submissions. The companies proposed a drawdown for this initiative of \$113,000 in both of their submissions, i.e. 24 August 2012 and 15 March 2013.

## IP Relay implementation costs

12. In their proposal to use deferral account funds to cover costs associated with IP Relay implementation, it was noted that, although MTS Allstream Inc. did not apply for a deferral account drawdown for this service in the proceeding leading to Telecom Decision 2008-1, the Commission approved deferral account drawdowns for these costs for Bell Canada, Saskatchewan Telecommunications (SaskTel), and TELUS Communications Company (TCC) in that decision.
13. The Commission considers that the use of deferral account funds for IP Relay implementation costs is consistent with the guidelines established in Telecom Decisions 2006-9 and 2008-1 but at the same time, this initiative raises competitive neutrality issues. As stated in Telecom Decision 2006-9, competitive neutrality should be balanced against all relevant factors when evaluating proposals.
14. In Broadcasting and Telecom Regulatory Policy 2009-430 (hereinafter referred to as the Accessibility Policy), which predated MTS Allstream's deferral account funding application for this initiative, the Commission directed all local exchange carriers that are required to provide TTY Relay<sup>4</sup> to also provide IP Relay. The Commission considers that the use of deferral account funds for this initiative raises competitive neutrality issues as many of these local exchange carriers do not have access to deferral account funds.
15. The Commission notes that Bell Canada, SaskTel, and TCC applied for drawdowns before the Commission required implementation of IP Relay. However, none of these companies actually implemented the service until after it was required by the Commission in the Accessibility Policy. Indeed, all of the companies referenced above launched their IP Relay service within four months of each other but more than a year after the Accessibility Policy was issued. MTS Allstream Inc., for its part, launched its service in that four-month window. In Telecom Decision 2010-679, the Commission approved an additional drawdown by TCC for the implementation of IP Relay, noting that the Commission had previously found it appropriate for that company to use deferral account funds for this purpose.
16. The Commission considers that since Bell Canada, SaskTel, and TCC did not implement IP Relay until it was a regulatory requirement, the principle of competitive neutrality should not prevent MTS Allstream from recovering the costs of IP Relay implementation. The Commission therefore **approves** a deferral account drawdown of \$209,000 by MTS Allstream to cover the IP Relay implementation costs.

## T9-1-1 testing and preparation costs

17. In their proposal to use deferral account funds for T9-1-1, MTS Allstream requested a drawdown to cover costs associated with the following activities: (a) sharing the

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<sup>4</sup> TTY stands for Teletypewriter.

development costs for a common network Gateway with other ILECs; (b) testing their wireless handsets using a methodology consistent with the wireless service providers (WSPs) participating in the T9-1-1 trial; and (c) preparing their high-speed packet access (HSPA) wireless network for T9-1-1 capability.

18. The Commission notes that the T9-1-1 Gateway<sup>5</sup>
  - was developed and is operated nationally by a third party on behalf of Bell Aliant Regional Communications, Limited Partnership, Bell Canada, MTS Inc. (MTS), SaskTel, and TCC, and
  - is owned equally by these companies with the companies sharing the costs.
19. As the Gateway is a shared national initiative, the Commission considers that use of deferral account funds to cover the development costs related to the Gateway would not be consistent with the guidelines established in Telecom Decisions 2006-9 and 2008-1, pertaining to the use of the funds within territory.
20. However, the initiative relating to testing wireless handsets and preparing the wireless network for T9-1-1, while consistent with the guidelines established in Telecom Decisions 2006-9 and 2008-1, raises competitive neutrality issues.
21. In the Accessibility Policy, the Commission requested that the CRTC Interconnection Steering Committee (CISC) Emergency Services Working Group (ESWG)<sup>6</sup> conduct an investigation and evaluation of the benefits, uses, and limitations of access to 9-1-1 services by hearing- or speech-impaired persons via various forms of text messaging. Then, in Telecom Decision 2010-224, the Commission requested that the CISC ESWG immediately begin work towards a technical trial of T9-1-1. The wireless companies participating in the trial were Bell Mobility Inc., Globalive Wireless Management Corp., operating as WIND Mobile (WIND), Rogers Communications Partnership (RCP), and TCC. Bell Canada and TCC were also the 9-1-1 service providers in the trial.
22. The Commission notes that neither RCP nor WIND had access to deferral account funds to cover their costs of participation, and that neither Bell Canada nor TCC used deferral account funds for this purpose. MTS Allstream was not one of the network providers in the trial, but participated in trial planning, the request for proposal process, and the Gateway vendor selection and trial setup. Following the trial, the Commission determined in Telecom Decision 2013-22 that all wireless carriers are required to make changes in their network, systems, and processes to support the provision of T9-1-1. Most wireless carriers do not have access to deferral

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<sup>5</sup> The T9-1-1 Gateway is a network element that routes short message service (SMS) messages between 9-1-1 call centres (i.e. public safety answering points or PSAPs) and T9-1-1 users on various WSPs' networks.

