



Telecom Notice of Consultation CRTC 2017-33

PDF version

Ottawa, 2 February 2017

File number: 1011-NOC2017-0033

Call for comments

Review of the regulatory framework for text-based message relay services

Deadline for submission of interventions: 3 April 2017

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

Introduction

1. Message relay services (MRS) are text-to-voice services that enable people with a hearing or speech disability to make and receive telephone calls. The Commission currently requires wireline telephone service providers to offer two types of MRS: Teletypewriter (TTY)¹ and Internet Protocol (IP)² relay services. In this notice, the term “MRS” refers to both TTY and IP relay services.
2. In this proceeding, the Commission is examining the regulatory framework for MRS. Specifically, the Commission is asking for comments on how MRS could evolve to respond to users’ needs in today’s market, whether the services remain relevant in light of current trends and innovations, which service providers should be required to provide such services, and how such services should be funded, among other things.
3. The present call for comments does not concern the provision of Video Relay Service (VRS), which is not based on text, but on sign language.

Background

4. The Commission has, over the years, taken a number of decisions intended to promote the accessibility of telecommunications services to people with hearing or speech disabilities. The Commission determined that Canadians with disabilities should have equitable opportunities to communicate as other users of telephone services. It also recognized that relay services provide persons with hearing or speech disabilities with the technical means to communicate via a telephone call with other telephone users.

¹ See Telecom Decision 85-29.

² See Broadcasting and Telecom Regulatory Policy 2009-430.

5. Accordingly, the Commission currently requires wireline telephone service providers to offer both TTY and IP relay services 24 hours a day, 7 days a week. However, wireless service providers (WSPs) are generally not required to provide MRS.
6. In a TTY relay call, the relay operator communicates with the person with a hearing or speech disability via a TTY and with the person without a hearing or speech disability via voice. The person with a disability accesses the service by using a TTY connected to wireline telephone service. The person without a disability dials a toll-free number to reach the relay operator using any telephone service.
7. In an IP relay call, the relay operator communicates with the person with a hearing or speech disability via text and the person without a hearing or speech disability via voice. The person with a disability accesses the service by using any device capable of Internet access to reach the relay provider's website and/or text messaging application to reach the relay operator. The person without a disability dials a toll-free number to reach the relay operator using any telephone service.
8. Wireline telephone service providers can meet their obligation to offer MRS to their retail customers by
 - providing the services themselves;
 - purchasing MRS on a wholesale basis from an incumbent telephone service provider (also referred to as "incumbent local exchange carriers" [ILECs]), such as Bell Canada, MTS Inc., Saskatchewan Telecommunications, or TELUS Communications Company (TCC); or
 - hiring a third-party call centre to provide the services.
9. As discussed below, Canada's incumbent telephone service providers are required to offer MRS to their wireline customers on a retail basis and to make MRS available to other (i.e. non-incumbent) telephone service providers on a wholesale basis. To fund the provision of MRS, the incumbent telephone service providers are subject to tariffed retail and wholesale rates that the Commission set during the 1990s and has not adjusted since then.

MRS issues raised in past proceedings

10. In recent years, several individuals, consumer advocacy groups, and accessibility groups have raised concerns with the Commission regarding the quality of service of MRS.
11. For example, as part of the proceeding leading to the Commission's decision to mandate the provision of VRS in Canada (the VRS decision),³ several interveners expressed concerns regarding the quality of service of MRS. Many similar concerns

³ See Telecom Regulatory Policy 2014-187.

were echoed on the record of the Commission's proceeding to review basic telecommunications services, initiated in Telecom Notice of Consultation 2015-134, and the MRS information-gathering exercise (described below).

12. The record of the VRS proceeding also indicated that between 2008 and 2012, aggregate annual revenues collected by the major telecommunications service providers (TSPs)⁴ across Canada for the provision of MRS exceeded the amount required to provide MRS to customers.⁵
13. The Commission noted in the VRS decision that issues related to MRS were outside the scope of the VRS proceeding, and that it would consider whether a review of MRS was appropriate at a later date.

