



Telecom Decision CRTC 2017-252

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TELUS Communications Company – Show cause proceeding concerning the use of deferral account funds to improve access to telecommunications services for persons with disabilities

*The Commission **approves** the use by TCC of the remaining \$1,335,909 of deferral account funding to improve access to mobile wireless telecommunications services for persons with disabilities.*

Today's decision will increase access to accessible wireless handsets for Canadians with disabilities, as well as provide them with the product information necessary to make informed selections of wireless products and services.

Background

1. In Telecom Decision 2016-193, the Commission approved the use by TELUS Communications Company (TCC) of \$728,567 of the company's deferral account funds for initiatives that improve access to telecommunications services for persons with disabilities. However, \$1,335,909 of unallocated funds remained available in TCC's deferral account for accessibility initiatives. TCC was then directed to show cause why it should not be required to use the remaining deferral account funds for some or all of four initiatives identified by the Commission in Telecom Decision 2016-193.¹

Application

2. On 19 July 2016, TCC filed a response to the Commission's show cause directive, proposing the use of \$273,636 to finance one of the four initiatives set out in Telecom Decision 2016-193. Further, TCC committed to implementing one of these initiatives without additional funding, and submitted that the remaining two initiatives should not be offered. These initiatives are discussed in detail below.

¹ See paragraph 51 of Telecom Decision 2016-193.

3. With respect to how the remaining monies in its deferral account should be utilized (\$1,062,273), TCC put forward a proposal to finance five initiatives, which will be discussed in detail below.
4. The drawdowns requested for the show cause initiatives (\$273,636), together with the estimated funding required to implement the additional initiatives proposed by the company, total \$1,452,637, which is \$116,728 above the amount in TCC's deferral account. TCC submitted that it would cover these additional costs should the Commission approve the initiatives referenced above.
5. The Commission received interventions in August 2016 from CNIB Calgary (CNIB), Media Access Canada (MAC),² the Neil Squire Society (NSS), and one individual. Subsequent to these interventions being filed, further process was added to the proceeding to gather additional information; TCC and NSS provided this additional information on 3 October 2016. TCC also provided additional information on 2 December 2016 in response to further requests from CNIB, MAC, and NSS.
6. Then, as part of its reply comments filed in December 2016, NSS put forward an alternative initiative to use a portion of the remaining funds in TCC's deferral account. TCC replied that this new proposal was filed very late in the course of the current proceeding, and, as such, did not provide interested parties with an opportunity to further explore the proposal. In addition, because it would be a participant and partner in this proposal, TCC submitted that it had been deprived of the opportunity to test the viability and potential value of NSS's proposal. Accordingly, TCC submitted that this proposal should not be considered as a part of the record of this proceeding.
7. Given that NSS's proposed initiative was filed late in the process for this proceeding, all parties to the proceeding were provided with an additional opportunity to comment on the initiative. No party to the proceeding provided comments on NSS's proposed initiative. In particular, TCC did not comment on the merits of NSS's proposal in its final reply filed in March 2017, reaffirming its position that the proposal should not be considered as part of the record of this proceeding.
8. The Commission considers that, while NSS's proposed initiative was introduced late in the process for this proceeding, the time added to the process provided all parties to the proceeding, including TCC, with sufficient opportunity to comment on NSS's proposal. As such, the Commission finds that NSS's proposed initiative should be considered as part of the record of this proceeding.

² Rather than provide comments on each specific initiative proposed by the company, MAC provided general comments on whether the company had adequately consulted with advocacy groups. MAC submitted that, while it is clear that the projects proposed by TCC may encourage improved access to Canadians with disabilities, it could not support them because it did not consider that TCC had sufficiently consulted with advocacy groups for persons with disabilities. MAC submitted that TCC should work with it to establish a consultation group that would conduct formal consultations with groups advocating on behalf of persons with disabilities.

9. The public record of this proceeding, which closed on 16 March 2017 with the filing of TCC's final reply noted in paragraph 7 above, is available on the Commission's website at www.crtc.gc.ca or by using the file number provided above.

Issues

10. The Commission has identified the following issues to be addressed in this decision:

- Should TCC be required to use its remaining deferral account funds for the four initiatives identified in Telecom Decision 2016-193?
- Do TCC's alternative proposed initiatives meet the criteria for the use of deferral account funds?
- Does NSS's proposed initiative meet the criteria for the use of deferral account funds?
- How should the funding of deferral account initiatives be prioritized?

