January 10, 2022

Mr. Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, ON
K1A 0N2

*By: Intervention Comment Form*

Dear Mr. Doucet:

**Subject: Telecom Notice of Consultation CRTC 2020-178-5 – *Additional Questions – Accessibility – mobile wireless service plans that meet the needs of Canadians with various disabilities***
(Public Record: 1011-NOC2020-0178)

1. The Canadian Wireless Telecommunications Association ("CWTA") is the authority on wireless issues, developments and trends in Canada. Its membership is comprised of companies that provide services and products across the wireless industry, including wireless carriers and manufacturers of wireless equipment, who combine to deliver Canada's world-class wireless services, one of the key pillars on which Canada's digital and data-driven economy is built.

2. CWTA is pleased to provide input on the responses provided to the most recent set of questions posed by the Canadian Radio-television Telecommunications Commission (the "Commission" or the "CRTC") on behalf of wireless service providers ("WSPs") that have participated in collaborative industry activities to further wireless services that meet the needs of Canadians with disabilities.

## Introduction

3. The wireless industry is committed to providing access to wireless services to all persons, including persons with disabilities.

4. The record shows that the current flexible and market-driven approach delivers to Canadians with disabilities what all other Canadians have access to: the best range of plans with multiple options, and at different price-points, while also enabling brand differentiation among WSPs.

5. Further regulatory intervention is unnecessary and could reduce the current breadth of choices available to these very customers.

6. CWTA respectively submits that the Commission should refrain from the imposition of new mandatory requirements.

**Q1. Requiring Proof of Eligibility**

7. In its submission, Deafness Advocacy Association Nova Scotia (DAANS), Newfoundland and Labrador Association of the Deaf (NLAD) and Ontario Association of the Deaf (OAD), [collectively "DHH Coalition"] outline a number of activities[1] that require self-identification and further suggest at paragraph 7 that "such self-identification is and will be all that a qualified DHH consumer would require when signing up for an accessibility plan". Canada Deaf Grassroots Movement is of a similar view.

8. Interestingly, it is the very notion that DHH Coalition raises with "qualified DHH consumer" that proof of eligibility is intended to address.

9. Deaf Wireless Canada Consultative Committee-Comité pour les Services Sans fil des Sourds du Canada (DWCC-CSSSC), Canadian Association of the Deaf-Association des Sourds du Canada (CAD-ASC), and Canadian National Society of the Deaf-Blind (CNSDB) [collectively "DWCC et al."] submitted that broader forms of identification are suitable as long as they are publicized on a WSP's website.[2]

10. As identified by CWTA in its previous submission, as well as by all WSPs in their respective responses to this question, requiring proof of eligibility to access certain accessibility plans, discounts, add-ons, benefits and/or services is a legitimate and necessary requirement given the real potential for abuse that exists.

11. WSPs must have a means to ensure that accessibility plans, discounts, add-ons, benefits and/or services are provided to those that legitimately require them and for whom they are implemented.

12. Validation processes do not add additional barriers. The Commission should expect, and support, the due diligence efforts of WSPs as long as the requirements do not impose an onerous burden on the customer.

13. CWTA reiterates that the Commission retain a flexible approach that ensures WSPs have tools to ensure that accessibility discounts and other benefits actually go to customers who have disabilities.

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[1] DHH Coalition, response to RFI, paragraph 6: DHH Coalition notes that a DHH consumer merely needs to self-identify as such when: requesting an extended trial period under the Wireless Code; requesting an extended trial period under the Internet Code; requesting an extended trial period under the Television Service Provider Code; becoming a registered Video Relay Service user[1]; and registering for Text with 911 service.

[2] DWCC et al., response to RFI, paragraph 13: All options that are available to them must be listed on the wireless service provider websites.

