

Deaf, Deaf-Blind, and Hard of Hearing Canadians

Wireless Accessibility



CRTC TNC 2020 - 178

Intervention

August 27, 2021

DEAF
WIRELESS
CANADA
COMMITTEE



COMITÉ POUR LES
SERVICES
SANS FIL DES
SOURDS DU
CANADA

Canadian
Association of the Deaf



Association
des Sourds du Canada

CNSDB
The Canadian National Society of the Deaf-Blind, Inc

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“Deaf and individuals who use Sign language as their primary language requesting unlimited data plans is equivalent to hearing people requesting unlimited voice calls.

Imagine being limited and denied access to voice every time, everyday and everywhere.”

~ DWCC et al.

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EXECUTIVE SUMMARY

In this review of Wireless Accessibility, for CRTC Telecom Notice of Consultation 2020-178, DWCC et al. focuses on the experiences of Deaf, Deaf-Blind, and Hard of Hearing (DDBHH) Canadians.

DWCC et al. has been observing, investigating, and focusing on wireless accessibility since 2015, and our accessibility group recognizes the full worth of CRTC undertaking a review of the wireless industry's accessibility. DWCC et al. appreciated being included in this proceeding and given a chance to provide a comprehensive and updated investigation into Deaf, Deaf-Blind and Hard of hearing Canadians' experiences and perspectives with wireless accessibility.

Survey questions were updated to current wireless accessibility trends and inclusive of questions gleaned from incidences which DWCC et al. committee and board members themselves experienced and this led DWCC et al. to submit 6 contributions including 2 detailed reports to this proceeding.

The information collected through the past year, through evidence such as surveys and mystery shopper experiences, were crucial, and as laid out in the reports, show DWCC et al. that clearly there has not been much change in numerous areas since 2015.

Therefore, the system requires improvement and changes with features of the accessibility plans, promotions, awareness, staff training, and sales practises with approaching DDBHH consumers. All these will lead us to true [Communication Equity](#) (the term currently used is functional equivalency).

The major dilemma is that there are DDBHH consumers constantly overpaying just to have communication with their Sign Languages over a wireless connection, and this is a form of discrimination of those DDBHH consumers who heavily use video for communication which consumes more data.

DWCC et al. has laid out all the issues derived from all of the survey responses and mystery shopper experiences in the reports and with our evidence, answers all questions for the consumer groups in Appendix 2 of TNC 2020-178 proceeding. Answers to each question come with a list of references to wording in the reports. With a complete analysis, DWCC et al. offers up to 20 recommendations in its two reports and additional potential solutions in this intervention.



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

August 27, 2021

Call for comments – Accessibility – mobile wireless service plans that meet the needs of Canadians with various disabilities Telecom Notice of Consultation [CRTC 2020-178](#) (Ottawa, June 1, 2020) - Intervention

Dear Secretary General,

1. 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.**] hereby participates in the aforementioned proceeding by means of this Intervention.
2. Deaf Wireless Canada Consultative Committee-Comité pour les Services Sans fil des Sourds du Canada (**DWCC-CSSSC**), and its partnering organizations, would like to thank the CRTC for opening this investigation into Wireless Accessibility, which much of our work has been a primary focus since DWCC has been established in 2015. We appreciate this proceeding, and all participants' patience, especially with the suspensions and reinstatements of dates.
3. For the record of this proceeding, DWCC et al. are contributing to the record for TNC 2020-178 a total of 6 files, specifically 3 major or supplementary documents such as reports and two graphic summaries as infographics.
4. The intent is to answer each of the proceeding questions by reference to the reports which would provide answers to the questions. We will first provide a list of

the following documents that have been cand then we will answer the Appendix 2 proceeding questions by referencing the document, page number and paragraph number from these documents all submitted on **August 27, 2021**:

- a. *“A Stark Reality: Wireless Accessibility Issues and Challenges for Deaf, Deaf-Blind and Hard of Hearing Canadians”* - [link](#)
 - b. *“Unlocking the Mystery Shopping Experiences of Deaf, Deaf-Blind and Hard of Hearing Canadians in Wireless Service Retail Stores”* [link](#)
 - c. *“Intervenors or SSPs to be Provided by the Wireless Service Provider Companies”* [link](#)
 - d. Wireless Accessibility Survey Infographic - [link](#)
 - e. Mystery Shoppers Experiences Infographic - [link](#)
5. By **October 12, 2021** we will provide our comments to:
- a) Appendix 1 Responses from the Wireless Service Providers
 - b) RFI Responses from Wireless Service Provider submissions
 - c) All other submissions
6. This intervention will include response to updated (as the proceeding was migrated from 2019-57) Appendixes of the Survey questions, subsequently in English and French, as upon the creation of a new proceeding, TNC 2020-178, our team reviewed and then revised the survey questions to make it relevant and more comprehensive. DWCC et al. also took into account the previous survey work done, with the amount of work qualitative responses take with analysis, and reducing the number of questions that are qualitative to only two, and increasing quantitative queries to make the analysis easier and more clear cut responses for the CRTC. As a result, the revised survey had a total of **76 questions**, instead of the 47 outlined in the 2019-57 proceeding.
7. DWCC et al. acknowledge that the CRTC TNC 2020-178 proceeding examines:
- i. how wireless service providers are complying with these requirements and whether differences exist between primary and flanker brands;
 - ii. whether the plans currently offered and promoted are sufficient to meet the needs of Canadians with various disabilities; and
 - iii. whether additional regulatory measures are required, and if so, the nature of such measures required to ensure that Canadians with various disabilities have access to plans that meet their needs and enable them to participate more fully in Canada’s digital economy.

8. DWCC et al. hereby participate in the submission of our first intervention, for 2020-178, with updated responses by answering the questions in [Appendix 2](#), after providing its introduction and background information.

About us

9. DWCC et al. advocates for the full inclusion of diverse members within the Canadian Deaf, Deaf-Blind and Hard of Hearing (DDBHH) community in Canadian society. The spectrum of DDBHH life experiences range from those with cognitive delay, immigrants learning English or French as a second language, those with various degrees of hearing loss, those with the unique “double” disability of DeafBlindness, and finally native ASL/LSQ users.
10. Members of DWCC et al. introduce themselves as follows:
 - a. **DWCC-CSSSC's** mandate is to advocate for accessible wireless communications equality for DDBHH Canadians including but not limited to:
 - i. Cost reasonable accessible wireless data plans for ASL and LSQ users for two-way video calls.
 - ii. Accessible industry-wide promotions of wireless services and products.
 - iii. Removal of disparities in costs of the same accessible wireless products and services within each company.
 - iv. Provision of functional equivalent wireless products and services including wireless applications (apps).
 - v. Accessible wireless emergency services (including emergency alerts and direct text to 911).
 - vi. Nationwide public awareness, education and outreach on current accessible wireless and mobile communication products and services.

- b. **CAD-ASC** is a national information, research and community action organization of Deaf people in Canada. Founded in 1940, CAD-ASC's mandate is to protect and promote the needs, rights, and concerns of Deaf people who use American Sign Language (ASL) and langue des signes québécoise (LSQ) in Canada. We are the national information, research, and community action organization of people who are culturally and linguistically Deaf. We partner with national organizations of persons with other communication disabilities including Deaf-blind, blind, developmentally delayed, intellectually disabled, language deprived, and literacy challenged. We combine the purposes of a research and information centre, advisory council, representative body, self-help society, and community action group. We are the oldest national-level disabled consumers organization in Canada. CAD-ASC is affiliated with the World Federation of the Deaf (WFD), and is a United Nations-accredited Non-Governmental Organization (NGO) to the Convention on the Rights of Persons with Disabilities.
- c. **CNSDB** was registered in 1985 as a national consumer-run advocacy association dedicated to helping Canadians who are deaf-blind achieve a higher quality of life. We advocate for new and improved services, promote public awareness of deaf-blind issues and gather and distribute information in order to help empower individuals who are deaf-blind to become full participants of society. CNSDB provides expertise in accessibility related to the needs of individuals who are living with the distinct disability of deaf-blindness, which is different from deafness or blindness due to being unable to use one sense in order to compensate for the loss of the other.

Definitions

11. In this document, only two of the most important terminologies are defined, Sign Languages and Culturally Deaf, but by all means find a complete list of definitions in *A Stark Reality: Wireless Accessibility Issues and Challenges for Deaf, Deaf-Blind, and Hard of Hearing Canadians*¹, pages 8 - 10 as well as in *Unlocking the Mystery Shopping Experiences of Deaf, Deaf-Blind and Hard of Hearing Canadians in Wireless Service Retail Stores*², pages 8 - 10.