Should TCC be required to use its remaining deferral account funds for the four initiatives identified in Telecom Decision 2016-193?

11. The Commission identified four initiatives in its show cause directive to TCC.³ These four initiatives are as follows:

- offer and support a smartphone with Universal Serial Bus On-the-Go (USB OTG) technology for at least five years (e.g. Samsung Galaxy S4). This smartphone should include the full Human Interface Device (HID) profile, which provides support for the connection of a wide variety of input devices such as mice, keyboards, and joysticks;
- offer a lower-price, easy-to-use wireless phone for blind persons for at least five years. This phone should offer a tactile, physical keyboard and would act as an alternative to the iPhone (whose touch screen is not accessible for persons who are blind);
- offer Code Factory's Mobile Accessibility Application (Code Factory App) with a compatible smartphone packaged as a lower-priced bundle for at least five years;⁴ and
- offer Tecla Access Solution (Tecla)⁵ and a compatible smartphone packaged as a lower-priced bundle for at least five years.⁶

³ These initiatives have previously been deemed appropriate uses of deferral account funds by the Commission, having met the criteria outlined in paragraph 32 of this decision.

⁴ See Appendix A of Telecom Decision 2014-527 for further details concerning the Code Factory App.

Offer and support a smartphone with USB OTG technology for at least five years

12. TCC supported this initiative, and proposed to add USB OTG with an HID profile to its list of accessibility features that the company audits its wireless handsets against to ensure the company communicates this need to equipment manufacturers. TCC indicated that it also plans to include this feature and a list of the company's wireless mobile devices that support it in the Accessibility portion of its website.
13. TCC submitted that it does not require deferral account funding to implement this initiative, noting that many of the smartphones in its current inventory for sale already meet the requirement to support USB OTG technology.
14. NSS supported this initiative, but submitted that TCC should report yearly on (i) how this information is communicated to manufacturers; (ii) what information is communicated; and (iii) to which manufacturers this information is communicated in order to ensure that accessibility product specifications are making it into procurement documents. Subsequent to NSS's filing, TCC committed to report this information yearly as part of its deferral account annual report.
15. Noting the company's commitment to implement this initiative without the use of any deferral account funding, the Commission **approves** this initiative for the company to offer and support a smartphone with USB OTG technology for at least five years. In so doing, the Commission acknowledges TCC's willingness to report yearly on how the need for this technology is being communicated to equipment manufacturers, and to which manufacturers this information is being communicated to.

Offer a lower-price, easy-to-use wireless phone for blind persons for at least five years

16. In supporting this initiative, TCC committed to working with one or more major handset manufacturers to offer a lower-price, easy-to-use wireless phone for persons with visual impairment for at least five years. This device will include a built-in screen reader, a tactile, audible and physical keypad, as well as an adjustable font size. TCC estimated the cost to procure, offer, and support this initiative for five years to be \$273,636.
17. CNIB encouraged the Commission to approve TCC's request for the use of \$273,636 in deferral account funding to support this initiative. However, it did express concern that TCC had not yet identified a specific product.
18. Given the benefit of this proposal to persons with disabilities in accessing telecommunications services, the Commission **approves** TCC's request to draw down deferral account funds by \$273,636 for this initiative.

⁵ See Appendix A of Telecom Decision 2014-527 for further details concerning the Tecla Access Solution.

⁶ In Telecom Decision 2016-193, the Commission indicated that this initiative should include the provision of technical support to TCC's customers who use Tecla Access Solution.

19. To address CNIB's concern that TCC has not yet identified a specific device to fulfill this requirement, the Commission **directs** TCC to report on the type of device it will offer to support this initiative within **30 days** of the date of this decision.

Offer Code Factory App with a compatible smartphone packaged as a lower-priced bundle for at least five years

20. The Code Factory App provides a suite of screen-reading tools for Android smartphones that are distinct from those that reside on the Android phone.
21. TCC submitted that several similar apps are now available on the market for free, and that many devices now include built-in accessibility features similar to the Code Factory App.⁷ Further, TCC noted that Bell Canada offers the Code Factory App at \$5 per licence across Canada. As such, TCC indicated that it does not propose to implement this initiative.
22. NSS submitted that although many features of the Code Factory App are now built in to many mobile devices, there may still be users that prefer the Code Factory App, even if the number of those users may be small.
23. TCC replied that, due to the small amount of potential customers that the Code Factory App would benefit, it is of the view that allocating deferral account funds to this initiative would deprive customers with disabilities from the benefits of other solutions.
24. The Commission considers that, given the functionality of the built-in accessibility features in today's smartphones and the availability of the Code Factory App at a discounted price from Bell Canada, there is no need to allocate deferral account funds to this initiative.
25. In light of the above, the Commission **approves** TCC's request not to offer the Code Factory App with a compatible smartphone packaged as a lower-priced bundle for at least five years, and therefore does not require TCC to use its deferral account funds for this initiative.

