



## Telecom Decision CRTC 2007-19

Ottawa, 30 March 2007

### **Access to specially developed services, equipment, and information by persons who are blind**

Reference: 8665-S49-01/01

*In this Decision, the Commission finds that there may be merit in expanding the scope of alternative format obligations and requiring that electronic information be made accessible to persons who are blind, but that these issues should be considered in a future proceeding to address the unresolved accessibility issues for persons with disabilities.*

1. The Commission received an application by Mr. Chris Stark, on behalf of himself and Mrs. Marie Laporte-Stark (collectively, the Starks), dated 15 April 2001, filed pursuant to Part VII of the *CRTC Telecommunications Rules of Procedure*. In their application, the Starks raised several issues concerning Bell Canada and persons who are blind, including: access to specially developed services, equipment, and information in order to enhance various household functionalities (Smart Home functions); allegations of retaliation; operational concerns; the availability and accessibility of alternative format information on telecommunications services; and the general accessibility of telecommunications services.
2. The Commission received submissions, reply comments and responses to interrogatories from Bell Canada and the Starks. The record of this proceeding closed with a submission filed by Bell Canada on 6 June 2003.
3. While the positions of parties have necessarily been summarized in this Decision, the Commission has carefully reviewed and considered the submissions of all parties.

### **Smart Home functions**

#### **Positions of parties**

4. The Starks submitted that, in September 2000, they entered into an agreement with a third-party developer, Phoenix Homes, to build a new home which included a communications package. The Starks indicated that the communications package included various communications services and equipment, and also included the capability to develop Smart Home functions, which would integrate household systems, such as heating, lighting, and security, into the home's inside wiring, and would, in turn, provide them access to these systems by use of non-visual means.
5. The Starks requested that Bell Canada help them develop Smart Home functions by providing them with, among other things, operating manuals, technical specifications, and instructions for various equipment and services. The Starks indicated that Bell Canada refused their requests in this respect, which warranted the Commission's intervention.

6. Bell Canada indicated that it tried to obtain the requested information for the Starks, from affiliated companies and third parties, but that its ability to assist them was severely limited due to the fact that the services in question were not Bell Canada services and because the information requested was not generally available.
7. Bell Canada indicated that the services and equipment included in the communications package were provided by its affiliated companies and third parties, not Bell Canada, and that it did not provide Smart Home function services. Bell Canada indicated that the services and equipment in question, along with their associated service providers, were not subject to the Commission's regulatory jurisdiction. Accordingly, Bell Canada submitted that no further action was required in this matter.
8. The Starks replied that telecommunications equipment and services purchased through third parties, such as Phoenix Homes, were still the responsibility of Bell Canada, that all Smart Home functions should be treated as telecommunications services, and that Bell Canada should be required to make those functions available.
9. The Starks noted that, subsequent to its discussions with Bell Canada, they had developed Smart Home functions themselves by using alternate suppliers. The Starks acknowledged that many of their issues involving Smart Home functions were now moot. However, the Starks were of the view that Bell Canada should still be required to make Smart Home functions available to persons who are blind.

#### **Commission's analysis and determinations**

10. The Commission notes that the communications package in question was offered by Phoenix Homes and not Bell Canada, and that no regulated telecommunications services were included in the communications package.
11. The Commission considers that Smart Home functions are not a specific service, but rather represent the integration and enhancement of various household systems, which may include telecommunications services, in order to further enhance their original functionality. The Commission considers that Smart Home functions are not directly associated with the provision of Bell Canada's regulated telecommunications services.
12. The Commission finds that, while Bell Canada has various obligations in regard to providing equipment, services, and information associated with regulated telecommunications services, the company does not have specific obligations associated with the services provided by Phoenix Homes, supplied by third parties, or in regard to Smart Home function capability.
13. In light of the above, the Commission **denies** the Starks' specific requests concerning Smart Home functions, and finds that no further action is warranted in regard to this issue.

#### **Allegations of retaliation**

##### **Positions of parties**

14. The Starks alleged that Bell Canada retaliated against them for having participated in Commission proceedings. The Starks alleged, for example, that Bell Canada delayed the installation of their basic phone service, prolonged their phone service problems, and avoided

their customer service requests as a means of retaliation. The Starks also noted that Bell Canada had placed a notification on their customer file, which referred specific requests that they made to a single point of contact, in order to, in their view, discriminate against them.