¹ *A Stark Reality: Wireless Accessibility Issues and Challenges for Deaf, Deaf-Blind, and Hard of Hearing Canadians* (Anderson, 2021) - Report [link](#)

² *Unlocking the Mystery Shopping Experiences of Deaf, Deaf-Blind and Hard of Hearing Canadians in Wireless Service Retail Stores* (Anderson, 2021) - Report [link](#)

- a. **Sign Languages:** a naturally occurring visual gestural language with distinct grammar, syntax and vocabulary that is not based on or derived from a spoken language.
- b. **Culturally Deaf:** People who identify themselves as culturally Deaf; people who are born deaf or became deaf early in life, usually before language acquisition (i.e. pre-lingual).

Statistics

12. For a complete and organized breakdown of statistics, please reference *Unlocking the Mystery Shopping Experiences of Deaf, Deaf-Blind and Hard of Hearing Canadians in Wireless Service Retail Stores*, pages 10-11 and Appendix D, pages 130-132.

About Deaf-Blindness

13. For a greater understanding about Deaf-Blindness as a dual sensory disability where the loss of hearing and vision and the full accessibility needs of these Deaf-Blind Canadians, you may reference CNSDB's Supplementary document *Intervenors and SSPs Provided by Wireless Service Providers (WSP) Companies*.³

Conventions, Laws and Legislations

14. DWCC et al. quote relevant sections of applicable legislation, proposed policy and an international treaty to indicate DDBHH have the right to use mobile services at the same functional level(s) as their hearing counterparts.

United Nations Convention on the Rights of Persons with Disabilities

15. Canada ratified the [United Nations Convention on the Rights of Persons with Disabilities \(CRPD\)](#) in 2010, whereas the Convention ensures the right to accessibility to information and communications in its Article 9.
16. State parties, such as Canada, should take appropriate measures to ensure persons with disabilities and DDBHH people to have access on an equal basis with others with information and communications technologies.

³ CNSDB Supplementary document: Intervenors and SSPs Provided by WSP Companies (McHugh & Stewart, 2021) - Document [link](#)

17. Canada ratified the [Convention on the Rights of Persons with Disabilities \(CRPD\)](#) on March 11, 2010.
18. This includes provisions of information and communication as a part of true accessibility for DDBHH Canadians as a human right, when received on the equal basis like other Canadians, especially during the sales experience. It is critical when it comes to the process of purchase of provisions for their accessibility needs. One example of this true accessibility is to include Sign language interpretation services or having Deaf sales agents at the retail stores to ensure that communication is provided to DDBHH Canadians before making an independent decision.

Article 2 “Definitions” includes the following wording:

For the purposes of the present Convention:

"Language" includes spoken and signed languages and other forms of non spoken languages;

19. One example of this true accessibility is to include Sign language interpretation services or having Deaf sales agents at the retail stores to ensure that communication is provided to DDBHH Canadians before making an independent decision.
20. In addition, the Convention ensures the right to Sign language recognition in its *Article 21*. Specifically in 21 (b) and 21 (e) as below:

21 b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
21 e) Recognizing and promoting the use of sign languages.⁴
21. For relevancy, it is specifically *Article 9, 1b*. that applies to telecommunications accessibility.

⁴ Article 21 - Freedom of Expression of Opinion and Access to Information, United Nation website: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-21-freedom-of-expression-and-opinion-and-access-to-information.html>

Article 9 “Accessibility” reads in part as:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

b. Information, communications and other services, including electronic services and emergency services...⁵

Canadian Charter of Rights and Freedoms

22. A good summary of the Canadian Charter of Rights and Freedoms can be found in the rights and freedoms the Charter protects⁶, whereas the rights and freedoms protected by the Charter fall into 7 categories which include Equality rights as follows:

Equality Rights

Section 15 (1) of the Canadian Charter of Rights and Freedoms reads as:

*15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*⁷

23. “Equality rights are at the core of the Charter. They are intended to ensure that everyone is treated with the same respect, dignity and consideration (i.e. without

⁵ UN Convention of Persons with a Disability, Article 9 - <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-9-accessibility.html>

⁶ The rights and freedoms the Charter protects - <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/rfcp-cdlp.html>

⁷ Canadian Charter of Rights and Freedoms - 15(1) - <https://laws-lois.justice.gc.ca/eng/const/page-12.html#h-46>

discrimination), regardless of personal characteristics such as race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, sexual orientation, residency, marital status or citizenship.

24. As a result, everyone should be treated the same under the law. Everyone is also entitled to the same benefits provided by laws or government policies. With this in mind, as an example, the CRTC can do well to ensure that they create a wireless accessibility policy that will enhance the accessibility of wireless telecommunications Deaf, Deaf-Blind and Hard of Hearing Canadians.

Canadian Human Rights Act

25. Sections 2 and 5 of the **Canadian Human Rights Act** reads as:

Proscribed Discrimination

2 The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered

Discriminatory Practices

Denial of good, service, facility or accommodation

5 It is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public

(a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or

(b) to differentiate adversely in relation to any individual, on a prohibited ground of discrimination

26. Thus, according to the Canadian Human Rights Act, and the 2019 Accessible Canada Act, is where the CRTC has a duty to ensure the accessibility is there for Deaf, Deaf-Blind and Hard of hearing Canadians.

Accessible Canada Act

27. Section 5 (c) of the [Accessible Canada Act](#) prohibits barriers in mobile services as shown in:

Purpose

5 The purpose of this Act is to benefit all persons, especially persons with disabilities, through the realization, within the purview of matters coming within the legislative authority of Parliament, of a Canada without barriers, on or before January 1, 2040, particularly by the identification and removal of barriers, and the prevention of new barriers, in the following areas:

(c) information and communication technologies;

28. Section 5.2 of the same Act reads as follows:

Recognition of sign languages

(2) American Sign Language, Quebec Sign Language and Indigenous sign languages are recognized as the primary languages for communication by deaf persons in Canada.

29. This means that sign languages play a big part in ensuring the accessibility for deaf persons in Canada. CRTC has done an exemplary job in ensuring in some of its policies such as the Wireless Code, and the Internet Code whereas video translations in ASL and LSQ are mandated.

2019 Ministry of Innovation Science and Economic Development (ISED) Order Issuing a Direction to the CRTC

30. The Ministry of Industry Science and Economic Development (ISED) took an extra step to ensure that accessibility is enforced in its updated Policy Directive in 2019.

This updated *Direction* includes accessibility largely in part because of DWCC et al.'s initiative⁸ submitting to the public input process held by the Ministry of Innovation, Science, Economic Development (ISED) which led to the publication of the Order.

31. *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation* includes wording instructing the CRTC to **ensure accessibility**⁹

Principles

1. *In exercising its powers and performing its duties under the Telecommunications Act, the Commission must implement the Canadian telecommunications policy objectives set out in section 7 of that Act, in accordance with the following:*
 - a. *the Commission should consider how its decisions can promote competition, affordability, consumer interests and innovation, in particular the extent to which they*
 - iv. *enhance and protect the rights of consumers in their relationships with telecommunications service providers, including rights related to **accessibility**,*
 - vi. *enable innovation in telecommunications services, **including new technologies and differentiated service offerings,***"
 - b. *the Commission, in its decisions, should demonstrate its compliance with this Order and should specify how those decisions can, as applicable, promote competition, affordability, consumer interests and innovation.*

47. Additionally, in 2018, the Government of Canada opened a review of the legislative framework of Broadcasting and Telecommunications. It should be noted in the BTLR consultation process, quite a number of accessibility groups participated to provide their perspectives and experiences and as a result in both the published reports:

⁸ DWCC submission to Ministry ISED Gazette publication as a public response, (April 2019), [https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/PD2019-DWCC-comments.pdf/\\$FILE/PD2019-DWCC-comments.pdf](https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/PD2019-DWCC-comments.pdf/$FILE/PD2019-DWCC-comments.pdf)

⁹ ISED CRTC Policy Directive - <https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11524.html>

- a) The interim report, *What We Heard*¹⁰, the BTLR panel summarized many of the accessibility groups' input as below and lists Accessibility as one of the priority areas in the interim report as seen below:

Accessibility

Some parties submitted that accessibility-related policy objectives should be included in communications legislation to ensure that people with accessibility needs are taken into account when regulating the telecommunications and broadcasting sectors. We received additional suggestions to include accessibility representatives in policy-making, as discussed under [Theme D](#).

Accessibility groups noted that communications tools and mobile applications on smart devices are not only important for them as digital consumers but that they also provide independence and freedom. These groups noted the importance of affordable Internet connections, including mobile data plans, for these tools and applications to function.

Interested parties emphasized the importance of accessibility standards in communications services, including in the provision of audiovisual content. They proposed standards for the provision of services in sign language; accessible websites and picture-in-picture interpretation; and video description. Accessibility groups recommended including obligations to meet accessibility standards directly in communications legislation as well as establishing relevant enforcement mechanisms.