⁷ In support of its position that many accessibility features included in the Code Factory App are now built into many devices, TCC submitted a comparison study conducted by the Inclusive Design Research Centre of the built-in accessibility features of two smartphone models (iPhone 6s and Samsung Galaxy S7 with no additional accessibility application installed), and a Samsung Galaxy S7 with the Code Factory App installed. The study demonstrated that it was possible to perform all tasks using the built-in Voice Assistant (iPhone 6s) and S-Voice (Samsung Galaxy S7) on all usability tests for a person who identifies as legally blind. The study further revealed that some aspects of the Code Factory App did not function as expected, and confirmed that built-in features on various Android smartphones provide the same or better levels of service as the Code Factory App.

Offer Tecla Access Solution and a compatible smartphone packaged as a lower-priced bundle for at least five years

26. In TCC's view, demand for a solution such as Tecla will decrease as a result of the introduction of built-in switch access features. As such, TCC indicated that it does not propose to implement this initiative. In support of this position, TCC submitted that Android and Apple iOS introduced built-in Alternate Input Device support which allows users to control all aspects of their wireless handset user interface with an alternate input device such as one that might control an electric wheelchair. TCC indicated that this was confirmed in its device audits.
27. NSS submitted that, in recent years, alternate solutions to Tecla have emerged which work in conjunction with the recent accessibility technology built into some mobile devices and provide comparable access. While these alternate devices only allow for one or two switches, this is enough to satisfy most users. On the other hand, NSS further submitted that the intention of supporting the Tecla proposal was to provide affordable access to solutions for persons with mobility impairments, and the alternate solutions may still create an economic barrier to persons with disabilities.
28. TCC replied that it had met with healthcare professionals from the GF Strong Rehabilitation Centre; these professionals indicated that the use of Tecla has declined over the last two to three years, and that Tecla uses Bluetooth pairing, which can cause difficulty for users who cannot reconnect the device if the pairing is dropped.
29. The evidence presented by the company indicates that the advent of new technologies has allowed other means for mobile device users with mobility impairments to use their devices. Additionally, with regard to NSS's argument that the Tecla proposal was to reduce economic barriers to service, Bell Canada currently offers Tecla at a reduced cost for those who wish to acquire it, an initiative funded through its deferral account. As such, the Commission considers that there is no need to allocate TCC's deferral account funds to this initiative.
30. In light of the above, the Commission **approves** TCC's request not to offer Tecla Access Solution and a compatible smartphone packaged as a lower-priced bundle for at least five years, and therefore does not require TCC to use its deferral account funds for this initiative.

Do TCC's alternative proposed initiatives meet the criteria for the use of deferral account funds?

31. In light of TCC's response to the initiatives outlined in Telecom Decision 2016-193, i.e., (i) implement one of the initiatives at no cost, (ii) implement one of the initiatives using \$273,636 of deferral account funds, and (iii) not implement the other two initiatives, \$1,062,273 would remain in the company's deferral account. As such, TCC put forward five initiatives for approval as alternatives for utilizing the funds remaining in its deferral account. These five initiatives are as follows:

- Wireless Device Accessibility Audits;
- Wireless Device Accessibility Guidelines;
- Accessibility Standards and Guidelines for TCC apps;
- Persons with disabilities – Customer insights; and
- Retail stores – Accessible product information

32. In order for the Commission to approve an initiative for funding from the company's deferral account funds, the initiative must meet the requirements set out in Telecom Decisions 2006-9 and 2008-1, which establish the criteria for deferral account funds. These criteria are as follows:

- the initiative must improve accessibility to telecommunications services for persons with disabilities,
- the incumbent local exchange carrier (ILEC) must consult with advocacy groups for persons with disabilities,
- drawdowns from the ILEC's deferral account are to be applied within its own territory, and
- the initiatives must be competitively neutral.⁸

33. Each of the five alternative proposals put forward by TCC are discussed in detail below, and have been assessed based on the above-referenced criteria. The approved amounts for deferral account drawdowns for any of these initiatives will be set out in a separate section of this decision dealing with the prioritization of deferral account initiatives.