MRS information-gathering exercise

14. Following the issuance of the VRS decision, the Commission began an MRS information-gathering exercise, consisting of two parts:
 - (i) issuing [requests for information](#), in May 2014, February 2015, and June 2015, to the major TSPs that offer wireline telephone service so that the Commission could obtain relevant financial and call data related to the provision of MRS; and
 - (ii) conducting an [online consultation](#) in June 2015 to understand what consumers need and expect from MRS.
15. In the requests for information, the major TSPs were asked to commence measuring, by 1 September 2014, data for certain indicators related to MRS, such as number of calls, wait times, call duration, calls abandoned, number of users, operator hours, and expenditures. The major TSPs were later asked to submit data for all specified indicators. Notably, the major TSPs' information indicated, among other things, that between 2008 and 2014, overall MRS call volumes declined each year. Specifically, decreases in TTY relay call volumes during that period were not being offset by increases in IP relay call volumes.
16. Responses to the online consultation revealed concerns with respect to the quality of service provided by relay operators, long waits to reach a relay operator, the technical quality of MRS, the lack of awareness of MRS among consumers of telecommunications services, the lack of mobile platforms for IP relay, the requirement to subscribe to a wireline telephone service to access IP relay; and many businesses/agencies refusing to accept relay calls (mainly due to privacy concerns).

⁴ In this case, "major TSPs" refers to incumbent telephone service providers and large competitive local exchange carriers such as Rogers Communications Canada Inc. and Videotron G.P.

⁵ .Commission-approved tariffed monthly rates for MRS are based on Phase II costs plus a markup. The markup is approximately 10% for retail MRS and 25% for wholesale MRS.

Call for comments

17. The Commission hereby initiates a proceeding to examine the regulatory framework for MRS. The Commission invites comments, with supporting rationale, on the following issues:

- Quality of service of current MRS offerings;
- Accessing MRS from wireless devices;
- Awareness of MRS;
- Future of MRS in Canada;
- Appropriateness of the current regulatory framework; and
- Appropriateness of the current tariffed rates.

18. The present call for comments concerns the provision of currently mandated text-based relay services (i.e. MRS) only, and not the following:

- other text-based products (e.g. CapTel and Speech-to-Speech relay); or
- the provision of VRS. As noted in the VRS decision, a comprehensive review of VRS is to be completed three years after the service became operational.

Quality of service of current MRS offerings

In order to provide the intended benefits to consumers with a hearing or speech disability, as well as to consumers who have no such disabilities (referred to as “voice users”), MRS must be of sufficient quality to meet users’ needs.

Questions for individuals with a hearing or speech disability:

Q1: Do current MRS offerings (i.e. TTY and IP relay services) enable you to make the telephone calls you need to make as part of your daily activities?

Q2: Have you experienced any challenges using either TTY relay or IP relay service?

Q3: What has been your experience contacting other businesses (e.g. banks, utility companies, insurance companies, TSPs, lawyers, and doctors), government agencies, and other organizations through MRS?

Questions for voice users:

Q4: Do MRS enable you to communicate effectively with individuals with a hearing or speech disability?

Q5: If you work at a business, government agency, or other organization that engages with clients or customers via telephone, are there any barriers or challenges associated with conducting business through MRS?

Questions for TSPs:

Q6: What safeguards do you currently have in place to ensure a high quality of MRS?

Q7: What measures have you been taking to improve the quality of service of MRS?

Questions for TSPs and individuals (i.e. both voice users and users with a hearing or speech disability):

Q8: Are improvements needed to make MRS easier to use or more useful? What aspects, if any, of MRS should be improved?

Q9: What regulatory measures would be appropriate for improving the quality of MRS? For example, would quality of service standards be an appropriate regulatory measure? If so, propose appropriate standards. Refer to Appendix 1 for standards that exist in the United States.

Q10: How should the Commission monitor compliance with any new regulatory measures? For example, should TSPs report to the Commission on a regular basis? If so, how often?

Accessing MRS from wireless devices

Canadians are reducing their dependency on wireline voice services in favour of mobile wireless and broadband Internet services. Wireless services are now available to 99% of Canadians, and 23.7% of Canadian households rely solely on mobile wireless services.⁶ Currently, WSPs are generally not required to provide MRS.