- b) The final report, *Canada's Communications Future: A Time to Act*, published in January 2020, included an overview of accessibility issues and listed a number of recommendations in relation to accessibility as follows:
- i) **Recommendation 15:** We recommend that the CRTC Act be amended to require the creation of a Public Interest Committee funded by the CRTC and composed of not more than 25 individuals with a wide range of backgrounds, skills, and experience representing the diversity of public, civic, consumer, and small

¹⁰ BTLR Panel Report "What We Heard" - p. 23
[https://www.ic.gc.ca/eic/site/110.nsf/vwapj/What_we_Heard_eng_final_07-17-19.pdf/\\$file/What_we_Heard_eng_final_07-17-19.pdf](https://www.ic.gc.ca/eic/site/110.nsf/vwapj/What_we_Heard_eng_final_07-17-19.pdf/$file/What_we_Heard_eng_final_07-17-19.pdf)

business interests, and including Indigenous Peoples....The Committee should also include, as an ex officio member, a representative of the Accessibility Advisory Committee called for in Recommendation 88. (p.59)

- ii) **Recommendation 87:** We recommend that the objectives of the Telecommunications Act and the Broadcasting Act be amended to include accessibility of services covered by the respective Acts by persons with disabilities to recognize the importance of barrier-free access to communications services, and entrench accessibility above and beyond the Accessible Canada Act. (p.182)
 - iii) **Recommendation 88:** We recommend that the CRTC Act be amended to require the CRTC to create and fund participation in an Accessibility Advisory Committee to meet, at a minimum, on an annual basis, and to publish reports on these meetings. We further recommend that a delegate of the Accessibility Advisory Committee be an ex officio member of the Public Interest Committee recommended in Recommendation 15 of this Report. (p.182)
- c) Overall in the final report, the panel also “recommended that the objectives of both the Telecommunications Act and the Broadcasting Act be amended to address accessibility by persons with disabilities. This would recognize the importance of barrier-free access to communications services, and entrench accessibility above and beyond the Accessible Canada Act.” (page 15).¹¹

48. All these laws and conventions either individually or collectively clearly state(s) that DDBHH consumers have the same rights to buy, change and terminate their communication services at par with their counterparts.

¹¹ Broadcasting and Telecommunications Legislative Review Panel: *Canada's Communications Future: A Time to Act*, January 2020 - [https://www.ic.gc.ca/eic/site/110.nsf/vwapj/BTLR_Eng-V3.pdf/\\$file/BTLR_Eng-V3.pdf](https://www.ic.gc.ca/eic/site/110.nsf/vwapj/BTLR_Eng-V3.pdf/$file/BTLR_Eng-V3.pdf)

Applications of these Acts, Policy Directive and Treaty

49. Deaf, Deaf-Blind, and Hard of Hearing consumers obviously perceive their worlds differently from their hearing counterparts. The former mostly depend on their visual senses to make sense and interact with society at large whereas the latter depend on their aural senses. As a consequence, the former rely heavily on videoconferencing (visual) while the latter rely heavily on telecommunications (aural).
50. Canadian Charter of Rights and Freedoms, Canadian Human Rights Act, and Article 9 of the UN CRPD prohibits the Canadian mobile services industry from treating Deaf, Deaf-Blind and Hard of hearing consumers differently from their hearing counterparts.
51. Both Section 5.2 of the Accessible Canada Act and Article 2 of the UN CRPD equates sign language with spoken languages. Therefore whatever goods and services spoken language users receive or purchase must also be adapted for the benefit of sign language users and vice versa. This includes wireless data packages and the services that accompany them.
52. Carriers must adhere to the ISED Policy Directive issued in early 2019, especially when it comes to rights related to accessibility, including those of DDBHH consumers. The only way the Commission may promote consumer interests is if all carriers of all sizes are mandated to provide functional equivalent mobile services to both DDBHH and hearing consumers.

Functional Equivalency - Outlined and defined in the US and Canada

53. The definition of functional equivalency for telecommunications for Deaf, Deaf-Blind and Hard of hearing Canadians needs to be outlined and defined, with reference to the origin of the wording coming from the United States as follows.

54. The National Association of the Deaf (NAD)¹² asserts that all telecommunications¹³ equipment and services must be accessible to and usable by people who are deaf and hard of hearing.¹⁴ Equal access to telecommunications is absolutely necessary for deaf and hard of hearing individuals to have equal opportunities in education, employment, public and private programs and services, and everyday life.
55. Existing laws¹⁵ mandate access to telecommunications for deaf people, but it is imperative to update on a periodic basis federal regulations and guidelines to incorporate all existing, new, emerging, and future telecommunications equipment and services to ensure ongoing accessibility.
56. To avoid delays in accessibility and usability as well as possible expensive retrofitting, telecommunications equipment and services should be subject to universal design principles. Further, where telephone usage is available to individuals who are not deaf, similar access must be afforded for people who are deaf such as in the workplace; in places of lodging; in prisons and jails; and in government and public venues.
57. The NAD appreciates the efforts of the Federal Communications Commission (FCC) to fulfill the telecommunications requirements of the Americans with Disabilities Act (ADA) of 1990, the Telecommunications Act of 1996, and the 21st Century Communications and Video Accessibility Act of 2010, but urges that further steps be taken to go beyond preserving existing services and achieve the goal of functionally equivalent telephone services as well as equal access to all telecommunication services.
58. **Functional equivalency communication** encompasses and details (but is not limited to) regulations, policies, best practices, goods and services DDBHH

¹² National Association of the Deaf Website, About Us, (2021): <https://www.nad.org/about-us/>

¹³ For purposes of this Position Statement, the term “telecommunications” means all forms of communications through technology including but not limited to telephone and Internet networks. [1]

¹⁴ The term “deaf” or “deaf and hard of hearing” is to be interpreted to include individuals who are deaf, hard of hearing, late deafened, and deaf-blind [2]

¹⁵ The Communications Act of 1934, as amended, and the Americans with Disabilities Act (“ADA”) of 1990, as amended, mandate this full access to telecommunications and equal access to all forms of telecommunications services. This includes, but is not limited to, Section 225 (relay services), Section 255 (accessible telecommunications equipment and services), Section 710 (hearing aid compatibility), Section 716 (access to advanced communications equipment and services), and Section 719 (relay service support for individuals who are deaf-blind) of the Communications Act; the Rehabilitation Act of 1973 and all Titles of the ADA.[3]

consumers need to effectively and efficiently participate in the telecommunications and internet marketplaces similar to their hearing counterparts. The word “similar” is used here to illustrate that DDBHH consumers cannot participate in the marketplace exactly the same way as their hearing counterparts.

59. For example the functional equivalent of free voice minutes targeted to hearing consumers for DDBHH consumers is free unlimited data plans, with no soft data caps, and never throttled.
60. Such unlimited data plans would permit:
 - a. mobile communications between DDBHH and hearing consumers through video relay service (**VRS** as explained later in this Intervention); and,
 - b. Built-in unlimited access to mobile video conferencing apps (ex: Facetime, Skype, and FB Messenger Video) allowing two-way mobile video conversations between Sign Language consumers.
61. “Every day, we are pushing for a collective, societal mindset shift that prioritizes human diversity rather than an adherence to laws, rules, or what one can “get away with.” To that end, we believe in moving beyond functional equivalency.¹⁶
62. The commonly accepted concept of functional equivalency leaves a lot to be desired. It focuses on compliance at the bare minimum, rather than providing people with good or equitable service. Functional equivalency is limiting because it’s a static, end-state goal that doesn’t consider the true experiences of those who are constantly saddled with sub-par accessibility efforts,¹⁷ such as networking management or throttling of internet speeds when data limits near and thereby hindering the two-way communication of DDBHH ASL and LSQ communications over a wireless network.
63. The CAD-ASC Office of Consumer Affairs Project Report *Technology Accessibility for Canadians with Communication Disabilities* illustrated that current accessibility standards back then may not unilaterally serve DDBHH Canadians well in today’s present day, as the reality is that a high percentage of

¹⁶ Communication Services for the Deaf (CSD) *Chris Soukup Receives TDI Award for Humanitarian Efforts*, (Eltouny, Leila, 17 August 2021) link -

<https://www.csd.org/stories/chris-soukup-receives-award-for-humanitarian-efforts/>

¹⁷ Communication Services for the Deaf (CSD) *Chris Soukup Receives TDI Award for Humanitarian Efforts*, (Eltouny, Leila, 17 August 2021) link -

<https://www.csd.org/stories/chris-soukup-receives-award-for-humanitarian-efforts/>

DDBHH are left out of the research and design phase of opportunities to participate in the advancement and production of new accessible technology in Canada. A more recent and specific example is the cross wireless service provider IP-Relay application which did not go beyond just one roundtable consultation with the wireless companies and Deaf, Deaf-Blind and Hard of hearing accessibility groups such as DWCC et al. hosted by the Canadian Wireless Telecommunications Association (CWTA) in April 2019.