Wireless Device Accessibility Audits

34. TCC proposed to use a portion of the remaining funds in its deferral account to cover the costs associated with future accessibility audits of its wireless handsets. In support of this proposal, the company noted that the Commission, in Telecom Decision 2016-193, had approved a drawdown of its deferral account funds to cover two separate Wireless Device Accessibility Audits. TCC submitted that the results of those audits guided the company to implement improvements to the way it serves its customers with disabilities.

⁸ In Telecom Decision 2006-9, the Commission reiterated that the initiatives must be competitively neutral, which was a principal element of the objectives set out in the decisions which created deferral accounts (Telecom Decisions [2002-34](#) and [2002-43](#)), and should be balanced against all relevant factors when evaluating deferral account proposals. Further, the Commission determined that where an initiative is not competitively neutral, it is necessary to consider whether there is nevertheless a rationale for its approval.

35. TCC indicated that, as part of its ongoing commitment to its customers with disabilities, it has committed to engage the Inclusive Design Research Centre (IDRC) of OCAD University⁹ to complete two audits a year for four years, beginning in 2017. Under TCC's proposal, a drawdown of its deferral account in the amount of \$139,488 would be required for this initiative.
36. No parties to the proceeding commented on this proposal.

Commission's analysis and determinations

37. The Commission notes that it approved a similar initiative proposed by TCC in the proceeding that led to Telecom Decision 2016-193, and that this information was then made public on the company's website through its handset selector tool, which will allow customers with disabilities to browse the types of devices that meet their accessibility requirements. The Commission considers that further Wireless Device Accessibility Audits would allow for TCC's device selector tool to remain up-to-date in order to provide customers with disabilities with continued access to current information about the accessibility capabilities of the company's device inventory. This information will serve to improve access to telecommunications services for persons with disabilities.
38. With regard to whether TCC consulted with advocacy groups, the company, in using the IDRC of OCAD University to perform the Accessibility Audits of its devices, engaged a research and development centre where a community of developers, designers, researchers, and advocates work in collaboration to ensure that information and communication technologies (ICTs) are designed inclusively. Additionally, TCC pointed out that this proposed initiative supports a recommendation made in a 2014 letter from NSS to the company expressing a need for accessible mobile devices. As such, the Commission is satisfied that TCC has consulted with advocacy groups in the development of this initiative.
39. With respect to the guideline that drawdowns to the deferral account are to be applied within the company's incumbent operating territory, the Commission notes that this initiative would be applied outside of the company's traditional serving territory, and thus normally would not meet this criterion. However, the Commission has granted an exception to this guideline in past decisions, most recently in Telecom Decision 2016-193. In that decision, the Commission considered it appropriate to grant TCC an exception to this criterion for its Wireless Device Accessibility Audits so that customers with disabilities, across the country, could benefit from improved information concerning the accessibility of the company's mobile wireless handsets.
40. The Commission considers that this proposed initiative that relates to Wireless Device Accessibility Audits would similarly benefit persons with disabilities across Canada, and thus the exception to this criterion should be upheld in this case.

⁹ Formerly the Ontario College of Art and Design

41. This initiative (i) focuses solely on informing consumers about TCC's offered phones, and (ii) will not result in additional handsets being provided. As such, the Commission has no competitive neutrality concerns with this particular proposal.
42. In light of the above, the Commission **approves** TCC's request to draw down deferral account funds for its initiative to perform Wireless Device Accessibility Audits.

Wireless Device Accessibility Guidelines

43. TCC (with the IDRC) undertook to create an internal Wireless Device Accessibility Guidelines document based on a list of 29 accessibility features and 11 use cases (or accessibility personas¹⁰). The guidelines are intended to provide guidance in future discussions between TCC and equipment manufacturers during the procurement process, which includes a checklist of accessibility features, plus one or more tests to assist in determining whether the accessibility feature is present on the device. Under TCC's proposal, a drawdown of its deferral account in the amount of \$20,169 would be required for this initiative.
44. NSS expressed concern that TCC's proposal does not contain the same level of testing of accessibility features as is necessary to determine if a device truly is accessible.