15. The Starks requested a full refund for the telecommunications services purchased from Bell Canada between 1997 and December 2001, and that the Commission impose a financial penalty upon the company.
16. Bell Canada denied the Starks' allegations of retaliation. Bell Canada indicated that the installation and phone service delays experienced by the Starks were due to technical problems commonly associated with new housing developments.
17. Bell Canada submitted that, due to the nature of their requests, the Starks' customer service expectations were not reasonable. Bell Canada indicated that the notification placed on the Starks' customer file was intended to provide them with a single point of contact who would be familiar with their requests and needs; this in turn would provide the Starks with better customer service. Bell Canada further indicated that the notification had been removed, in response to the Starks' concerns.

#### **Commission's analysis and determinations**

18. The Commission finds that the Starks have not provided substantive evidence that Bell Canada retaliated against them. In particular, the Commission considers that Bell Canada's explanations regarding the installation, service, and customer service problems experienced by the Starks are reasonable.
19. Further, the Commission considers that Bell Canada has provided a reasonable explanation with respect to the decision to place a notification on the Starks' customer file, which was not discriminatory. The Commission also considers that Bell Canada addressed the concern raised by the Starks, by removing the notification from their customer file.
20. Accordingly, the Commission concludes that no further action is warranted with respect to this issue.

#### **Operational concerns**

##### **Positions of parties**

21. The Starks raised several operational concerns and argued that Bell Canada should modify its operations in order to improve service to persons who are blind.
22. In particular, the Starks indicated that Bell Canada's Special Needs Centre was not meeting the information and accessibility needs of persons who are blind, and that Bell Canada should be required to improve this service. The Starks submitted that Bell Canada should prioritize out-of-service restoration for persons who are blind, in order to reduce their vulnerability when phone service was lost.

23. Bell Canada indicated that its Special Needs Centre informed persons with a disability about equipment that made phone usage easier; implemented discounts to services which persons with a disability were entitled; and handled calls regarding teletypewriters. Bell Canada was of the view that the services provided by the Special Needs Centre were reasonable, and that no improvements were required.
24. Bell Canada noted that, while it generally prioritized out-of-service trouble reports based on the time of the call received, it did prioritize restoration of service for persons with a disability, when the disability was noted in their records and when a request for prioritization was made. As such, Bell Canada was of the view that its method of prioritizing calls was appropriate.

#### **Commission's analysis and determinations**

25. Given the description of the services it provides, the Commission considers that the services provided by the Special Needs Centre are appropriate for facilitating access to telecommunications services by persons with a disability and that accordingly, its intervention is not warranted at this time. The Commission encourages Bell Canada to continue adapting the capabilities of its Special Needs Centre in response to its customers' needs.
26. The Commission agrees with the Starks that telephone companies should prioritize out-of-service trouble reports to persons with a disability in order to minimize the vulnerability experienced by those customers when phone service is lost. However, the Commission is of the view that Bell Canada's current methodology to prioritize out-of-service trouble reports upon request is an appropriate means to achieve this purpose. Accordingly, the Commission finds that no further action in regard to the prioritization of out-of-service trouble reports is warranted at this time.

#### **Availability and accessibility of alternative format information**

##### **Positions of parties**

27. The Starks submitted that Bell Canada did not provide information about many of its services in alternative formats. The Starks were of the view that the right to information by persons who are blind should be broad, and thus argued that Bell Canada should be required to make available, in alternative formats, all the information that it provides to its non-visually impaired customers.
28. The Starks submitted that having information about the accessibility of telecommunications services and equipment would facilitate the use of telephone services by persons who are blind. As such, the Starks argued that Bell Canada should be required to provide, in alternative format, information regarding equipment and services designed for persons who are blind, the non-visual usage of services, and the interoperability of services with adaptive technology.
29. The Starks also submitted that Bell Canada's electronic information, which included website information and electronic billing statements (e-billing), was not accessible to persons who are blind. The Starks indicated that web accessibility standards existed which would allow persons who are blind access to electronic information, and argued that Bell Canada should be required to make that information accessible as well.