On 16 December 2016, the Federal Communications Commission (FCC) in the United States amended its rules to facilitate the transition from TTY to real-time text (RTT)⁷ over IP-based networks.⁸ Large WSPs and manufacturers in that country that provide devices for RTT have a deadline of 31 December 2017 to implement the service.

Question for TSPs and individuals (i.e. both voice users and users with a hearing or speech disability):

Q11: Should all WSPs in Canada be required to provide MRS? Explain why or why not.

⁶ Based on information in the 2016 CRTC *Communications Monitoring Report*.

⁷ RTT is an IP-based messaging protocol that enables individuals with or without disabilities to communicate directly with one another, using text over a voice line, without the need to buy a stand-alone device like a TTY. With RTT, text can be sent as it is typed, without the need to press “send.”

⁸ See [Report and Order and Further Notice of Proposed Rulemaking 16-169](#).

Questions for TSPs:

Q12: If a consumer wishes to access MRS via IP relay, do you require the consumer to subscribe to wireline telephone service? If so, explain why.

Q13: If a consumer wishes to access MRS via TTY from a wireless device, do you require the consumer to subscribe to wireline telephone service? If so, explain why.

Q14: What efforts have you made to make IP relay service available on a variety of wireless devices and operating systems? What efforts do you plan to make?

Awareness of MRS

Questions for individuals (i.e. both voice users and users with a hearing or speech disability):

Q15: How did you become aware of TTY relay service?

Q16: How did you become aware of IP relay service?

Questions for TSPs and individuals (i.e. both voice users and users with a hearing or speech disability):

Q17: Is there sufficient awareness and promotion of MRS among (i) the community of Canadians with a hearing or speech disability; (ii) the greater Canadian population, and (iii) businesses or agencies that may receive calls from a relay operator?

Q18: If there is not sufficient awareness or promotion, what measures should be taken to improve it, and who should be responsible for taking such measures?

Questions for TSPs:

Q19: How do you promote TTY relay service?

Q20: How do you promote IP relay service?

Future of MRS in Canada

Questions for individuals with a hearing or speech disability:

Q21: Do you ever use IP-based services (e.g. VRS, Skype, FaceTime, or Messenger) or texting in place of making telephone calls through TTY or IP relay services?

Q22: Are there circumstances in which you prefer to use or must use TTY or IP relay services to make telephone calls?

Q23: How do you think the growth of wireless services and IP-based services will affect your future use of TTY or IP relay services to make telephone calls?

Recently, the FCC announced that it would continue to explore the appropriateness of using RTT as an alternative to TTY technology in an IP-based wireline voice environment.⁹

Questions for TSPs:

Q24: How will the transition from circuit-based public switched telephone networks to IP-based networks in Canada impact the provision of MRS, particularly TTY relay service?

- Do you expect TTY relay service to work well over IP networks?
- What technical barriers would be associated with supporting TTY relay service transmissions over IP networks?

Q25: How should MRS evolve to meet users' needs?

Question for TSPs and individuals (i.e. both voice users and users with a hearing or speech disability):

Q26: When should the Commission conduct its next review of the MRS regulatory framework?

Appropriateness of the current regulatory framework

Questions specific to the retail MRS framework

The Commission currently requires various categories of wireline telephone service providers to offer retail MRS to their customers. These providers comprise all

- local exchange carriers (LECs), including ILECs, small ILECs, and wireline and wireless competitive local exchange carriers (CLECs);
- resellers of local exchange services; and
- providers of voice over Internet Protocol (VoIP) services.

Wireless CLECs are required to offer MRS, but WSPs are not, unless they are registered with the Commission as a wireless (i.e. Type II¹⁰) CLEC.

Retail MRS may be provided either directly by the TSP or through a third-party service provider.

⁹ See [Report and Order and Further Notice of Proposed Rulemaking 16-169](#).

¹⁰ See <http://crtc.gc.ca/eng/comm/telecom/eslcclec.htm> for definitions of CLEC types.