Commission's analysis and determinations

45. The development of an internal Wireless Device Accessibility Guidelines document would help TCC to maintain accessible devices in its mobile handset inventory and would be in line with the Commission's Accessibility Policy,¹¹ which considered that wireless service providers should offer and maintain at least one type of wireless mobile handset that will provide access to persons with visual impairment and/or have moderate-to-severe mobility or cognitive disabilities.
46. With regard to whether TCC consulted with advocacy groups, many of the consultations that the company has cited for this proposal are consultations it had with NSS. However, NSS cited concerns on the record of this proceeding that the testing undertaken during the development of TCC's guidelines was insufficient to determine the true accessibility of the devices. Further, NSS submitted its own procurement initiative on the record of this proceeding (NSS's proposal is discussed in detail later in this decision).
47. Given NSS's concerns with the company's proposed initiative, and that NSS's alternate proposal clarifying the need for a more robust procurement strategy differs significantly from what TCC is proposing, the Commission considers that TCC did not adequately consult with advocacy groups in the preparation of this initiative in order to gain a full understanding of the issue it is attempting to address.

¹⁰ Personas are hypothetical archetypes of actual users. They are not real people, but they represent real people during the design process.

¹¹ See Broadcasting and Telecom Regulatory Policy 2009-430.

48. Accordingly, the Commission **denies** TCC's request for a deferral account drawdown to cover the costs associated with its initiative related to Wireless Device Accessibility Guidelines.

Accessibility Standards and Guidelines for TCC apps

49. For this initiative, TCC engaged the IDRC and an independent accessibility consultant to perform two mobile app accessibility evaluations (for both Android and Apple iOS devices). TCC then engaged Summit-Tech (a third-party external app vendor) to work with it to design, build, and test accessibility features in a Beta version TELUS app. Based on this exercise, TCC created App Accessibility Standards and Guidelines, which now form part of the corporate digital review process. Under TCC's proposal, a drawdown of its deferral account in the amount of \$92,500 would be required for this initiative.
50. CNIB submitted that it underwent brief user testing of TCC's apps, and is pleased to see that most of them are accessible using voiceover software. Recognizing that accessible app development represents a fundamental shift within corporate culture, CNIB supported TCC's proposed use of deferral account funds to improve mobile applications for persons with significant sight loss. However, CNIB pointed out that Android and Apple iOS both have an abundance of accessibility guidelines on how to develop accessible apps for persons with disabilities.

Commission's analysis and determinations

51. Mobile apps have not traditionally been considered a telecommunications service. However, the apps cited by the company in this proposal, e.g., the TELUS My Account App, are used by customers to access information related to telecommunications services, such as monthly bills or monthly usage limits. The Commission considers that such apps provide an access gateway to a customer's telecommunication services, and the development of accessibility standards and guidelines for these apps would increase the accessibility of them for persons with disabilities. As a result, this initiative would improve access to telecommunications services for persons with disabilities.
52. This initiative was developed as a result of discussions which occurred at the CRTC Technical Roundtable Event in June 2015, which indicated that a focus on the development of more accessible apps was needed. TCC also engaged the IDRC to consult on this project. The Commission is satisfied that TCC consulted with advocacy groups in the development of this initiative.
53. With respect to the guideline that drawdowns to the deferral account are to be applied within the company's incumbent operating territory, the Commission takes a similar stance as described above in the analysis for TCC's Wireless Device Accessibility Audits proposal, and considers that customers with disabilities, across the country, could benefit from increased app accessibility.

54. The Commission's Accessibility Policy requires telecommunications service providers and broadcasting distribution undertakings to improve the accessibility of the information, service, and support they offer to Canadians. However, the Commission considers that the creation of standards and guidelines for TCC applications goes beyond this requirement. As such, this initiative does not raise any competitive neutrality issues.
55. Accordingly, the Commission **approves** TCC's request to draw down deferral account funds to cover the costs associated with its initiative related to Accessibility Standards and Guidelines for TCC apps.