30. Bell Canada submitted that the Starks were requesting information that it was not required to provide in alternative format. Bell Canada indicated that, while its Special Needs Centre was able to provide some of the information requested by the Starks, it did not have instructions or any documentation that addressed the non-visual usage of its services or their interoperability with adaptive technology.

#### **Commission's analysis and determinations**

31. The Commission notes that in *Extending the availability of alternative formats to consumers who are blind*, Telecom Decision CRTC 2002-13, 8 March 2002 (Decision 2002-13), it determined that, upon request of subscribers who are blind, Canadian carriers must make available the following information in alternative format: billing statements; bill inserts sent to subscribers about new services or changes in rates for existing services; any bill inserts that were mandated from time-to-time by the Commission; and information setting out the rates, terms, and conditions of the service. The Commission also notes that the Starks have requested that the alternative format obligations imposed on Bell Canada be expanded.
32. The Commission further notes that Bell Canada's website provides access to electronic information such as e-billing and information about new services, service modifications, rates, terms, and conditions, but that this information may not be accessible to persons with a visual disability. The Commission notes that the alternative format obligations outlined in Decision 2002-13 were specific to printed billing information and did not, at that time, contemplate electronic information.
33. The Commission considers that information regarding non-visual usage of telephone service, specialized equipment and services, and the interoperability with adaptive technology would make telecommunications services more accessible. The Commission considers that it may be reasonable to require that such information be made available to persons with a visual disability, and that the Starks have raised an important concern in this regard.
34. The Commission notes that electronic information is becoming increasingly common and, in some circumstances, is a substitute for traditional print information. The Commission considers that, when electronic information is provided to non-visually impaired subscribers, it may be reasonable to require that accessible electronic information be made available to persons with a visual disability. Accordingly, the Commission finds that the Starks have raised another important concern.
35. The Commission finds, however, that the record of this proceeding is insufficient to determine the scope, the barriers, and the consequences of expanding the existing alternative format obligations and requiring that electronic information be made accessible. Further, the Commission finds that it would be more appropriate to address these issues in the context of all local exchange carriers, rather than just Bell Canada, and in the context of persons with various disabilities, rather than just for persons who are blind.
36. The Commission notes that, in the proceeding initiated by *Review of proposals to dispose of the funds accumulated in the deferral accounts*, Telecom Public Notice CRTC 2006-15, 30 November 2006 (Public Notice 2006-15), it invited comments on proposals filed by the incumbent local exchange carriers to improve accessibility to telecommunications services for

persons with disabilities within their respective territories. It is the Commission's intention, subsequent to the issuance of a decision related to the Public Notice 2006-15 proceeding, to initiate a proceeding to address unresolved accessibility issues for persons with disabilities, including the important concerns it identified in this Decision.

37. Accordingly, the Commission finds that there may be merit in expanding the scope of alternative format obligations and requiring that electronic information be made accessible to persons with a visual disability, but it is the Commission's intention to consider these issues in the context of the future proceeding noted above.

## **General accessibility of telecommunications services**

### **Positions of parties**

38. The Starks raised a variety of concerns relating to the accessibility of Bell Canada's services by persons who are blind, including: the inappropriate reliance on technology that was dependant on sight; whether persons who are blind received equal or equitable value as sighted persons; the need for a universal design solution that would ensure that telecommunications equipment and services are accessible; the need to monitor the accessibility of telecommunications equipment and services; and the possibility of unjust discrimination.
39. Bell Canada considered that its services were accessible by persons who are blind.

### **Commission's analysis and determinations**

40. The Commission notes that the substance of the allegations made by the Starks in this proceeding with respect to the general issue of accessibility of telecommunications services by persons who are blind was also raised by the Starks in a subsequent application to the Commission dated 18 November 2001. Concurrent with the release of this Decision, the Commission is addressing the Starks' 18 November 2001 application with the issuance of *Access to certain telecommunications services by persons who are blind*, Telecom Decision CRTC 2007-20, 30 March 2007 (Decision 2007-20). In light of the overlap with regard to the issues raised in the Starks' applications, the Commission finds that the remaining accessibility issues raised in this proceeding have been sufficiently addressed within the context of Decision 2007-20.

Secretary General

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