



## Telecom Notice of Consultation CRTC 2021-102

PDF version

Ottawa, 11 March 2021

*Public record: 1011-NOC2021-0102*

### Call for comments – Review of video relay service

**Deadline for submission of interventions: 9 June 2021**

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

*Video relay service (VRS) is a telecommunications service that enables sign language users and voice telephone users to communicate with each other. In Telecom Regulatory Policy 2014-187, the Commission created the regulatory framework for the establishment of VRS in Canada. Following that decision, in Telecom Regulatory Policy 2014-659, the Commission approved the structure and mandate of the VRS administrator, the Canadian Administrator of VRS (CAV), Inc. (CAV).*

*The Commission is launching this proceeding to examine (i) whether VRS efficiently addresses the needs of Canadians with hearing and speech disabilities; (ii) whether there are aspects of the VRS regulatory framework or the service that require modifications or improvements; and (iii) whether the CAV's governance structure and funding model and cap remain appropriate.*

#### Introduction

1. Video relay service (VRS) is a telecommunications service that enables sign language users and voice telephone users to communicate with each other. A VRS call involves three parties: the caller, the person called, and the relay operator. The operator relays the conversation from signed language to spoken language and vice versa, for example from American Sign Language (ASL) to English, or from Langue des signes québécoise (LSQ) to French.
2. The Commission created the regulatory framework for the establishment of VRS in Canada in Telecom Regulatory Policy 2014-187 (the VRS Policy). The VRS Policy, which designated VRS as a basic telecommunications service, was designed to create a service that best fit the Canadian context and to build service capacity within Canada. Following that decision, in Telecom Regulatory Policy 2014-659, the Commission approved the structure, mandate, and funding process of the Canadian Administrator of VRS (CAV), Inc. (CAV).
3. In the VRS Policy, the Commission determined that a comprehensive review of VRS should be undertaken three years after the service became operational to ensure that the objectives identified in the VRS Policy were being met. The review would assess

- whether VRS efficiently addresses the needs of Canadians with hearing and speech disabilities;
  - funding for VRS; and
  - the minimum annual requirements the CAV must meet to receive funding for VRS.
4. To prepare for the review, the Commission engaged Sage Research Corporation to conduct qualitative research involving focus groups of registered VRS users, which resulted in the Sage Research Corporation Report ([the Sage Report](#)). The Sage Report reflects the views and experiences of a sample of Canadians who are registered users of VRS in Canada, objectively captured by Sage Research Corporation.

### **Call for comments**

5. The Commission hereby initiates a public proceeding to review VRS.
6. To ensure that all stakeholders have the information they need to file constructive comments and suggestions for how VRS can be enhanced, the Commission has made available on the record of this proceeding a text version of the Sage Report, as well as ASL- and LSQ-interpreted Executive Summary videos.
7. Further, to ensure that the Commission has the factual record necessary to conduct its review, Commission staff have requested information from the CAV by way of a separate letter issued today. Responses to this request are due by **26 April 2021** and will be made available on the record of this proceeding to assist parties in formulating their interventions.
8. The Commission is seeking detailed comments from interested persons on the following aspects of VRS:

### **VRS user experience**

- Q1. Describe the impact that the introduction of VRS has had for people who communicate using sign language. Has the service improved access to telecommunications services since it was launched?
- Q2. Are there concerns or issues related to the VRS user experience, including ease of use, quality of service (technical and interpreter-related), outages, the user complaint and feedback mechanism, account suspensions, or others?
- Q3. Based on users' experiences and the information filed on the record of this proceeding, is it necessary for the Commission to impose specific quality of service standards on the CAV? If so, what should those standards include and why?
- Q4. Have there been any issues accessing 9-1-1 using VRS? If yes, describe the issues and provide suggestions for improving access to 9-1-1.

## **VRS regulatory policy and the CAV**

- Q5. VRS is currently delivered by the CAV, a centralized and independent administrator. Is there any evidence that the market context, including the availability of sign language interpreters, has changed since the creation of the VRS Policy in 2014 to such an extent that the Commission should consider introducing a competitive model for delivering VRS?
- Q6. Is the CAV's current structure, including its Board of Directors and mandate, still appropriate?
- Q7. Registered users who are Deaf or hard of hearing currently elect three members of the CAV's Board of Directors: one ASL Director, one LSQ Director, and one joint ASL-LSQ Director. Telecommunications service provider (TSP) stakeholders elect two TSP Directors. Does this method for selecting Directors require improvement? If so, provide a rationale for this position and suggestions for how to improve the process.
- Q8. Is there a rationale for expanding the CAV's mandate to give it the flexibility to administer developing and future message relaying technologies?