Questions for TSPs and individuals (i.e. both voice users and users with a hearing or speech disability):

Q27: Does it remain appropriate that the above-noted providers (i.e. LECs, resellers of local exchange services, and VoIP providers) continue to be required to offer MRS to their customers? If not, explain why and propose a more appropriate regulatory requirement.

Q28: Does it remain appropriate that retail MRS may be provided through a third-party service provider? If not, explain why and propose a more appropriate regulatory requirement.

Question for WSPs that are not wireless CLECs:

Q29: Does your company currently offer MRS? If not, explain why.

Questions specific to the wholesale MRS framework

The Commission requires ILECs to offer wholesale MRS in their operating territories, which enables LECs, resellers of local exchange services, and VoIP providers to meet their requirement to offer retail MRS to their customers. As is the case with retail MRS, wholesale MRS may be provided either directly by the ILEC or through a third-party service provider.

Question for TSPs:

Q30: Does it remain necessary for the Commission to continue to require all ILECs to offer wholesale MRS in their respective operating territories? If not, how could the provision of MRS by other TSPs be assured in the absence of this obligation?

Appropriateness of the current tariffed rates

Questions specific to retail MRS rates

ILECs' costs for retail MRS are recovered through tariffed rates, most of which have been frozen since 1998. The rates are based on Phase II costs and include a markup of approximately 10%. They are set out in the ILECs' general tariffs and are charged to all wireline telephone service subscribers using the ILECs' networks. However, the rates are embedded in the ILECs' monthly wireline local service rates and therefore do not appear as a line item on subscribers' bills. Although ILECs are subject to tariffs, neither CLECs nor resellers are required to file tariffs for retail MRS.

Information collected as part of the VRS proceeding revealed that between 2008 and 2012, aggregate revenues collected by carriers, primarily ILECs, for the provision of MRS exceeded expenditures by greater than \$10 million annually. The figures in the following table take into account the revenues and expenditures associated with the provision of retail and wholesale MRS.

MRS financial data (millions \$)					
	2008	2009	2010	2011	2012
Revenues	31.66	30.51	33.44	32.95	24.17
Expenditures	12.84	14.27	18.72	18.21	13.83
Surplus	18.83	16.24	14.72	14.74	10.34

Questions for TSPs and individuals (i.e. voice users and users with a hearing or speech disability):

Q31: In light of the surpluses and the fact that tariffed retail rates for MRS have been frozen, do these rates remain appropriate?

Q32: Should ILECs' provision of retail MRS continue to be funded through tariffed rates? If not, would the VRS funding model be appropriate?

Q33: Provide your views as to whether the Commission, in addition to collecting contributions from wireline subscribers, should also require contributions to be collected from wireless subscribers.

Q34: Should the Commission require Internet service providers to fund MRS?

Questions specific to wholesale MRS rates

As is the case with retail MRS, ILECs' costs for wholesale MRS are recovered through tariffed rates, most of which have been frozen since 1998. These rates are based on Phase II costs, and include a markup of approximately 25%. They are set out in the ILECs' general tariffs and are charged to TSPs that purchase wholesale MRS from the ILECs.

Since 2010, TCC has filed various applications and has obtained Commission approval for special facilities tariffs (SFTs)¹¹ for the provision of wholesale MRS to certain ILECs and CLECs. These SFTs allow TCC to bill on a per-second basis, unlike ILECs' general tariff rates, which apply on a per-network-access-service basis. No ILEC besides TCC has applied for SFTs for the provision of wholesale MRS.

Questions for TSPs:

Q35: Should wholesale MRS continue to be funded through tariffed rates?

- If so, do the rates for wholesale MRS outlined in the ILECs' general tariffs remain appropriate? Should these rates be unfrozen?

¹¹ In Telecom Decision 94-19, the Commission approved the use of SFTs, which set out customer-specific arrangements for services that involve features or technology that differ from those covered by general tariffs.

Q36: Is it appropriate to allow other ILECs to provide wholesale MRS pursuant to SFTs at a rate that differs from the one specified in their general tariff and that allows it to be billed on a per-second basis, as opposed to on a per-network-access-service basis?