<sup>6</sup> CISC ESWG participants include wireless carriers, 9-1-1 service providers, PSAP organizations, representatives of hearing- and speech-impaired persons, and other interested parties.

account funds to cover the costs of implementing regulatory requirements. Thus, the Commission considers that the use of deferral account funds for these aspects of MTS Allstream's initiative is not competitively neutral.

23. As there are no other factors to balance against the requirement for competitive neutrality, the Commission **denies** a deferral account drawdown of \$113,000 by MTS Allstream to cover the T9-1-1 testing and preparation costs.

#### **Development of hot keys to automate the setup of DV and CC on the MTS Allstream IPTV service remote control**

24. MTS Allstream noted that Bell Canada had indicated in its 2012 Report on the Status of Accessibility Initiatives (the 2012 Report) that it had completed an initiative called Inclusive Design Research. In MTS Allstream's view, Bell Canada's initiative had a significant focus on research to identify possible areas for improvement for that company's IPTV in Ontario and Quebec. Noting that there was no indication that Bell Canada's requested drawdown for its initiative was denied, MTS Allstream argued that it should be given the same latitude and be permitted to make a drawdown for the development of hot keys to automate the setup of DV and CC on the MTS Allstream IPTV service remote control.
25. The Commission notes that it issued interrogatories to Bell Canada concerning its 2012 Report on 30 August 2013. In its response, Bell Canada stated that it had used the launch of its IPTV service to test its new product and service development process and a new product launch, and assess how the process and a new service could be made more accessible to persons with disabilities as this was the only new service launched at the time that Bell Canada was conducting its inclusive design-related research. Bell Canada also stated that no deferral account funds were used to actually develop or alter its IPTV service to make it more accessible.
26. The Commission is of the opinion that the use of deferral account funds to develop hot keys as proposed is not consistent with the guidelines established in Telecom Decisions 2006-9 and 2008-1 as this proposal does not improve accessibility to telecommunications services for persons with disabilities.
27. Regarding MTS Allstream's argument that the Commission permitted Bell Canada to make a deferral account drawdown to fund an initiative which had significant focus on IPTV, the Commission considers that Bell Canada's initiative was significantly different from what MTS Allstream is proposing in their application.
28. In Telecom Decision 2008-1, the Commission approved a deferral account drawdown for Bell Canada's proposal for inclusive design research, the primary purpose of which was to gain a better understanding of the telecommunications needs of persons with disabilities in order to incorporate inclusive design principles into new product development. In contrast, MTS Allstream's proposed initiative deals only with improving the accessibility of a broadcasting service.

29. The role of the testing in the development of the inclusive design principles, the lack of a new telecommunications service for testing at the relevant time, and the fact that no deferral account funds were used to develop or alter the IPTV service, makes Bell Canada's initiative significantly different from the one being proposed by MTS Allstream, which focuses solely on the accessibility of a broadcasting service. Therefore, the Commission **denies** a deferral account drawdown of \$60,000 for the development of hot keys to automate the setup of DV and CC on the MTS Allstream IPTV service remote control.

### **Website portal development to improve accessibility**

30. In their proposal related to website portal development, MTS Allstream noted that, following completion of the accessibility enhancements to the MTS website funded by the drawdown approved in Telecom Decision 2008-1, they conducted a gap analysis and audit to determine which portions of the website met the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (W3C Guidelines). Based on the audit, they determined where further enhancements were required to make the website more compliant with the W3C Guidelines and identified a number of initiatives that could be undertaken in order to further improve access to persons with disabilities.
31. MTS Allstream noted that the proposed drawdown of \$355,000 was to fund enhancements to both the MTS and the MTS Allstream (corporate) websites.
32. As noted above, MTS Allstream also proposed additional website enhancements in the case that the drawdowns for T9-1-1 and the DV and CC hot keys for the IPTV service remote control initiatives were not approved by the Commission. Specifically, MTS Allstream proposed enhancements to "wizards" in place of the T9-1-1 initiative and a single search initiative in place of the hot keys.
33. MTS Allstream noted that the MTS website currently uses one search engine for product content and one for support. MTS Allstream submitted that using a single search engine will make it easier for persons using screen readers and other assistive technologies to navigate the website and that the W3C Guidelines describe improved search as a key design strategy for improving accessibility.
34. MTS Allstream submitted that improving the accessibility of the MTS Allstream "wizards" will make it easier for customers to navigate through products and services and will ensure that the wizards are compatible with screen readers.
35. The Commission considers that the enhancements to the MTS website, including the single search initiative and the enhancements to the "wizards," are consistent with the guidelines established in Telecom Decisions 2006-9 and 2008-1.
36. Regarding competitive neutrality, the Accessibility Policy encouraged all telecommunications service providers (TSPs) to adopt the W3C Guidelines to make the customer service portion of their websites as accessible as possible for persons with disabilities. However, this policy only requires that TSPs make information on