64. A truly incorporating the feedback mechanisms involving DDBHH Canadians is a must to go further than the consultation process and including everyone in the alpha and beta feedback processes. Unfortunately this is a prime example of hearing-able people leaving out DDBHH Canadians from the process for introducing new technologies and for enhancing the accessibility of telecommunications.
65. For more information, please consult the report produced by Canadian Association of the Deaf-Association des Sourds du Canada (CAD-ASC) for its Office of Consumer Affairs (OCA) *Emerging Accessible Technologies* project, published November 2020. For a full version of the report, *Technology Accessibility for Canadians with Communication Disabilities*, (Berman, Roots - CAD-ASC, November 2020), please contact Jim Roots at jroots@cad.ca
66. With this, DWCC et al. would like to introduce the concept of “Communication Equity. This means taking steps towards:
 - Fewer substitutions for people on the “wrong” side of a barrier (such as those of us without the ability to hear), and more effort put towards removing the barrier.
 - Using multiple options and considering peoples’ preferences rather than a one-size-fits-all solution based on assumptions about individual needs.
 - Recognizing that as technology continues to evolve rapidly, our communications accessibility efforts must evolve, too. Communication equity for the Deaf community demands safeguarding of the services we have fought to create,” said Mr. Soukup.¹⁸

¹⁸ Communication Services for the Deaf (CSD) *Chris Soukup Receives TDI Award for Humanitarian Efforts*, (Eltouny, Leila, 17 August 2021) link - <https://www.csd.org/stories/chris-soukup-receives-award-for-humanitarian-efforts/>

CAD-ASC and Telecommunications

67. The Canadian Association of the Deaf - Association des Sourds du Canada (CAD-ASC) has a position paper on Telecommunications that have points that should be taken into consideration as we examine wireless accessibility in this proceeding:
- a. New telecommunications technology must include access for Deaf people, and current technology that is not accessible needs to be made so. This accessibility can only be achieved through the active and equal participation of Deaf people in all aspects of the technology, including development, regulation, and distribution.
 - b. One reason why Canadian telecom businesses and the CRTC have become obtuse and resistant towards new technology is that they continue to refuse to hire Deaf people into positions where our eager grasp of new communications technology can be used to put Canada back on the cutting-edge of progress. No one is faster or more savvy about discovering, testing, and using new communications than Deaf people, because it is our lifeline to the hearing world; we proved that by being the quickest community to adopt texting devices such as the Blackberry, and then by being the quickest to adopt those smartphones which included real-time video capabilities. That Canadian companies and agencies persist in ignoring this fact and refusing to hire Deaf employees is unfathomable.
 - c. ...With every facet of the service being designed towards the absolute reduction of expenses (“cost-effectiveness”). The CRTC and other regulators — none of whom have any Deaf employees in meaningful roles — have utterly failed to enforce high standards of service that would recognize the fact that Deaf services are not a “retail feature” like call-display or call-forwarding, but rather are a legal right, an essential service, and a public good.
 - d. In view of the powerful benefits for Deaf people, the Canadian Association of the Deaf – Association des Sourds du Canada insists that Deaf persons must be involved in the development, marketing, and regulation of information and communication technology.¹⁹

¹⁹ Canadian Association of the Deaf - Association des Sourds du Canada (CAD-ASC) Position Paper - Telecommunications, <http://cad.ca/issues-positions/telecommunications/>

Employment and Employability

68. By means of a backgrounder, using the CAD-ASC's position paper on Employment and Employability, DDBHH Canadians historically and currently face chronic unemployment and underemployment to a greater extent than their hearing counterparts. The position paper reads in part as:

"[CAD-ASC] conducted a formal and rigorous data collection project involving more than 1,000 people in the Deaf community. [CAD-ASC] found that only 20% of Deaf Canadians are fully employed; 42% are under-employed; and 38% are unemployed."

"In 2014-15, once again [CAD-ASC] conducted a formal survey of 365 Deaf Canadians, under the supervision of the retired Chief Statistician of Statistics Canada. This time the number of unemployed Deaf Canadians was 40%, an increase of 2% since 1998. All of the remaining 60% were either self-employed or short-term contract workers, 24% of them part-time."²⁰

69. According to Statistics Canada persons with disabilities (**PWD**) are under-employed.

Findings its Survey on Disability in 2017 include:²¹

"59 per cent of working-age adults with disabilities are employed, compared with 80 percent of adults without disabilities. Among working-age adults with disabilities who are neither employed nor at school, two in five (39 per cent) have the potential to work. This represents nearly 645,000 individuals with disabilities who have the potential to work and are not working."

70. The same study shows that comparatively fewer Deaf and hard of hearing individuals complete secondary or post-secondary education. For example, only 3.1% attain a university degree, compared to 10.2% of the non-disabled population, a figure which falls to 1.7% among those who are profoundly deaf. It is thus not surprising that labour force participation is only 52.1%, compared to 77.9% for non-disabled peers. The inability of Deaf and hard of hearing individuals to fully participate in the labor force incurs heavy human and social

²⁰ CAD-ASC's Report on Employment, 2015:

<http://cad.ca/issues-positions/employment-and-employability/>

²¹ Canadian Survey on Disability, 2017:

<https://www150.statcan.gc.ca/n1/daily-quotidien/181128/dq181128a-eng.htm>

costs including but not limited to decreased productivity, increased dependence on need for government assistance, and mental health services.²²

71. The Canadian Hearing Services' Position Paper²³ reads in part as:

“Barriers to post-secondary education for Deaf and hard of hearing students can be insurmountable. There has been a significant decline in the enrollment of Deaf and hard of hearing Canadians at post-secondary educational institutions since 2000. Factors responsible for this alarming fact include reduced government funding as a result of systemic and policy barriers. During 2013, Gallaudet University and Rochester Institute of Technology - National Technical Institute for the Deaf (RIT/NTID) reported that the number of Deaf and hard of hearing post-secondary students from Canada continued to decline. Disability Services/Access Officers at universities and colleges in several provinces across Canada report that every year the number of Deaf and hard of hearing post-secondary students has declined. One of the most serious repercussions of the steady decline in post-secondary enrolment among Deaf and hard of hearing students is that educational institutions, health and social service agencies serving Deaf and hard of hearing individuals are experiencing increasing difficulty in recruiting qualified staff who are culturally Deaf, oral deaf, deafened or hard of hearing due to the low numbers of applicants.”

72. These unemployment and underemployment statistics are clearly unacceptable and discouraging. The private and public sectors must work with organizations of, for and by DDBHH to remove attitudinal barriers, ableism, and audism thus enabling DDBHH Canadians to fully participate in the labor force. Improved broadcasting and telecommunications regulations, policies, best practices, goods and services as mandated by the ACA will go a long way to improve DDBHH Canadians employability. Such improvements will be described later in this Intervention.

73. For example, high telecommunications, including wireless service providers, costs are imposed on DDBHH who depend and rely on data plans (especially for videocommunications) more so than their hearing counterparts. These high costs impede DDBHH Canadians' employment and employability. Functional equivalency is one way to efficiently and effectively deal with these high

²² Canadian Survey on Disability, 2017:

<https://www150.statcan.gc.ca/n1/daily-quotidien/181128/dq181128a-eng.htm>

²³ Canadian Hearing Society Position Paper, (2015) PDF: [Challenges and Issues Affecting Access to Post-Secondary Education for Deaf and Hard of Hearing Students](#)

telecommunications costs.

74. The unemployment statistics is evident to be consistent even in 2021, with our survey result reports, in reference to *A Stark Reality*.²⁴ Another rationale for introducing the unemployment situation into this document is in the hopes that the wireless service provider companies can find a mutually beneficial solution, by hiring Deaf, Deaf-Blind and Hard of hearing people to accommodate the customers with the same communication needs. It is about accessibility for all.
75. DWCC et al.'s expertise and purview lies in telecommunications accessibility such as making mobile services accessible to DDBHH consumers with the fact that their hearing counterparts may use mobile services differently but still at exactly the same **communication equity** (the current term used is functional equivalency).
76. DWCC et al. raises and provides current evidence and experiences from DDBHH Canadians, and proposes numerous possible scenarios and solutions related to employment and service accessibility for and by the wireless service providers.

Background on Barriers Faced by DDBHH Consumers

77. Overall, hearing consumers rely on relatively cheap voice plans to make unlimited voice calls. Generally speaking, DDBHH consumers cannot take advantage of such voice plans except when making Text to 911 calls - usually a rare occurrence in a consumer's life. Due to DDBHH's heavy reliance on video conferencing (with inherent high data demands to up and download data), they are not able to make unlimited video calls especially when existing data plans are relatively expensive.
78. Not only do relatively expensive data plans pose a unique barrier for DDBHH consumers due to their disability but so does network management (colloquially called "throttling"). When DDBHH consumers reach their data limits, network management kicks in resulting in slower internet speed, deteriorating video quality resulting in pixelated video. The issue is covered by [mobilesyrup](#) identifying this problem as real with serious accessibility impacts and dire consequences for DDBHH consumers when making live or messaging video

²⁴ *A Stark Reality: Wireless Accessibility Issues and Challenges for Deaf, Deaf-Blind, and Hard of Hearing Canadians* (Anderson, 2021) - Report [link](#)

communications or when streaming emergency / news videos using sign language.