## **Funding**

- Q9. Funding for VRS comes from the National Contribution Fund (NCF). Are the current funding model and the \$30 million annual funding cap still appropriate?
- Q10. Retail Internet service revenues are not currently considered contribution-eligible revenues for funding VRS. Should those revenues be included? Provide a detailed rationale.
- Q11. The CAV must meet minimum requirements, including submitting an annual application to the Commission, in order for the NCF to release funds. Are these minimum requirements still appropriate? If not, what changes or additions are required and why?

## **Awareness and promotion of VRS**

- Q12. Is there sufficient awareness of VRS among sign language users, as well as among the businesses, institutions, and individuals that may receive VRS calls? If not, what additional measures are appropriate?
- Q13. What role should stakeholders other than the CAV take in promoting and increasing awareness of VRS, especially among the general public?

## **Timing of the next review**

- Q14. When should the Commission next review VRS?

## Out-of-scope issues

9. The following issues are outside the scope of this proceeding:

- appropriate wireless service plans for persons with disabilities, since a proceeding has already been launched;<sup>1</sup>
- the future of TTY [teletypewriter] service;
- text-based message relay services; and
- other communications services, such as captioned telephone service (i.e. Captel), for people who are Deaf or hard of hearing, or who have speech disabilities.

## Background

10. In the VRS Policy, the Commission found that Canadian carriers' failure to provide VRS in Canada constituted unjust discrimination and designated VRS as a basic telecommunications service that must be offered in Canada.

11. The Commission set out the framework for establishing a national VRS for ASL and LSQ users. Among other things, the Commission determined that

- VRS would be administered by an independent administrator;
- TSPs would fund VRS nationally via additional contributions to the existing NCF;
- funding for all VRS-related costs would be capped at \$30 million annually; and
- the VRS administrator would have to meet minimum requirements, including access to 9-1-1 service, in order for the NCF to release VRS funds (see Appendix B of the VRS Policy for a list of the requirements).

12. The Commission required the VRS administrator to establish complaint-handling mechanisms, record usage data, and establish a screening process to ensure that operators are qualified sign language interpreters. However, the Commission did not establish quality of service standards for VRS because of how much was unknown at the time about the factors involved in delivering VRS.

13. Although retail Internet service revenues were not part of the formula for calculating contributions to NCF at the time the VRS Policy was issued, the Commission recognized that VRS is delivered over an Internet connection and that, accordingly, it may be appropriate to revisit the definition of contribution-eligible revenue for funding VRS at a later date. The Commission has since made changes to the NCF

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<sup>1</sup> See Telecom Notice of Consultation 2020-178.

contribution regime<sup>2</sup> and as of January 2020, retail Internet and texting service revenues are included in the formula for calculating contributions to the NCF. Consequently, revenues from those services are now eligible to fund VRS, if appropriate.<sup>3</sup>

14. In Telecom Regulatory Policy 2014-659, the Commission imposed the following reporting requirements:

- The CAV is to file an annual report of the previous year's activities for information purposes, in English and French, by 30 June each year. The annual report must include audited financial statements as well as compliance reports on VRS quality of service standards, privacy and confidentiality standards, complaints and inquiries, and financial accountability.
- The CAV is to file its annual budget for the next year, in English and French, by 31 July each year as part of its application for funding.

15. In response to the CAV's budget request for 2021, Bell Canada raised concerns about the funds the CAV holds as long-term deferred contributions. The CAV advised that its Board of Directors had begun a review to determine the amount to hold in reserve. In Telecom Decision 2020-394, the Commission noted that this issue would be more appropriately considered during the review of VRS. Accordingly, the CAV has been asked to include the Board's findings on this matter in its response to the above-noted information request.

## **Legal framework**

16. As an administrative tribunal, the Commission must exercise its powers to implement the telecommunications policy objectives (the policy objectives) set out in section 7 of the *Telecommunications Act* (the Act). The Commission must also act in a manner that is consistent with the Canadian Charter of Rights and Freedoms.

17. Given the breadth of the policy objectives, regulation of the telecommunications system necessarily involves the balancing of competing objectives. These objectives include 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich, and strengthen the social and economic fabric of Canada and its regions; (b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; and (h) to respond to the economic and social requirements of users of telecommunications services.

18. Under section 24 of the Act, the offering and provision of any telecommunications service by a Canadian carrier are subject to any conditions imposed by the Commission or included in a tariff approved by the Commission. Further, as required

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<sup>2</sup> See Telecom Regulatory Policy 2016-496

<sup>3</sup> See Telecom Information Bulletin 2019-396.

under paragraph 24.1(d), the offering and provision of any telecommunications service by any person other than a Canadian carrier are subject to any conditions imposed by the Commission, including those relating to access to telecommunications services by persons with disabilities.