Persons with disabilities – Customer insights

56. TCC submitted that it is committed to using customer insights to drive greater accessibility of its products and services. With this in mind, TCC hired a consultant, [the Return on Disability Group](#), to engage 12 persons with disabilities from local universities to conduct market research using the Lead User Method.¹² This research led to a report (the Retail Insights Report)¹³ which indicated areas of improvement related to accessibility for TCC's customer service and retail stores. Under TCC's proposal, a drawdown of its deferral account in the amount of \$92,250 would be required for this initiative.
57. CNIB questioned the merits of the study leading to TCC's Retail Insights Report, citing that the demographic selected for the study is not consistent with the population that should benefit from deferral account expenditures. Further, CNIB argued that the \$100 allotment given to each participant in the study to use in the store would not allow shoppers to actually complete a mobile device purchase, but rather would be limited to the purchase of accessories. CNIB also questioned the merit of a sample size of 12 participants.
58. NSS also questioned the validity of the study leading to the Retail Insights Report given its small sample size, short time frame, and significant cost. NSS submitted that it was concerned at how representative the study participants were in regards to reflecting the needs of a broad cross-section of persons with disabilities.
59. In response to these concerns, TCC stated that the study was a consumer insights review, which constitutes direct consultation with its retail customers and uses real world experiences to inform its deferral account proposal. Concerning the claim that \$100 was insufficient for participants to test the mobile device purchasing process, TCC submitted that the study was intended to test the customers' overall experience, which did not have to include the purchase of a device.

¹² The Lead User Method is a market research tool that may be used by companies and/or individuals seeking to develop breakthrough products. In contrast to the traditional market research techniques that collect information from the users at the centre of the target market, the Lead User Method collects information about both needs and solutions from the leading edges of the target market and from analogue markets.

¹³ An abridged version of this report was filed by TCC as Appendix B of its submission; this abridged version was filed by the company on 2 September 2016.

Commission's analysis and determinations

60. The study cited in this initiative explores the experience of persons with disabilities in navigating a telecommunications store, however, it does not explore the experience of persons with disabilities in accessing telecommunications services. Each participant in the study was given \$100 in order to test out the retail experience of a TCC store. The Commission is of the view that \$100 is not enough funds to be able to test the experience of purchasing a mobile device or telecommunications service, but rather provides enough funds for participants to purchase device accessories, consistent with the submissions of NSS. Further, the Commission notes that not one participant purchased an actual telecommunications service as part of the study, but focused instead on in-store items such as headphones, device cases, and a backpack.
61. The purpose of deferral account funds is to improve access to telecommunications services for persons with disabilities; the Commission considers that this was not explored as part of this study, and as such this initiative does not meet this criterion for deferral account funding. Accordingly, the Commission **denies** TCC's request for a drawdown of deferral account funds to cover the costs associated with its initiative related to Persons with disabilities – Customer insights.

Retail stores – Accessible product information

62. As a follow-up to the recommendations in the Retail Insights Report, TCC proposed an initiative for deferral account funding that would involve major new technology and customer service enhancements. This would include the introduction of Near Field Communications (NFC)¹⁴ technology; this, in the company's view, would allow customers to be more self-sufficient in stores by allowing them to gather information without waiting for a customer service representative to be available. TCC submitted that the availability of this technology in stores would be promoted using accessible means. Under TCC's proposal, a drawdown of its deferral account in the amount of \$834,593 would be required for this initiative.
63. CNIB submitted that if TCC were to invest deferral account funds into a customer service initiative, those funds would be better spent training call centre agents to help customers with disabilities. Further, CNIB expressed concern with allocating deferral account funds to enable NFC technology, in that it may not be compatible with lower-end affordable mobile devices, and questioned whether the information provided through NFC technology will be accessible.
64. MAC submitted that a considerable range of accessibility barriers exist for consumers with disabilities, many of which do not involve the retail buying experience. It questioned whether there is enough evidence to suggest that the lack of availability of accessible information in stores was a significant enough barrier to justify the expenditure of such a large amount of deferral account funds.

¹⁴ NFC technology is a form of contactless communication between devices.

65. NSS expressed concern with using deferral account funds to introduce NFC to TCC's stores. It claimed that many NFC systems require an updated smartphone with an NFC-enabled subscriber identity module (SIM), meaning that users would have had to upgrade their devices within the last year. Further, NSS submitted that it was unclear why the implementation of NFC is only applicable to persons with disabilities, as it appears to be a technology that would be applicable to all consumers; if this is the case, NSS submitted that it could not support this initiative.

Commission's analysis and determinations

66. With respect to whether this initiative improves accessibility to telecommunications services, many of the elements proposed as part of this initiative, such as the introduction of NFC, would likely benefit TCC's customers with disabilities. However, the Commission concurs with NSS's position that these updates would likely also be advantageous to TCC's customer base as a whole.

67. Further, the Commission considers that the Retail Insights Report on which this initiative is based did not explore issues related to accessing telecommunications services for persons with disabilities, but rather focused on the retail experience of persons with disabilities. The Commission considers that the results of this study cannot be used as justification for in-store modifications, as they do not pertain to increasing the accessibility of telecommunications services for persons with disabilities.