79. Current market trends for mobile wireless services have once again changed and shifted and a new area of concern for accessibility for our group has emerged. It is with the newly created “unlimited data” packages being widely marketed as of June 12, 2019 according to MobileSyrup, which started reporting [Rogers](#) offerings then turned to report [Telus](#) offering similar unlimited data packages. This changed the landscape for mobile wireless accessibility and DWCC et al. wishes to bring this issue to CRTC’s attention, especially in light of the network management and slow down of the speed of the internet connection on these packages and effectively hindering the accessibility for DDBHH consumers.
80. ASL/LSQ users tend to have higher than usual demand for advanced communications, and do not use audio on video. Their needs are different from hearing Canadians. A Canadian, who uses ASL/LSQ, needs video relay services to have equivalent communication. With this point taken into account, ASL/LSQ users may feel they are being punished for their needs in order to function in everyday life by paying higher costs for what could have been reasonable accommodations. Canada needs to play catch up to meet the needs of its own citizens. In many instances, ASL/LSQ users must pay for voice as part of bundled packages because individual selection is more expensive, the accessory of voice plans that they do not even use.
81. With a formal recognition by the CRTC, this will be instrumental in motivating service providers to consider and respond to the needs for Canadians with disabilities for high-speed, symmetric, and affordable connectivity.
82. When it comes to unequal telecommunications, other accessibility groups are in support of sign language DDBHH Canadian groups. Media Access Canada (MAC) is such a group, which aligns with DWCC et al. when they describe the challenges that DDBHH Canadians who use ASL and LSQ have with telecommunications, in the Basic Telecommunications Services proceeding, TNC 2015-134.
83. Deaf-Blind consumers are not provided with appropriate equipment to take advantage of mobile services and goods. DDBHH consumers generally earn less than their hearing counterparts and therefore are less likely to afford mobile devices and services permitting them to communicate effectively and efficiently

with everyone else. The higher cost of mobile goods and services relative to their income more likely precludes low income DDBHH from becoming mobile services consumers.

84. While the Deaf-Blind faces an even greater need for accessible technology, high costs of internet services, especially data, create huge barriers. Those who have the greater need also face greater barriers to accessing what they need. The Deaf-Blind face greater barriers to employment, resulting in lower-income.

CNSDB Telecommunications Deaf-Blind Accessibility Key Points

85. The Deaf-Blind have a great need for accessible technology that allows them better access to communication, information and emergency services. Accessible technology, combined with wireless and internet services (data, text, voice) increases independent access to things that are inaccessible in other formats. In CNSDB's Supplementary document, all the Deaf-Blind Accessibility issues have been outlined, please reference *Intervenors and SSPs Provided by Wireless Service Providers (WSP) Companies*.²⁵

Response to Appendix 2 Questions for Consumer Accessibility Groups

86. With this overview of wireless and telecommunications applications, please note that we have 3 accompanying documents that we reference and bring into application as we answer the CRTC TNC 2020-178 proceeding questions as follows:

Availability

1. **When looking for an accessible wireless plan, what communications channels (e.g. website, in store, over the phone) are easier or more difficult to use and why?**

DWCC et al. Response:

87. Unfortunately, DWCC et al. find it is challenging to answer this question because of the disparity of standards especially in-store and over the phone as shown in the mystery shoppers report. The lack of professional and standard training

²⁵ CNSDB Supplementary document: Intervenors and SSPs Provided by WSP Companies (McHugh & Stewart, 2021) - Document [link](#)

especially with the employees in both brick and mortar stores and through telephone put us in a difficult situation, according to the Mystery Shoppers Experiences. It is a hit and miss in that the interaction could work one day and not another day, depending on the employee that the customer interacts with. There is no standard, which the CRTC needs to figure out how to assist in making standards that is the least confusing for them with a new wireless accessibility policy.

88. In summary, for the in-store experiences, communication barriers exist because the storefront staff are generally unaware of how to improve communication with walk-in customers and overall are not knowledgeable about accessible services or products that their own corporate head office offers. There is a systematic discord or disconnect between store staff and the corporate office with the accessibility services available provisions since many front-line employees simply are not aware of strategies that can be provided such as booking sign language interpreters to assist in communication.
89. As a result of our survey, consumers contributed testimonials and left comments that illustrate the scale of those in the industry that are uninformed as a direct result of lack of information on the companies' websites, one needs to take a look at testimonial #55 and #56, as well as #70, on Pages 149-151 in *A Stark Reality*.
90. In addition to these testimonials, DWCC et al. observe from their own experiences is that difficulties exist because there are no ASL or LSQ video promoting three primary accessibility products and services, as outlined and referenced in Table 1, on page 21, in *A Stark Reality*:
 - a. Accessibility Plan;
 - b. Unlimited Built-in Access to Canada's VRS;
 - c. 30-Days Extension Trial Device and Plan.
91. While Bell did attempt to produce ASL and LSQ videos with its stale 2GB Accessibility Plan, and Telus produced detailed videos on its accessibility services and products, the specific accessibility offerings got lost in translation in all these videos produced by Bell and Telus. Instead, as described in our recommendations, and outline of the issues, the topics in the videos need to be produced as separate to specific and certain topics to make it clear. This will allow individual information-specific videos to be shared.

References:

A Stark Reality report: Pages 20-22, paragraphs #58 - #63.

A Stark Reality report: Page 39 and pages 72-73, recommendations #6 - #10.

A Stark Reality report: Pages 69-70, paragraphs #213 - #219.

A Stark Reality report: Pages 149-152, and 160, testimonials #55, #56, #70, and #75.

A Stark Reality report: Pages 182-191, Appendix C: WSP Websites - Wireless Accessibility Details.

A Stark Reality report: Page 193: Wireless Accessibility Survey Results; Infographic Communication Barriers section, also the full infographic is available in its own link.²⁶

Mystery Shopping Experiences Report: Pages 22-24, paragraphs #60 - #66.

Mystery Shopping Experiences Report: Pages 28-48 paragraphs #75 - #162.

Mystery Shopping Experiences Report: Pages 55-106, Appendix A: Overall Survey Charts, Tables and Data Analysis to get the overall in-store experience perspective of communication channels.

2. What elements or features of typical mobile wireless plans create barriers for you and why? Please provide examples. (Note: This could include features that are typically included in or excluded from wireless plans.)

DWCC et al. Response:

92. **Barrier #1** Generally, Deaf, Deaf-Blind and Hard of hearing (DDBHH) consumers pay too much for data plans that have features that they cannot use. These consumers should pay only for if and when they might use it, ie. voice, in an emergency.

Reference:

A Stark Reality report: Pages 11-12, paragraphs #14 to #19.

²⁶ Wireless Accessibility Survey Infographic CRTC 2020-178 - Link:
<http://www.deafwireless.ca/wp-content/uploads/2021/08/DWCC-et-al-Wireless-Accessibility-Survey-INFO-GRAPHIC-1-TNC-2020-178.png>

93. **Barrier #2** Currently, the limited data GB packages per month is an issue for Deaf, Deaf-Blind and Hard of hearing people that use ASL and LSQ to communicate over the wireless network. The amount of GB per month a DDBHH consumer uses is incrementally different from that of a hearing person that would use voice over the wireless network. DDBHH consumers cannot benefit from the free unlimited voice minutes in the evenings or on weekends. What DDBHH consumers are purchasing in terms of data is not enough, and they consistently pay overage charges. There should be no soft GB limits for communication equity for DDBHH Canadians.

References:

A Stark Reality report: Page 43, paragraph #142.

A Stark Reality report: Page 44, paragraph #144.

A Stark Reality report: Pages 45-47, paragraphs #145 - #153.

A Stark Reality report: Pages 51-52, paragraphs #157 - #165.

A Stark Reality report: Pages 59 - 60, paragraphs #183-184 and #186.

94. **Barrier #3** The throttling or network management that creates blurry video communications and force DDBHH consumers to pay extras for “speed passes” These are intrinsically a form of discrimination.

References:

A Stark Reality report: Pages 48-49, paragraphs #154 - #156.

A Stark Reality report: Page 139-142, questions #69 - #73.

95. **Barrier #4** On shared plans, currently either the DDBHH consumer within the family is not allowed to have an accessibility plan, or it is limited to only one accessibility plan per shared plan, and the result is that the other person is disadvantaged without the accessibility plan features. There should be considerations that there can be more than one DDBHH consumer on these shared plans. There should be concessions that each and every DDBHH should be able to access an accessibility plan with accessibility features, period.

References:

A Stark Reality report: Page 68, paragraph #210.

A Stark Reality report: Pages 102-103, questions #26 - #27.

A Stark Reality report: Page 145, testimonials #1 and #82.

96. **Barrier #5** A large number of DDBHH consumers are either on government services or underemployed, and the current data plan pricing is too expensive for them. These consumers should not have to choose between food or more data to access ASL and LSQ communication.

