

May 16, 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 2021-102-3 – Call for comments – Review of video relay service** (Public record: 1011-NOC2021-0102)

1. The Canadian Wireless Telecommunications Association (“CWTA”) is pleased to provide comments on the review of video relay service in Canada.
2. The following comments are being submitted on behalf of telecommunication service providers (“TSPs”) that have participated in collaborative industry activities to further services that meet the needs of Canadians with disabilities: Bell Canada and its affiliates, Cogeco, Eastlink, Freedom/Shaw, Rogers, SaskTel, Tbaytel, TELUS, Videotron and Xplore Mobile.

### **Introduction**

3. Access to telecommunications is important for all Canadians, including persons with disabilities. Video relay services (VRS) help to meet this objective.
4. The ability to remotely access sign language interpreters, on a 24/7/365 basis, to make and receive calls using ubiquitous technology, allows persons who communicate using sign language to participate more fully within their communities.
5. For this reason, it is critical that VRS effectively addresses the needs of Canadians who use sign language to communicate, while remaining efficient and economically viable.
6. As described below, VRS has largely been a success story in Canada; from the Canadian Radio-television and Telecommunications Commission’s (“CRTC” or “Commission”) regulatory policy

framework establishing VRS, to the service provided (and its administration), we applaud both the Commission and the Canadian Administrator of VRS (CAV), Inc. (“CAV”) for its work to date.

### **VRS user experience (Questions 1-4)**

*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.*

7. CWTA will not be providing comments to questions 1-4 at this time, as they are most appropriately answered by users of VRS.

### **VRS regulatory policy and CAV (Questions 5-8)**

*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?*

8. CAV’s current structure appropriately balances the needs of stakeholders in order to efficiently provide a high-quality service. This balance is at the heart of the current structure, as CAV’s Code

of Conduct and Conflict of Interest Guideline for Directors, Officers, and Permanent Invitees notes that: “CAV has been established as a Stakeholder-led, telecom industry-funded, non-profit corporation to provide video relay service in Canada. **In order to balance potentially competing Stakeholder interests within CAV, CAV has been uniquely designed and structured to permit a balancing of, and responsiveness to, those Stakeholder interests.** Included in such design and structure is a multi-tier decision-making process that responds to the interests of CAV Stakeholders.” [emphasis added]

9. CAV has not referenced a need to change its mandate, and we are not aware of areas of concern that would require a change in CAV’s structure, board, or service delivery model. All available information provided points to a well-functioning organization and service.
10. The annual surveys that CAV undertakes show a high level of user satisfaction, which is an important gauge of both appropriateness and success. In describing its survey findings, CAV’s latest annual report notes “that overall satisfaction with SRV Canada VRS was 91%, satisfaction with VI quality was 93%, and 92% of survey respondents were happy with technical quality. It is worthwhile to note that for VI quality, survey respondents were asked to rate professionalism and friendliness, flexibility and patience, and skill level. For technical quality, they judged ease of use, resolution of technical issues, and wait times.”<sup>1</sup> Additionally, the Sage Report states that overall satisfaction with CAV’s interpretation service is high.<sup>2</sup> Although the Sage Report indicated opportunities to improve some aspects of the user experience, which should be expected with a relatively new service, it is clear that the service overall is fulfilling its mandate and providing an important service for sign language users.
11. As part of CAV’S regular operation, it is already diligently and proactively implementing improvements as advances are made, including its VRS Video Mail feature re-design in 2019,<sup>3</sup> as well as the new Canada VRS apps and Embrava Blynclight signal notification tool that were introduced in 2020.<sup>4</sup>
12. As such, now that the regime is established and running efficiently and smoothly, changing the structure of CAV or introducing a “competitive model” as identified in question 5, would not provide any additional benefit to VRS users.
13. Further to the Commission’s question 5 regarding competition, we note that a layer of competition already exists as part of the current service. Specifically, CAV contracts with several video interpretation service providers (VIPs) through competitive tendering processes. CAV notes that: “CAV does not set wage rates. Wages reflect local market conditions which may vary between locations and service providers. Similarly, the number of [video interpreters (VIs)] utilized varies based on the extent of each service provider’s operations. It is also important to

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<sup>1</sup> CAV 2020 Annual Report at page 14 (<https://srvcanadavrs.ca/en/annual-reports/>)

<sup>2</sup> Sage Report at page 7.