Q37: Should ILECs be permitted to enter into off-tariff agreements for the provision of wholesale MRS?

Procedure

19. 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, answers, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website at www.crtc.gc.ca, under "[Statutes and Regulations.](#)" The guidelines 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.
20. The companies listed in Appendix 2 to this notice are made parties to this proceeding and may file interventions with the Commission by **3 April 2017**.
21. In order to ensure that the Commission has the factual record necessary to conduct its review, and to assist parties in formulating their interventions, Commission staff have requested information from the LECs listed in Appendix 2 by way of separate letters issued today. Responses to these requests for information are due by **6 March 2017** and will be added to the public record of this proceeding.
22. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **3 April 2017**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
23. 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.
24. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
25. Parties may comment on the interventions and responses to requests for information filed by other parties with the Commission by **3 May 2017**.

26. All parties may file final submissions with the Commission on any matter within the scope of this proceeding, by **2 June 2017**. Final submissions, including an executive summary, are not to exceed 15 pages.
27. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.
28. 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.
29. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
30. 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

31. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that 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.
32. 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.

33. 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.
34. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.

Important notice

35. 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, 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, and telephone and facsimile numbers.
36. 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.
37. 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.
38. 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 access to the information that was provided as part of this public process.

Availability of documents

39. 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 by using the file number provided at the beginning of this notice or by visiting the "Participate" section of the Commission's 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.
40. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Secretary General

Related documents

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Review of basic telecommunications services*, Telecom Notice of Consultation CRTC 2015-134, 9 April 2015, as amended by Telecom Notices of Consultation CRTC 2015-134-1, 3 June 2015; 2015-134-2, 22 December 2015; 2015-134-3, 14 January 2016; 2015-134-4, 9 March 2016; and 2015-134-5, 28 April 2016
- *Video relay service*, Telecom Regulatory Policy CRTC 2014-187, 22 April 2014
- *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
- *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
- *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994
- *British Columbia Telephone Company – Voice Relay Service Centre*, Telecom Decision CRTC 85-29, 23 December 1985

Appendix 1 to Telecom Notice of Consultation 2017-33

FCC's minimum standards for telecommunications relay services (TRS)

TRS providers must offer service that meets certain mandatory minimum standards set by the FCC. For example, the relay operator answering or placing a TRS call must

- Be properly trained in the needs of persons with disabilities;
- Be a qualified interpreter;
- Have appropriate skills (typing, interpretation of typed ASL, language, etc.), and be capable of clear voice communications
- Type a minimum of 60 words per minute;
- Stay with the call for a minimum of 10 minutes to avoid disruptions to the TRS user;
- Answer 85% of all calls within 10 seconds (compliance is measured on a daily basis);
- Make best efforts to accommodate a TRS user's requested relay operator gender;
- Ensure user confidentiality; and
- Be able to handle emergency (9-1-1) calls and relay them to the appropriate emergency services.

TRS providers must submit some compliance data as part of their requests for reimbursement from the Telecommunications Relay Fund.

Appendix 2 to Telecom Notice of Consultation 2017-33

Companies that are being made parties to this proceeding

LECs:

- Bell Aliant Regional Communications, Limited Partnership
- Bell Canada
- Bragg Communications Incorporated, operating as Eastlink
- Cogeco Communications inc.
- Freedom Mobile Inc.
- MTS Inc.
- Northwestel Inc.
- Rogers Communications Canada Inc.
- Saskatchewan Telecommunications
- Shaw Telecom Inc.
- TBayTel
- Télébec, Limited Partnership
- TELUS Communications Company
- Videotron G.P.

WSPs that are not registered as CLECs:

- Bell Mobility Inc.
- CityWest Mobility Corp.
- Globalstar Canada Satellite Co.
- Gogo Connectivity Ltd.
- Ice Wireless Inc.
- Inukshuk Wireless Partnership
- Lynx Mobility Inc.
- Nexicom Mobility Inc.
- Shaw Telecom Inc.
- Sogetel Mobilité inc.