19. Under section 47 of the Act, the Commission must exercise its powers in accordance with the policy directions issued by the Governor in Council.
20. The 2006 Policy Direction<sup>4</sup> requires the Commission to implement the policy objectives of the Act in accordance with specific terms and criteria, including relying on market forces to the maximum extent feasible. When relying on regulation, the 2006 Policy Direction requires that the Commission use measures that are efficient and proportionate, and that interfere minimally with competitive market forces. The Commission considers that persons with disabilities generally are not able to influence the market sufficiently to obtain accessible telecommunications products and services. As a result, the Commission has used measures to promote accessibility that are efficient and proportionate, and that interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives.
21. The 2019 Policy Direction<sup>5</sup> requires the Commission, in exercising its powers and performing its duties under the Act, to consider how its decisions can promote competition, affordability, consumer interests, and innovation, and in particular, the extent to which they enhance and protect the rights of consumers in their relationships with TSPs, including rights related to accessibility.
22. The Commission notes that the [Accessible Canada Act](#) (ACA) received Royal Assent on 21 July 2019. The ACA aims to achieve a barrier-free Canada for people with disabilities. It creates an enabling framework for the proactive identification, removal and prevention of barriers to accessibility in society, wherever Canadians interact with areas that are under federal jurisdiction. While the Commission will continue to be responsible for the accessibility of broadcasting and telecommunications services, it gains new regulation-making and enforcement powers to administer requirements imposed by the ACA on Canada's broadcasting undertakings and TSPs.

## Procedure

23. 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

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<sup>4</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

<sup>5</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

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](http://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.

24. The CAV is made a party to this proceeding and is asked to file its responses to the questions in the Commission staff letter by **26 April 2021**.
25. The CAV may also file interventions with the Commission regarding the issues set out in paragraph 8 above by **9 June 2021**.
26. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **9 June 2021**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
27. 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.
28. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
29. All parties may file replies to interventions with the Commission by **9 August 2021**.
30. 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](http://www.crtc.gc.ca), for additional information that they may find useful when preparing their submissions.
31. 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.
32. 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.

33. Persons with disabilities who require assistance in filing their interventions may contact the Commission's [Public Hearings](#) group, which can provide individualized assistance to file an intervention.
34. 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

or

**by ASL or LSQ video using the**  
[\[Intervention form\]](#)

35. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service 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 or served. The Commission advises parties who file or 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.
36. 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.
37. 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.

### **Procedures for video submissions**

38. To enable interested persons whose first language is ASL or LSQ to fully participate in this proceeding, the Commission will accept video interventions in those languages. The deadline for submitting ASL and LSQ interventions is **9 June 2021**.

Interested persons must provide a working link to their video in the comments box in the “Submit an intervention” section of the Intervention form. All other submission procedures are the same as for written interventions, which are set out in the previous sections of this notice.

39. All parties who file links to video interventions may file links to video reply comments with the Commission by **9 August 2021**. Reply comments must respond only to interventions and answers to Commission requests for information previously submitted by other participants.
40. The Commission will post English transcripts of ASL videos and French transcripts of LSQ videos on its website. Links to videos will be made public when the transcripts become available. Interveners may choose to submit written transcripts with their video links to facilitate the process.
41. For videos longer than 15 minutes, a brief summary should be provided at the beginning of the video.

### **Important notice**

42. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, email, or through the Commission’s website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission’s website. This includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and fax numbers.
43. 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.
44. 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.
45. 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. In the case of information submitted via ASL or LSQ videos, the transcripts of these videos will also be entered into the unsearchable database. 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. Any intervention submitted via ASL or LSQ video may be searchable by a third-party search engine.

### **Availability of documents**

46. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission’s website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by using the public

record number provided at the beginning of this notice or by visiting the “Consultations and hearings – Have your say!” section, then selecting “our applications and processes that are open for comment.” Documents can then be accessed by clicking on the links in the “Subject” and “Related Documents” columns associated with this particular notice.

47. 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  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

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

Secretary General

### **Related documents**

- *Canadian Administrator of VRS (CAV), Inc. – Application requesting video relay service funding for 2021*, Telecom Decision CRTC 2020-394, 7 December 2020
- *Call for comments – Accessibility – Mobile wireless service plans that meet the needs of Canadians with various disabilities*, Telecom Notice of Consultation CRTC 2020-78, 1 June 2020; as amended by Telecom Notices of Consultation CRTC 2020-178-1, 26 August 2020; and 2020-178-2, 29 September 2020
- *The Canadian revenue-based contribution regime, effective 1 January 2020*, Telecom Information Bulletin CRTC 2019-396, 4 December 2019
- *Modern telecommunications services – The path forward for Canada’s digital economy*, Telecom Regulatory Policy CRTC 2016-496, 21 December 2016
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Structure and mandate of the video relay service administrator*, Telecom Regulatory Policy CRTC 2014-659, 18 December 2014
- *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