<sup>3</sup> CAV 2019 Annual Report at page 10 (<https://srvcanadavrs.ca/en/annual-reports/>)

<sup>4</sup> CAV 2020 Annual Report at page 9.

note that VIs may work on a full- or part time basis.”<sup>5</sup> As a result, CAV is able to obtain any advantages of competition as between VIPs. Further competition, including structural change to CAV and the model for providing VRS, is unnecessary.

14. At Question 8, the CRTC asks: “Is there a rationale for expanding the CAV’s mandate to give it the flexibility to administer developing and future message relaying technologies?”
15. We submit that the current scope of CAV’s mandate is appropriate and should not be changed.
16. As noted above, our understanding of CAV’s operations and our review of its annual reports indicate that CAV is currently operating well, and any change to its mandate is unnecessary. Incorporating further activities into its mandate, including administration of additional relaying technologies, could complicate CAV’s operations and could detract from its core purpose to implement and deliver VRS.
17. Should any developing or future message relaying technologies become potentially viable, then such technologies would need to be considered in a separate and independent proceeding, at which time any requirements related to administration could be considered. The Commission has also clearly stated that other message relay services are outside of the scope of this proceeding.<sup>6</sup>

#### **Funding (Questions 9-11)**

***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.***

**11(a) The CAV must file its annual budget application in French and English, by 31 July each year, to receive funding from the National Contribution Fund (NCF). Is this process still appropriate? If not, what changes or additions are required and why?**

**11(b) The CAV must meet all of the requirements set out in Appendix B of Telecom Regulatory Policy 2014-187 (the VRS Policy) to receive funds from the NCF. Are these minimum requirements still appropriate? If not, what changes or additions are required and why?**

18. The current funding model and cap remain appropriate and should not be changed. In particular, it is apparent that the \$30 million annual funding cap does not need to be increased. Based on CAV’s available annual reports, it has not reached that cap in any of the years 2017-2019. In fact, as described in CAV’s response to RFI Q5, it was able to put aside a significant amount of funds in Long-term Deferred Contribution reserve, which it was able to use to address the “unforeseen

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<sup>5</sup> Response to Request, CAV (CRTC) 11Mar21-13 NOC 2021 at 4(c)(ii).

<sup>6</sup> TNC 2021-102 at paragraph 9.

operational challenges presented by the pandemic and continue operations at a higher level without the need to pursue external emergency funding.”<sup>7</sup>

19. In its 2021 budget request,<sup>8</sup> CAV identified the unexpected challenges that it faced in 2020 because of increased call volumes caused by businesses and institutions moving away from in-person access due to the COVID-19 pandemic. To allow for the continuation of service, and to meet the demands being placed on the organization, CAV was able to use its Long-term Deferred Contribution reserve to quickly make numerous changes, including modifying call centers to accommodate physical distancing requirements, adding additional VIs, and implementing a remote VI program that increased the number of VIs available. CAV’s ability to withstand such unexpected and massive financial challenges, and make additional upgrades to the delivery of the service, demonstrates that there is no need to increase the current \$30 million annual funding cap.
20. While CAV has indicated that it would seek an increase to the funding cap as part of this current proceeding, to date, nothing on the record of this proceeding demonstrates that an increase to the funding cap is necessary. Many of the costs already identified are not recurring costs and, as such, will not impact the budget needs going forward. As a result, the \$30 million annual funding cap remains appropriate.
21. Related to funding, we also understand that CAV has made efforts to identify and implement a more tax-efficient structure for its operations that would result in a positive impact to CAV’s ongoing budget. Should it be necessary for CAV to seek Commission-approval to implement a structure change, we believe that the Commission should approve proposals that will introduce efficiencies and cost savings.
22. CAV’s submission of an annual application for the release of funds remains appropriate and is a good mechanism for all stakeholders to identify any concerns in a timely fashion.