68. Finally, the Commission acknowledges MAC's argument that persons with disabilities face many barriers to accessing telecommunications services, and notes that TCC has not submitted evidence on the record of this proceeding that the retail shopping experience is among the top barriers.

69. The purpose of deferral account funds is to improve access to telecommunications services for persons with disabilities; the Commission considers that this was not explored as part of this study, and as such this initiative does not meet this criterion for deferral account funding. Accordingly, the Commission **denies** TCC's request for a drawdown of deferral account funds to cover the costs associated with its initiative related to Retail stores – Accessible product information.

Does NSS's proposed initiative meet the criteria for the use of deferral account funds?

70. As noted earlier in this decision, NSS put forward an alternative initiative to use a portion of the remaining funds in TCC's deferral account. Specifically, NSS's proposed Solutions for Wireless Platforms initiative for deferral account funding would involve launching a pilot program in British Columbia utilizing the expertise and networks of NSS and the Tetra Society of North America (Tetra).¹⁵ In NSS's view, the pilot program, which would be conducted with the assistance of TCC,

¹⁵ The Tetra Society is a non-profit organization in Vancouver, British Columbia, that recruits skilled volunteers to create customized assistive devices for persons with physical disabilities.

would (i) provide practical information and hands-on technical support to persons with disabilities in British Columbia, and (ii) provide feedback and reports to TCC to better support the company's procurement process.

71. As outlined by NSS, the pilot program would deliver the following:

- a compatibility guide – for using products across the spectrum of assistive technologies;
- a Procurement Guide;
- best practices – development of practical insights for technical support services;
- connection to Tetra's volunteer network to help support persons with disabilities receive and appropriately set up their mobile device and any related assistive technology; and
- a support hotline – for TCC sales agents, distributors, and clients.

72. Under NSS's proposal, a drawdown of TCC's deferral account in the amount of \$900,000 would be required for this initiative.

73. Given that NSS's proposed initiative was filed late in the process for this proceeding, all parties to the proceeding were provided the opportunity to comment on the initiative. While no party to the proceeding provided comments on NSS's proposed initiative, the time added to the process provided all parties to the proceeding with sufficient opportunity to comment on NSS's proposal.

Commission's analysis and determinations

74. Many mobile devices now have accessibility features built-in, or are compatible with external hardware devices required to make the device accessible. However, persons with disabilities, in general, have little awareness of these potential solutions and rarely have the technical knowledge to implement the complete end-to-end solution on their own.

75. More specifically, the Commission notes that many wireless service providers have undertaken to offer plans and services that serve the needs of their customers with disabilities; however, persons with disabilities are not always aware of their offerings. While telecommunications service providers are required under the Accessibility Policy to promote information on all of their disability-specific products and services, they often do not promote these products and services to the same extent as mainstream services, often including them on the Accessibility portion of their website with few details in order to discourage the general customer base from selecting these services. The Commission is of the view that this lack of promotion contributes to a knowledge gap.

76. The Commission considers that NSS's proposal would aid in addressing this knowledge gap by providing information and hands-on assistance to TCC's customers with disabilities in British Columbia in order to customize their device to their needs. It would further aid in creating a direct line to customers with disabilities, so that products and services created for them can be marketed and sold directly to them.
77. Additionally, the Commission notes that, outside of the company's initiative related to Wireless Device Accessibility Guidelines outlined above, TCC does not appear to currently have a procurement strategy in place to acquire accessible mobile devices. TCC currently relies on Accessibility Audits performed by the IDRC to determine if the handsets that they carry are accessible; however, it does not have a 'feedback mechanism' to ensure that the devices it carries are fulfilling the needs of its customers with disabilities. The Commission considers that this feedback mechanism, and the subsequent Procurement Guide, would greatly help TCC in procuring accessible mobile devices for its customers with disabilities.
78. With respect to the issue of consulting advocacy groups, the Commission notes that NSS is itself a national not-for-profit organization that for over 30 years has removed barriers for Canadians with disabilities through the use of computer-based assistive technologies, research and development, and employment programs. Further, the record of this proceeding showed that NSS has discussed the above-noted technology access issues with over ten community-based organizations over the last seven years. As such, the Commission is satisfied that NSS has consulted with advocacy groups in the development of this initiative.
79. Under NSS's proposal, this initiative would only be available in British Columbia, thus satisfying the criterion that the drawdown from the company's deferral account would be applied in TCC's incumbent operating territory.
80. There are currently no requirements for wireless service providers to offer hands-on customer service to its customers with disabilities or to create procurement strategies. The Commission considers that approving this initiative would not give rise to any competitive neutrality issues.
81. In light of the above, the Commission **approves** NSS's request to draw down deferral account funds for its Solutions for Wireless Platforms initiative.