References:

A Stark Reality report: Page 35, paragraph #115.

A Stark Reality report: Page 41, paragraph #135.

A Stark Reality report: Pages 86-89, questions #14-16.

A Stark Reality report: Page 146 & 158 testimonials #22, #122, and #125.

97. **Barrier #6** Industry-wide there is systematic unawareness of the Accessibility Plan. This was first discovered while composing the Unlocking the Mystery Shopper Experience Report, and is found in many places.

References:

Mystery Shopping Experiences Report: Page 16, paragraph #32.

Mystery Shopping Experiences Report: Page 18, paragraph #36.

Mystery Shopping Experiences Report: Page 24, paragraph #66.

Mystery Shopping Experiences Report: Page 43, paragraphs #138 - #140.

Mystery Shopping Experiences Report: Page 53, paragraph #167.

Mystery Shopping Experiences Report: Pages 85-86, question #24.

Mystery Shopping Experiences Report: Pages 91-92, questions #27 and #28.

Mystery Shopping Experiences Report: Pages 100 and 104, testimonials #9 and #12.

98. **Barrier #7** The current built-in unlimited data access to SRV Canada VRS does not align with the realities of DDBHH consumer experiences, because of the overage payments that Sign Language Canadian users are paying for their data plans. DWCC et al. has to question the legitimacy of this information on their websites. These wireless service providers need to prove to the CRTC that they have access to making data access for video communications a reality.

References:

Mystery Shopping Experiences Report: Page 16, paragraph #32.

A Stark Reality report: Page 20, paragraphs #54-58.

A Stark Reality report: Page 21, Table 1.

A Stark Reality report: Page 69, paragraph #211.

99. **Barrier #8** DDBHH consumers are paying more for accessibility. Any service or product that enhances accessibility should be free of charge. Two examples of these services or products;
- a. the voicemail to text; and
 - b. phone number forwarding.

Some companies charge \$7 monthly for voicemail to text. ASL and LSQ users are forwarding their phone numbers to their VRS numbers so they don't get hearing people phoning their smartphone numbers, and this forwarding service surcharge needs to be removed for those on the accessibility plans. **Any ingrained practice by the wireless service providers taking advantage of these consumers must be stopped.**

Reference:

DWCC et al. received testimonials about the VRS number forwarding and Committee members have experienced these charges firsthand. Additionally, notes about this are in Appendix C, Page 182, of the *A Stark Reality* report.

3. With respect to the barriers you identified in question 2 above, what elements or features of an accessible wireless plan help to minimize or eliminate such barriers? Are you aware of any wireless service provider offering plan elements or features that minimize or eliminate those barriers?

DWCC et al. Response:

100. DWCC et al. identifies three elements or features that help to minimize or eliminate barriers are:
 - a. Accessibility Plans;
 - b. 30-Day device or service extension; and
 - c. Built-in unlimited data usage of *SRV Canada VRS*.
101. DDBHH consumers should not pay for unnecessary and unused features and services. There should not be limited GB, soft GB data plans, there should be truly unlimited data plans for DDBHH ASL and LSQ consumers. Six companies offer Accessibility Plans but yet, still charge for some accessibility features, or put speed passes on these plans.
102. On the other hand, regardless of the number of those who are ASL or LSQ users on a shared plan, each individual should still be able to get an accessibility plan.
103. Furthermore, Communication equity is also an essential service that should be appropriately priced for those DDBHH consumers. A cap of \$70.00 (before taxes) needs to be placed on these accessible data plans.
104. A quick question: Do WSPs charge their consumers to pay over-payment for over voice-call use? Therefore, **they should never penalize DDBHH individuals for over data use. All surcharges for accessibility services are to be removed immediately.**
105. More frequent staff awareness and training needs to be conducted, and accessibility-friendly designated stores should be established. No drop-down option appears on company in-store/storefront Point of Sale (POS) terminals and devices.
106. Eight companies indicate on their websites that they have the 30-day device or service extension for accessibility group consumers. But storefront staff are often unaware of this, and the information about this is most often not displayed in-store, as indicated in *Unlocking Mystery Shopper Experiences*.

107. An investigation by CRTC is required to ensure **all** the wireless service providers truly have access to this built-in unlimited data access to SRV Canada VRS. Only five companies have attempted to support the data usage of DDBHH consumers, with unlimited built-in access to Canada's VRS.

References:

A Stark Reality report: Page 21, Table 1.

A Stark Reality report: Page 71, Recommendations #1-3.

A Stark Reality report: Page 72, Recommendations #7-8.

Mystery Shoppers report: Page 92, Question #28.

4. Are there costs associated with accessing plans or features that help minimize or eliminate barriers? If so, please provide examples.

DWCC et al. Response:

108. The following features help minimize or eliminate barriers have associated costs to provide the services for DDBHH consumers:

- a. **Voicemail to text** - one company charges an atrocious \$7.00 monthly for this service.
- b. **Phone number forwarding** - ASL and LSQ users forward their text numbers to their VRS numbers, and they are paying for these call forwarding services. For accessibility purposes, **All surcharges for accessibility services are to be removed immediately.**

109. Additionally, Accessibility Plans reducing data plans with \$20.00 are offered by the big 3 companies to help minimize barriers but the soft caps of the GB data packages still create barriers with the costs with payments for overage usage of data with video communications.

110. Speed passes need to be removed for those with an Accessibility Plans, no video communication should be network managed/throttled. When this network management happens, the practise truly becomes a serious detriment when it comes to 9-1-1 accessibility. This throttling practice must be stopped. Lives are at stake.

Reference:

A Stark Reality report: Page 71, Recommendations #1-3.

5. Comment on the accessible wireless plans that the wireless service providers have identified in response to the questions asked by the Commission. Do you consider those plans to be generally sufficient to meet the needs of most Canadians with specific disabilities, taking into account the experiences of Canadians with disabilities and noting that each individual's needs may vary? If not, why not, and how could they be improved? You may choose to address the following aspects of wireless plans in your answer, if applicable.

(i) Key contract terms as defined in the Wireless Code:

- a. the services included in the contract, such as voice, text, and data services, that the customer agreed to upon entering into the contract and will receive for the duration of the contract, and any limits on the use of those services that could trigger overage charges or additional fees;**
- b. the minimum monthly charge for services included in the contract;**
- c. the commitment period, including the end date of the contract;**
- d. if applicable, the total early cancellation fee; and**
- e. whether a subsidized device is provided as part of the contract.**

(ii) Other contract terms as defined in the Wireless Code:

- a. an explanation of all related documents, including privacy policies and fair use policies;**
- b. all one-time costs, itemized separately;**
- c. the trial period for the contract, including the associated limits on use;**
- d. rates for optional services selected by the customer at the time the contract is agreed to;**
- e. whether the contract will be extended automatically on a month-to-month basis when it expires, and, if so, starting on what date;**
- f. whether upgrading the device or otherwise amending a contract term or condition would extend the customer's commitment period or change any other aspect of the contract;**
- g. if applicable, the amount of any security deposit and any applicable conditions, including the conditions for return of the deposit; and**

h. where customers can find information about

- **rates for optional and pay-per-use services;**
- **the device manufacturer's warranty;**
- **tools to help customers manage their bills, including notifications on data usage and roaming, data caps, and usage monitoring tools;**
- **the service provider's service coverage area, including how to access complete service coverage maps;**
- **how to contact the service provider's customer service department;**
- **how to make a complaint about wireless services, including contact information for the Commission for Complaints for Telecom-Television Services Inc. (CCTS); and**
- **the Wireless Code.**

DWCC et al. Response:

111. No, The accessibility plans are neither effective nor sufficient.
112. For communication equity purposes, DWCC et al.'s original proposal (as presented to the Commission in previous proceedings) of accessibility plans of 10GB, 15GB and 20GB be scrapped since hearing consumers now may take advantage of unlimited voice plans. Additionally, there is no change in the trends of DDBHH wireless consumers since 2018, with DDBHH consumers still paying overage costs for data limits and experiencing throttling. Thus, mandated changes must be made, an alternative proposal is suggested instead.
113. The DDBHH equivalent to unlimited voice plans is what the industry calls an "accessibility plan," with current up to \$20.00 per month discount on monthly bills. It may be suggested to now instead call them "**accessibility packages**" with more features included that safeguard the accessibility with wireless telecommunications for Canadian persons with disabilities.
114. These accessibility packages should be laid out in option 1, option 2, option 3 format and available as drop-down options in the in-store point of sales systems and consistently available coast to coast to coast. Likewise, in the United States, AT & T had set up such an Accessibility Plan system, and the DWCC et al. proposed similar to their \$75.00 unlimited data, unlimited messaging, unlimited voice and tethering.
The list of AT&T Accessibility plans for Smartphones appears in the document at:

<https://www.att.com/ecms/dam/att/consumer/help/pdf/TAP-disability-certification-form.pdf> For DWCC et al.'s recommendations, please see recommendations for us in Canada to be \$70.00 (before taxes). AT&T Accessibility Plans are seen in the following chart at the source link below:

How to apply for AT&T Accessibility plans

To qualify for an AT&T Accessibility plan, complete the [Accessibility Plan Application and Certification Form \(PDF, 334KB\)](#).