### **Awareness and promotion of VRS (Questions 12-13)**

***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?***

23. The high level of user satisfaction with VRS points to CAV’s successful ability to meet VRS users’ needs, including by ensuring that appropriate promotion and awareness activities occur. CAV has

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<sup>7</sup> CAV response to RFI Q5.

<sup>8</sup> Subject: Canadian Administrator of VRS (CAV). Inc. Part 1 Application - Telecom Regulatory Policy CRTC 2014-659, Structure and mandate of the video relay service administrator (TRP 2014-659), Filing of CAV 2021 Annual Budget - Reply comments.

effectively identified ways to engage with the community of users, building relationships, and ultimately building trust that further supports the success of the service. For example, CAV employs a team of Outreach Specialists to raise awareness of VRS across Canada and has introduced a CAV Connect program to engage with sign language communities online during the COVID-19 pandemic.<sup>9</sup> CAV has also been able to effectively engage with VRS users by using virtual events to raise awareness when launching updated services like the Canada VRS app, and via social media.

24. The Sage Report notes that several participants believe that VRS is “now well known” in the Deaf community, suggesting that CAV has been effective to date in promoting the service. The Sage Report goes on to suggest that, now that CAV has successfully created broad awareness of the service, it could focus more on specifically targeting non-users and the general public, and less on broadly targeted outreach activities. However, as part of its 2020 Annual Report, CAV noted that “CAV Connect users revealed a mix of Deaf, hearing, interpreters and others, showing that Canada VRS has made inroads far beyond the Deaf community.”<sup>10</sup>
25. Since CAV is on the front line – and is the connection between the user and the organization with which they are interacting – CAV is best positioned to understand how VRS is received and understood by organizations and where best to focus its awareness activities with the general public. Requiring other stakeholders to also conduct promotion and outreach would be duplicative and unnecessary, and, ultimately, their efforts would certainly not be as effective as the efforts of CAV.
26. It is for these reasons that CAV should maintain full responsibility to promote and increase awareness of VRS amongst users and the general public.

#### **Timing of the next review (Question 14)**

##### ***Q14. When should the Commission next review VRS?***

27. A 5-year review cycle is appropriate. There are mechanisms in place that allow for user feedback to be provided to CAV on the service it provides, and to the CRTC on the annual funding of the service, on a regular and on-going basis.
28. Additionally, should the CRTC become aware of significant issues that require an earlier review, a proceeding can be initiated in advance of the 5-year window.

#### **Virtual Discussion**

29. CWTA would like to be included in the virtual discussions being contemplated by the Commission.

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<sup>9</sup> CAV, “Announcing new CAV Connect Program” (July 19, 2020), online: <https://srvcanadavrs.ca/en/deaf-community/>.

<sup>10</sup> CAV 2020 Annual Report at page 16.

## Summary

30. **VRS user experience (Questions 1-4):** No comments are provided at this time.
31. **VRS regulatory policy and CAV (Questions 5-8):** We are not aware of areas of concern that would require a change in CAV's structure, board, or service delivery model. All available information provided points to a well-functioning organization and service.
32. **Funding (Questions 9-11):** The current funding model and cap remain appropriate and should not be changed. CAV's use of its Long-term Deferred Contribution reserve allowed it to address the operational challenges presented by the pandemic and to continue operations without the need to pursue external emergency funding. CAV's ability to withstand such unexpected and massive financial challenges, and make additional upgrades to the delivery of the service, demonstrates that there is no need to increase the current \$30 million annual funding cap.
33. **Awareness and promotion of VRS (Questions 12-13):** The high level of user satisfaction with VRS points to CAV's successful ability to meet VRS users' needs, including by ensuring that appropriate promotion and awareness activities occur. CAV has effectively identified ways to engage with the community of users, building relationships, and ultimately building trust that further supports the success of the service. CAV is also on the front line where it is best positioned to understand how VRS is received and understood by organizations and where best to focus its awareness activities with the general public. CAV should maintain full responsibility to promote and increase awareness of VRS amongst users and the general public.
34. **Timing of the next review (Question 14):** A 5-year review cycle is appropriate.

## Conclusion

35. CWTA would like to acknowledge CAV for the excellent job it is doing in the provision of VRS and support its ability to continue providing this service.
36. CWTA appreciates the opportunity to share its views with the Commission.

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