**Q2. Undue or Unreasonable Disadvantage**

***Data Plans***

14. The record of this proceeding does not demonstrate that persons with disabilities are subject to a disadvantage compared to other wireless subscribers. On the contrary, the current flexible and market-driven approach ensures there is no disadvantage to consumers with disabilities because it provides a wide variety of service offerings from which consumers can choose the plan that meets their individual needs and circumstances. This allows a consumer to determine which data plan and price point is most relevant to them.

15. Specifically, given the broad range of accessibility discounts, data add-ons, services, and other benefits, such as zero-rating VRS offered by some service providers, it is apparent that persons with disabilities have access to the same breadth of wireless services as all other consumers.

16. It is the proposed calls for static plans with very specific requirements that will result in undue or unreasonable disadvantage as mandating plans to meet the needs of one group could significantly impact and limit the choices available to another.

17. The very broad and diverse needs of each person with a disability can only be met with the flexibility currently available via more customized solutions. As such, CWTA recommends that the Commission maintain the current market driven approach which provides consumers with disabilities with equal access and equitable treatment.

***Undue or Unreasonable Disadvantage as a result of Network Management Practices***

18. At paragraph 18, DWCC et al. assert:

> *"Due to the current "speed pass" scheme, when a customer is trying to make a phone call using video applications for a 9-1-1 emergency, their data is either nearing its limit or running out, the video communications become blurry. The effect is dropped calls because of the ITMP networkmanagement by the wireless companies."*

19. However, CWTA notes that DWCC et al. has not placed any evidence on record that would link these two things, nor has DWCC et al. quantified the rate of occurrence.

20. As noted by TELUS in their response to Question 2:

> *"Some sign language users have also indicated that data speed throttling may contribute to an alleged disadvantage. However, the only evidence in this proceeding about video quality negatively impacting sign language users' ability to communicate has been anecdotal in nature. It has not been established that purported video quality issues are a result of data speed throttling. There are a multitude of reasons that a wireless or wireline Internet connection may be unstable, ranging from network congestion and environmental factors to Wi-Fi signal strength, as examples. Such issues result from the nature of Internet services and*

*the quality of connection is not guaranteed. Additionally, data speeds may vary based on wireless device. It should not be assumed that sign language users' slowed video connection is the result of data speed throttling."*

21. CWTA supports the TELUS view that before any finding can be made that sign language users have been subject to a disadvantage, the *"Commission must determine that customers' usage was subject to throttling and that throttling has in fact caused a degraded level of video calling service."*[3] Evidence on record does not support either.

**Q3. Throttling Data Speed**

22. As discussed by each WSP in responses placed on record, customers with disabilities are not subject to an undue disadvantage based on the way each provision their services, or the manner in which they apply their network management practices.

23. As identified at paragraph 30, DWCC et al. acknowledge that WSPs, in this case specifically Bell, Roges and TELUS, identify to consumers what network management practices they employ. In each instance it is noted that once a high-speed data allotment is met, managed speeds are up to 512 Kbps for upload and download.

24. DWCC et al suggests, without substantive evidence, that video calling will not work when speeds are managed in this way. Specifically, in its response to Question 3, it identifies at paragraph 31:

*Please note that from our first-hand experience, as well as the 630 survey respondents and mystery shoppers combined, the fact is that video calls* ***will not technically work*** *and succeed for effective video communications at 512kbps. Superior video quality is required for optimal communication to see facial expressions, handshapes and body movements that are linguistic feature hallmarks of Sign language communication.*

25. However, CWTA continues to have significant concerns with the data cited by DWCC et al. First, as noted above, there is no way to determine whether speed throttling is the cause of any issues experienced by users. Second, it is not clear what "will not technically work" actually means, nor the overall impact for users. For example, is this an intermittent issue affecting a small number of users, or systemic and impacting all applications? Finally, we note that the question in the DWCC et al. survey related to video quality had only 167 responses in total. Of those, only 40% replied yes, while 28% replied no, and 32% replied I don't know/unsure.[4] The information put forward in DWCC et al.'s response raises additional questions as to how this conclusion was drawn and the degree to which it exists.