Smartphone Accessibility plans			
Monthly charge	\$45	\$55	\$75
Data	2GB	5GB	Unlimited
Approximate FaceTime / video calling time ²	6 hours	15 hours	Unlimited
AT&T Messaging	Unlimited	Unlimited	Unlimited
Overage charge	\$10 per 1GB	\$10 per 1GB	n/a
Voice calls	Unlimited	Unlimited	Unlimited

Source: <https://www.att.com/support/article/wireless/KM1207491/>

115. DWCC et al. defines accessibility plan to contain features and services as follows:

- Capped cost of \$70.00/monthly (before taxes);
- Unlimited data plan; no soft caps;
- No throttling - due to 911 emergency video calls;
- Unlimited built-in data for use of *SRV Canada VRS* provided by every single WSP;
- Unlimited texting;
- Unlimited voice calls;
- No additional charges, ie. no charges for voice to text and call forwarding;
- Uniformly provided no matter where customer lives (“coast to coast to coast.”);
- Uniformly provided by all carriers regardless of size (non MVNOs and MVNOs alike);
- Uniformly named as “Unlimited Accessibility Plan” throughout the mobile services industry; and
- 30-day device, service and product extended trial period
- Exclusive to only DDBHH consumers.

116. DWCC et al. strongly recommends that the Commission makes all aspects of mobile services accessible for all DDBHH consumers by enshrining an Accessibility plan as described above in a forthcoming decision resulting from this proceeding.
117. All in-store communication needs to be standardized with proper awareness and training with accessibility products and services including the fact that the stores can hire interpreters. A mechanism needs to be put in place to allow for on-demand virtual interpreting services with installed video remote interpreting apps. Additionally, the major wireless service providers should designate accessible stores and customer service call centres where staff are readily knowledgeable and available to answer all related inquiries.
118. CWTA videos produced as a result of TRP 2017-200 in ASL/LSQ are excellent but currently grouped by topics and threaded together in longer videos and available in playlists. What actually needs to happen is that these same videos need to be re-edited and separated out with specific vocabulary terminology as individual videos so that if an ASL or LSQ user doesn't understand a specific word, they can just go to that specific video without having to scroll through the entire video. It is recommended that CWTA host a one-page such as this [web page](#) but with all the terminology videos separated out and a mechanism on the Page for word/term search, where the terms are clicked and opened to an ASL or LSQ video link. This terminology webpage link is to be placed on all of the wireless service provider sites. This will assist the sales people in-store and assure that ASL and LSQ users are understanding the wireless agreements and contracts that they are signing.
119. Just as the Wireless Code is, the new Wireless Accessibility Code policy needs to be visible in-store, with the videos of the policy available in ASL and LSQ available to view on designated in-store iPads.
120. Before we consider how to make a complaint, it is DWCC et al.'s concern that it is not well promoted and awareness is not elevated about CCTS, therefore, how can DDBHH make complaints if they have no idea of its existence.. Throughout previous and the current proceedings, in many DWCC et al. surveys, respondents were asked about DDBHH consumer awareness of CCTS, and to use the current proceeding question, a resounding 52% are unaware of CCTS, confirming there is still widespread unawareness of its existence according to A *Stark Reality* report Page 132, question #59. It is recommended to have a

coordinated effort to raise awareness about CCTS between CCTS and consumer groups that can reach its membership.

References:

A Stark Reality report: Pages 63-70, paragraphs #195 - #219

A Stark Reality report: Pages 70-73, paragraphs #220-#221, and recommendations #1-#10.

Mystery Shoppers report: Pages 43 - 48 , paragraphs #138 - #162

Mystery Shoppers report: Pages 49 - 53 , paragraphs #163 - #164, and recommendations #1-#10.

Consultations

6. Comment on the steps that wireless service providers have taken to consult with Canadians with disabilities and/or disability advocacy organizations.

7. Have you been involved in consultations undertaken by wireless service providers regarding their accessibility wireless plans? If so, how was your experience? What was discussed? Was that consultation useful? Do you feel that wireless service providers considered your input in a meaningful way? If you think that the consultations were insufficient, why, and how could they be improved?

DWCC et al. Response:

Response to both questions 6 and 7:

121. The DWCC and the CAD-ASC did a follow-up report to TRP 2016-496 with the submission of this document listed in References below, which will answer the questions above.

122. Some companies have only enlisted the consultation once as a result of regulatory policy (TRP 2016-496), while other companies have asked for us to come back and discuss and answer other questions. For the most part, companies have only asked for our consultation just once, with the exception of Telus. Telus has had DWCC consult on several and a wide range of different topics. Telus is by far the most progressive with wireless accessibility compared to the others. The list of consultation meetings are the following:

- a. Rogers - March 29, 2017 - topic: Accessibility data plan design
 - b. Telus - March 30, 2017 - topic: Accessibility data plan design
 - c. Freedom Mobile - May 11, 2017 - topic: Accessibility data plan design
 - d. Bell - May 11, 2017 - topic: Accessibility data plan design
 - e. Shaw - May 10, 2017 - topic: Accessibility products and services
 - f. CWTA - April 30, 2019 - topic: MRS Face-to-Face Meeting (not included in the document below)
123. Full descriptions of these meetings are available with the exception of CWTA meetings in the Reference document link below.
124. To briefly provide additional information about these meetings, here are some additional notes:
- a. Telus meetings - while the first meeting led to the establishment of its Accessibility Plan, further and numerous meetings had various discussions including the concept of designated accessible stores. DWCC et al. as consumer groups always feel with these meetings Telus demonstrates they value the participating groups' accessibility experience and perspectives.
 - b. Shaw meeting - introduced to the ASL videos of their services and products, led to the beta testing of their IP Relay application. After the meeting, DWCC et al. facilitated the recruitment of beta testers for Shaw.
 - c. Conversely, the experience and observation with both Rogers and Bell meetings is that these companies use their own staff and not outside people, and as a result tend to provide biased corporate-supporting perspectives. It is recommended that these provided make more of an effort to be neutral and bring in people from outside for "outside the box" thinking.
 - d. CWTA meeting - second meeting was good, the discussion was fruitful and revealing, the wireless service companies listened and they did implement IP Relay Apps. Beyond the MRS Face to Face consultation meeting, the activities of the wireless service providers did not progress further than the pre-design phase.
 - i. To be specific, the IP Relay App developer did not include our groups for alpha and beta testing in the research and design phase to give comprehensive feedback to have the optimal resulting product. Currently, it is still not fully inclusive and accessible. This is because consumer groups did not include us from the start. It is a repeated and common scenario in Canada. The reality is, when you

don't include us from the beginning, there are additional costs. There was no communication or collaboration with DWCC et al. or consumer groups for a public release of the IP Relay Apps. Additionally, to this date, our consumer groups still do not have a follow-up or result of the revision of the training of the IP Relay operators on Deaf culture and Deaf community.

- e. Overall, when accessibility consumer group representatives attend wireless industry meetings in consultative roles, the industry meeting hosts appear to expect accessibility group representatives to take a day off from work, to travel to meetings, and do not take into consideration the loss of compensation for work to attend meetings. The wireless industry does not pay consultative rates, and for these individual representatives to not be compensated for their time devalues the consultative input of the consumer groups.
125. In summary, over all, the experience is that these meetings are often great but then the result is a lack of follow-up or action from these meetings to keep the Deaf community representatives updated and reassured that fruitful results are being achieved. These meetings should not be a one-time event, and should be on a consistent basis. Wireless Accessibility would for certain constantly be improved in leaps and bounds if the meetings were more frequent.
126. It is paramount to “consult Deaf-led organizations for insight on best practices and ways you can be an ally in the movement toward communication equity.”²⁷

Reference:

Modern Telecommunications Service Implementation – follow-up: Request for information regarding accessibility - DWCC and CAD-ASC Perspectives and Experiences, is available in this link - [DWCC and CAD-ASC Perspectives and Experiences](#)

²⁷ Communication Services for the Deaf (CSD) *Chris Soukup Receives TDI Award for Humanitarian Efforts*, (Eltouny, Leila, 17 August 2021) link - <https://www.csd.org/stories/chris-soukup-receives-award-for-humanitarian-efforts/>

Training

8. Comment on the steps that wireless service providers have taken to ensure that their customer service representatives are knowledgeable about the plans they offer to meet the needs of Canadians with disabilities.

9. Comment on whether you consider the training approaches to be sufficient, taking into account the experience of Canadians with disabilities in interacting with sales representatives. If you do not consider the training approach to be sufficient, why not, and how could it be improved?