How should the funding of deferral account initiatives be prioritized?

82. The Commission notes that if it approves deferral account drawdowns for all of the approved initiatives as determined above, TCC's deferral account will be overdrawn by \$69,715. As a result, not all of the deferral account initiatives considered in this proceeding which meet the criteria for funding can be completed with the funds remaining in the company's deferral account. In order to address this situation, the Commission considers that funding to one or more of the initiatives approved in this decision must be reduced by that amount.

83. One solution in this regard would be to reduce the number of audits set to be completed as part of the company's Wireless Device Accessibility Audits. The Commission notes that these audits, which are currently set to begin in 2017 and continue for four years, is an initiative that TCC has previously drawn down deferral account funds for.¹⁶ Further, the NSS initiative will provide a similar outcome to the company through the development of a Procurement Guide, which will result in improved information to consumers with disabilities about how specific devices meet their needs. The Commission considers that by approving \$69,773¹⁷ for TCC's Wireless Device Accessibility Audits initiative rather than the full requested amount of \$139,488, the company should be able to conduct audits for approximately two years, until such a time that NSS's proposal has begun and the results of its Procurement Guide and product ratings are available.
84. Accordingly, the Commission **approves** the use of \$69,773 of deferral account funding for TCC's Wireless Device Accessibility Audits initiative. The requested deferral account drawdowns for the remaining initiatives approved in this decision are **approved**.

Reporting

85. Consistent with its directions to Bell Canada in Telecom Decisions 2014-527 and 2015-563, the Commission **directs** TCC to report to it, as follows, with respect to the initiatives approved in this decision:
- within **30 days** of the date of this decision, the date on which TCC would begin the implementation of each of the initiatives approved by the Commission in this decision, and
 - **beginning in 2018** and until the deferral account funds are fully utilized, an annual report, by **31 March** each year, with details regarding the initiatives implemented in the previous year and lifecycle matters.

Summary of the Commission's determinations

86. A summary of the Commission's determinations is set out in the Appendix to this decision.

Secretary General

Related documents

- *TELUS Communications Company – Further proposals for the use of deferral account funds to improve access to telecommunications services for persons with disabilities*, Telecom Decision CRTC 2016-193, 20 May 2016

¹⁶ See paragraph 24 of Telecom Decision 2016-193.

¹⁷ \$139,488 (cost requested by TCC for the initiative) – \$69,715 (amount deferral account is overdrawn)

- *Bell Canada and Bell Mobility Inc. – Show cause proceeding concerning the use of deferral account funds to improve access to telecommunications services for persons with disabilities*, Telecom Decision CRTC 2015-563, 21 December 2015
- *Bell Canada and Bell Mobility Inc. – Further proposals for the use of deferral account funds to improve access to telecommunications services for persons with disabilities*, Telecom Decision CRTC 2014-527, 8 October 2014
- *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 2017-252

Summary of the Commission's determinations in this decision with respect to the use of the \$1,335,909 remaining in TCC's deferral account for accessibility initiatives

Initiative	Proposed deferral account drawdown (\$)	Commission's determination
Offer and support a smartphone with USB OTG technology for at least five years	0	Approved
Offer a lower-price, easy-to-use wireless phone for blind persons for at least five years	273,636	Approved
Not to offer Code Factory App with a compatible smartphone packaged as a lower-priced bundle for at least five years	n/a	Approved
Not to offer Tecla Access Solution and a compatible smartphone packaged as a lower-priced bundle for at least five years	n/a	Approved
Wireless Device Accessibility Audits	139,488	Approved in part (approved amount of drawdown reduced to \$69,773)
Wireless Device Accessibility Guidelines	20,169	Denied
Accessibility Standards and Guidelines for TCC apps	92,500	Approved
Persons with disabilities – Customer insights	92,250	Denied
Retail stores – Accessible product information	834,593	Denied
Solutions for Wireless Platforms (proposed by NSS)	900,000	Approved

Approved amounts are shown in bold. The total of all approved initiatives is \$1,335,909.