telecommunications services and products on their websites accessible to the point of providing a reasonable accommodation for persons with disabilities. The regulatory requirement of reasonable accommodation allows for a flexible approach, taking into account the different circumstances of different TSPs. The policy does not explicitly require that all TSPs go as far as compliance with the W3C Guidelines. The Commission considers that MTS Allstream's proposed enhancements go beyond the least onerous acceptable accommodation set out in the Accessibility Policy. Therefore, it is the assessment of the Commission that the proposed deferral account drawdown for accessibility enhancements to the MTS website is competitively neutral.

37. Accordingly, the Commission **approves** a deferral account drawdown to cover the costs of website portal development to improve accessibility of the MTS website, including the single search initiative and the improvements to the "wizards."
38. However, use of deferral account funds to improve the accessibility of the corporate website is not consistent with the guidelines set out in Telecom Decisions 2006-9 and 2008-1. In this respect, while the MTS website provides information about the products and services offered by MTS, the corporate website does not provide such information. Thus, the enhancements to the corporate website will not result in improved accessibility to information about telecommunications products and services. The Commission therefore **denies** the use of deferral account funds to cover the costs of website portal development to improve accessibility of the corporate website.

### **Conclusion**

39. The Commission **directs** MTS to file a plan, which is to include the details of its consultation with disabilities groups, for the disposal of the remaining deferral account funds earmarked for accessibility initiatives within **60 days** of the date of this decision. The Commission notes that MTS Allstream Inc. had previously suggested an initiative related to voice mail accessibility, but withdrew it as it considered that it would not be implemented until late 2013 or 2014.
40. A summary of the Commission's determinations is set out in the Appendix to this decision.

Secretary General

### **Related documents**

- *CISC Emergency Services Working Group – Consensus report regarding Text Messaging with 9-1-1 trial and service implementation*, Telecom Decision CRTC 2013-22, 24 January 2013
- *TELUS Communications Company – Request for an additional drawdown from its deferral account for accessibility initiatives*, Telecom Decision CRTC 2010-679, 10 September 2010

- *CRTC Interconnection Steering Committee – Improving access to emergency services for people with hearing and speech disabilities*, Telecom Decision CRTC 2010-224, 21 April 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, as amended by Broadcasting and Telecom Regulatory Policy CRTC 2009-430-1, 17 December 2009
- *Use of deferral account funds to improve access to telecommunications services for persons with disabilities and to expand broadband services to rural and remote communities*, Telecom Decision CRTC 2008-1, 17 January 2008
- *Disposition of funds in the deferral accounts*, Telecom Decision CRTC 2006-9, 16 February 2006
- *Implementation of price regulation for Télébec and TELUS Québec*, Telecom Decision CRTC 2002-43, 31 July 2002
- *Regulatory framework for second price cap period*, Telecom Decision CRTC 2002-34, 30 May 2002, as amended by Telecom Decision CRTC 2002-34-1, 15 July 2002

## Appendix to Telecom Decision CRTC 2014-377

### Summary of Commission's determinations in Telecom Decision 2014-377

<b>Proposed initiative</b>	<b>Proposed deferral account drawdown</b>	<b>Commission's determination</b>
IP Relay implementation costs	\$209,000	Approved
T9-1-1 testing and preparation costs	\$113,000	Denied
Development of hot keys to automate the setup of DV and CC on the MTS Allstream IPTV service remote control	\$60,000	Denied
Website portal development to improve accessibility for the MTS website, including implementation of a single search initiative and improvements to the accessibility of MTS Allstream "wizards"	\$443,000	Approved
Website portal development to improve accessibility for the MTS Allstream (corporate) website	\$85,000	Denied