DWCC et al. Response:

Response to both questions 8 and 9:

127. There is evidence of chronicity of a systematic disconnect between the corporate and storefront sectors of the wireless service providers. The storefront and customer service representatives are often not knowledgeable about the plans and what they offer to meet the needs of Canadians with disabilities. There is a lack of consistent approach to training.
128. The training approach is not sufficient because there is a disparity of sales experiences and a general lack of knowledge when it comes to accessibility. This can be improved with frequent training, not only when the staff are onboarded but periodically when information is updated for refreshers. There needs to be standardized training manuals and videos developed in consultation with DDBHH experts such as consumer groups or Deaf professionals.
129. In both of our reports, and highlighted in our infographics, it is evident that there is a systemic disconnect between the corporate offices and storefront with staff generally unaware of the accessibility services and products available.
130. DWCC et al. with its survey findings and Mystery Shopper expeditions and findings, must question WSPs whether the training really exists for dealing with Canadians with disabilities. If there are no manuals for these training then we demand those WSPs to develop ones with our consultation. If there are manuals for these training then we question whether the people with disabilities consultants were involved in the development and were consulted for the feedback as the discussion ended without any follow-up.

Reference:

A Stark Reality report: Page 73, recommendation #4.

A Stark Reality report: Page 74, paragraph #226.

A Stark Reality report: Page 145, testimonials #2-3.

A Stark Reality report: Pages 149, testimonial #49.

A Stark Reality report: Pages 149-150, testimonial #56.

Mystery Shoppers report: Pages 74-77, questions #15-17.

Mystery Shoppers report: Pages 84-89, questions #23-24.

Promotion

10. Comment on the steps that wireless service providers have taken to promote the plans they offer to meet the needs of Canadians with disabilities, including the channels through which these plans are promoted (for example, websites, stores, or customer service representatives).

11. Comment on whether you consider the promotion of plans designed to meet the needs of Canadians with disabilities is sufficient. If not, why not, and how could it be improved?

DWCC et al. Response:

Response to both questions 10 and 11:

131. While DWCC et al. appreciates that a majority of the wireless service providers have created Accessibility microsites, only two companies have gone as far as to produce ASL and LSQ videos that specifically talk about or promote the Accessibility Plan. They are both posted on DWCC's [webpage](#). None have promoted that the companies will provide sign language interpreters for storefront visits.

132. The reason for not being aware of the accessibility plans most likely lies with the fact that there are communication barriers with the wireless service companies and **72%** of survey respondents confirmed this. The full chart with data can be found in *A Stark Reality* report, Page 131, question #56.

133. There needs to be a central location, such as perhaps CWTA's wireless accessibility [website](#), as an all-in-one location where all wireless service providers companies' accessibility plan and package information for the benefit of all Canadian consumers with disabilities, including DDBHH.
134. There needs to be improved promotion of interpreter service provision availability by the corporates to consumers going into the storefront locations. There needs to be a streamlined organization of interpreter booking systems within the companies, through the accessibility departments with publicized contact information which benefits both the store staff and the consumer. Self-determination for accessibility of sign language interpreters should be made possible. A great idea is making available self-serve interpreting booking online forms on the wireless service provider websites.
135. Additionally, there need to be ASL and LSQ videos about the availability of this accessibility of sign language interpreters for all wireless service provider companies. In the recommendations sections of DWCC et al. reports, there are specific stakeholder groups that have a role in promotions of this accessibility provision.
136. Contact information for accessibility departments and accessibility-specific customer service centres needs to be better promoted, including the production of ASL and LSQ videos with this information.
137. When designated accessibility stores are implemented, further ASL and LSQ videos with information about them also need to be produced and promoted.

References:

A Stark Reality report: Page 60, paragraph #180.

A Stark Reality report: Pages 69-70, paragraphs #213 - #219.

Mystery Shopping Experiences Report: Page 24, paragraph #66.

Mystery Shopping Experiences Report: Page 32, paragraphs #90 - #92.

Mystery Shopping Experiences Report: Page 43, paragraphs #138 - #140.

Mystery Shopping Experiences Report: Page 45, paragraphs # 146 - # 149.

Additional Comments

138. To clarify, to understand, and to deliver feedback about consumers own wireless services is so critical to the success of customer engagement. However, DDBHH Canadians still have enduring issues with communication and delivering the necessary customer experience and feedback to the appropriate department, company, or organization.
139. It is clear that there is an uncertainty for the DDBHH consumers for where to turn to, **62%**, do not know where to send their complaints, compliments or feedback about their experience with the wireless companies accessibility efforts. Please reference *A Stark Reality* report, Page 132, Question #58.
140. There is a cataclysmic issue when a large percentage, **83%** of DDBHH consumers that state they have experienced being in a position where the companies did not make efforts for good communication or little or no effort to **provide the accessibility for DDBHH consumers to have effective communication** during the feedback process. Please reference *A Stark Reality* report, Page 131, Question #57 and the same type of response generally came out of the Mystery Shoppers report.

Recommendations

141. Aside from the comments made in this intervention, DWCC et al. has established a total of 20 recommendations made from survey responses as well as mystery store shopping experiences. Please read full descriptive overall recommendations in full here:
 - a. *A Stark Reality* report, Pages 70-73.
 - b. *Unlocking Mystery Shopping Experiences*, Pages 49 - 53.

142. Recognize that “equity” isn’t one size fits all. Be flexible on the ways you communicate with your clients, consumers,²⁸ and accessibility group stakeholders.
143. With no direct phone numbers dedicated for accessibility services and products, DDBHH consumers when they call the wireless service providers, they are always transferred and shuffled around phone trees. Those who are answering currently are not familiar with accessibility, and have a general lack of awareness on accessibility issues. It is time to mandate direct phone numbers, email addresses, for accessibility departments and services by the wireless service providers.
144. Keeping in mind Sign language users deserve to interact with the wireless service providers as their authentic selves, therefore efforts should be put in by providing consumers with a variety of service delivery options for DDBHH consumers to access to wireless service provider sales and business.²⁹
145. In addition to this, there needs to be an increased effort to expand the employment of those DDBHH who use Sign Language in the wireless services industry. This needs to happen in two places, the designated stores with accessibility services and products as well as the customer service call centres. One very good reason, according to Communication Services for the Deaf (CSD) is that data from [Connect Direct](#), a subsidiary of CSD, shows call centers that have **ASL-fluent representatives shortened call times by 33-42% and increased deaf customer engagement by 300-533%.**³⁰
146. Whereas Deaf, Deaf-Blind, Hard of hearing Canadians struggle to get employment, they have skills, and can be trained to provide face to face accessible services with the wireless service providers. The benefits go two ways, employment and enhanced customer service.

²⁸ Communication Services for the Deaf (CSD) *Chris Soukup Receives TDI Award for Humanitarian Efforts*, (Eltouny, Leila, 17 August 2021) link -

<https://www.csd.org/stories/chris-soukup-receives-award-for-humanitarian-efforts/>

²⁹ Communication Services for the Deaf (CSD) *Chris Soukup Receives TDI Award for Humanitarian Efforts*, (Eltouny, Leila, 17 August 2021) link -

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³⁰ Communication Services for the Deaf (CSD) *Chris Soukup Receives TDI Award for Humanitarian Efforts*, (Eltouny, Leila, 17 August 2021) link -

<https://www.csd.org/stories/chris-soukup-receives-award-for-humanitarian-efforts/>

147. There has to be an improved communication system within the corporate that all within the same company can see which consumers are Deaf or have an accessibility plan, some sort of a flagging system in the client database/POS system. For example, in the States, AT&T has a system with a client database, where the file about accessibility is kept with client information, this should be taken into consideration for the WSPs in Canada.
148. DWCC et al. sees that much more can be done, and it is our hope to cover more ground in this proceeding to see optimal results in a policy outlining wireless accessibility for persons who are Deaf, Deaf-Blind, Hard of hearing or identify as a person with a disability.

Conclusion

149. DWCC et al. has submitted 4 documents for the record of 2020-178 in addition to two visually designed summaries of ASL and LSQ wireless consumers' experiences and perspectives with wireless accessibility. The infographic links are:
 - a. Wireless Accessibility Survey Results - [Infographic 1](#)
 - b. Mystery Shoppers Experiences - [Infographic 2](#)
150. With its 6 submissions above, DWCC et al. trusts it has accumulated sufficient evidence, concerning its accessibility group to significantly and meaningfully contribute to the CRTC proceeding TNC 2020-178: Call for comments – Accessibility – Mobile wireless service plans that meet the needs of Canadians with various disabilities.
151. DWCC et al. request that the CRTC request that the WSPs consider the “unlimited accessibility plan” as well as other recommendations in order to reach a truly barrier-free Canada, the true essence of the *Accessible Canada Act*.
152. DWCC et al. appreciate the Commission's consideration of its Interventions and documents submitted thereafter. Should you have any questions, please do not hesitate to contact all of us.

Regards,

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