[3] TELUS, response to RFI Question 2.

[4] DWCC et al., A Stark Reality report survey question 70, page 140.

26. CWTA further questions whether "superior video quality" is required to meet the needs identified by the various intervenors. Many video apps allow consumers to modify their settings to allow for a more efficient use of data without losing significant quality.

27. Given that much of the evidence placed on record points to the importance of VRS, it is important to understand what the true requirements are to access the service.

28. As TELUS noted in its submission to Question 2, the Canadian Administrator of VRS (CAV) has previously submitted that speeds of 512kbps are sufficient for use of VRS:

> *Despite what SRV Canada VRS states on its website about recommended video speeds,[9] the Canadian Administrator of Video Relay Service Inc. ("CAV") has previously informed the Commission that lower data speeds are sufficient for VRS usage. As stated by CAV, "[f]or appropriate quality (VGA, 30 fps), the encoder will output video streams with a total bandwidth of 448 video and 64 kbps audio for a total of 512 kbit/s for uplink and downlink."[10] CAV also specifically recommends a wireline connection for VRS use in recognition of the fact that wired networks are less susceptible to occasional interference and other forms of degradation.[11] In addition, US VRS provider, Sorenson Communications, recommends a minimum broadband speed of 512 kbps for acceptable VRS quality, though VRS calling will work at lower speeds.[12]*
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> *9. SRV Canada VRS, VRS Basics: Internet, SRV Canada VRS, (online): https://srvcanadavrs.ca/en/resources/resource-centre/vrs-basics/internet/.*
> *10. Response to Request for Information CAV(CRTC)12Feb16-1, Review of Basic Telecommunications Services, Telecom Notice of Consultation CRTC 2015-134 ["TNC 2015-134"].*
> *11. Response to Request for Information CAV(CRTC)12Feb16-2, TNC 2015-134.*
> *12. Sorenson Communications, Sorenson at Work Frequently Asked Questions (online): https://www.sorensonvrs.com/work_faqs#:~:text=For%20best%20performance%2C%20%20Sorenson%20recommends%20service%20speed%20be,network%3F%20Sorenson%20%20videophones%20require%20a%20hardwire%20internet%20connection.*

29. CWTA submits, based on information available from the administrator of the service itself, that even at a "throttled" speed, users are able to access VRS.

**<u>Summary</u>**

30. Evidence on the record of this proceeding demonstrates that Canadians with disabilities have access to a range of services that fulfill their needs, and no additional intervention is warranted or necessary

31. ***Q1. Requiring Proof of Eligibility:*** Based on the record of this proceeding, validation processes do not add additional barriers. WSP's requiring proof of eligibility to access certain accessibility plans, discounts, add-ons, benefits and/or services is a legitimate and necessary requirement given the real potential for abuse that exists. WSPs must have tools to ensure that accessibility discounts and other benefits actually go to customers who have disabilities.

32. ***Q2. Undue or Unreasonable Disadvantage:*** Based on the record of this proceeding, it is apparent that persons with disabilities are not subject to a disadvantage in the provision of mobile wireless services. The current flexible and market-driven approach also ensures there is no disadvantage because it provides a wide variety of service offerings from which consumers can choose the plan that meets their individual needs and circumstances. In addition, no evidence has been placed on record that points to undue or unreasonable disadvantage to sign language users being impacted by WSP network management practices.

33. ***Q3. Throttling Data Speed***: Based on the record of this proceeding, there is no evidence that supports assertions put forward that a user's ability to access VRS is impacted once data limits are reached. Based on information provided to the Commission by the administrator of the service itself, even at a "throttled" speed, users are able to effectively access VRS.

**Conclusion**

34. CWTA appreciates the opportunity to provide its input to this important proceeding and looks forward to continuing its work with WSPs, Commission and interested stakeholders, including those representing persons with disabilities.

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