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February 27, 2017

Ms. Danielle May-Cuconato
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, ON K1A 0N2

VIA EMAIL

Re: Final Submission for CRTC TNC 2016-293: *A Review of the Wireless Code*

Dear Ms. Danielle May-Cuconato,

The *Deaf Wireless Canada Consultative Committee* (DWCC) submits its Final Comments for the proceeding CRTC TNC 2016-293.

This document provides a part where DWCC provide answers to questions that DWCC may have missed answering from a Commissioner's question due to lost translations with the interpreting team. Further clarifications will be made separately in direct reference to the transcripts as a matter of procedural request separately.

DWCC also provide our views on the main issues and themes throughout the Review of Wireless Code that reflects our constituency who are sign language (ASL or LSQ) using Deaf Hard of Hearing and DeafBlind Canadians.

Sincerely,

Lisa Anderson-Kellett, Chairperson
Deaf Wireless Canada Consultative Committee

cc: Frank Folino, CAD-ASC President
CRTC TNC 2016-293 Distribution Lists

INTRODUCTION

1. The Deaf Wireless Canada Consultative Committee (DWCC) did not exist when the CRTC proceeding was established that led to the creation and establishment of the CRTC Telecom Regulatory Policy (TRP) 2013-271: *The Wireless Code*.
2. DWCC is here to ensure that our constituency of Deaf, Hard of Hearing and DeafBlind Canadian sign language users, with ASL and LSQ as their primary means of communication, are represented in the Wireless Code.
3. DWCC represents a group that are visual communicators, using video calls on an everyday basis with sign language communication.

REFERENCES

4. DWCC will begin with a couple of excerpts from the transcript portions for Thursday February 9, 2017 and make references or clarifications to information that DWCC provided at the public hearing to ensure the message was not lost in translation:
 - a. 4563 MS. ANDERSON-KELLETT (by interpretation): Before we proceed, I want to thank you for your decision last December. It had a great impact on the deaf community, and we're thrilled with that decision and we look forward to the next six months working with the WSPs on various specific issues that impact the deaf community and disabled groups.
 - b. 4564 We look forward to meeting with the WSPs and consulting with these wireless packages in the coming months, and easy-to-find and fair data plans for our visual communications.
5. **Clarification:** DWCC provided this collective note of appreciation and thanks to the CRTC and to clarify, this also meant that DWCC looks forward to meeting with the WSPs to consult on these Deaf and hard of hearing wireless packages in the coming months, and to ensure that they are easy to find, and fair data plans that meet our visual communication needs.
6. The DWCC would especially like the [Commissioners of the CRTC to read our press release pages](#) (PDF). Full webpages available in both languages:
 - a. English: <http://www.deafwireless.ca/index.php/2016/12/31/cad-asc-and-dwcc-csssc-welcome-crtcs-direction-to-wsp-and-isps/>
 - b. French: <http://www.deafwireless.ca/index.php/2017/01/04/lasc-et-csssc-accueillent-positivement-les-directives-du-crtc-pour-les-fssf-et-fsis/>

- c. For clarification, in this joint statement, the CAD-ASC focused on the broadband side of the policy decision of TNC 2016-496 while the DWCC focus was from the wireless perspective.
 - d. Please note, DWCC and CAD-ASC are both currently awaiting an edited LSQ translation of this video before DWCC share even more widely these public announcement messages.
7. DWCC sincerely hopes the CRTC will appreciate this public message.
 8. A reference link to the report mentioned in the transcript can be found here: [Deaf Wireless Canada Survey Analysis April 19, 2016](#) and the DWCC has re-filed the report from the CRTC TNC 2015-134 to this proceeding in PDF format. The transcript references are pasted here:
 - a. 4568 Our statistics come from the Deaf Wireless Survey completed in April of 2016.
 - b. 4578 From our survey, we found that 77 percent respondents use Rogers, Bell or TELUS as their WSPs. Sixty-eight (68) of the respondents are currently in one or two-year contracts
 - c. 4579 Twenty (20) percent of our respondents have unlocked phones. Fifty-three (53) percent of the survey respondents went over the data plan limit. This breaks down to 36 percent said they would go over and pay for more data, 17 percent said they would go over and wait until the beginning of the month.
 - d. 4580 Fifty-four (54) of our respondents have data plans between two and six gigabytes.
 9. Links to Undertaking documents:
 - a. [Undertaking #1](#)
 - b. [Undertaking #2](#)

DWCC's POSITION

Data Usage Near-Limit Notification alerts

10. DWCC does not support the Wireless Service Providers (Bell, Eastlink, Rogers, Sasktel, Telus, Freedom) where they recommend 90 or 95% notification alerts, as it is our perspective that this would still create data shock and create permissions for throttle and network management that would adversely affect our visual communication needs. This would be detrimental to our 911 emergency video calling needs. DWCC aims to protect the sign language users by ensuring that data and networking management with de-prioritization is not detrimental to our accessibility to video communications. DWCC

has to ensure that there is fairness and functional equivalency for our constituency for all kinds of video calls. Direct calls, video messages, VRI, and VRS using a range of common video communication apps.

11. CRTC needs to mandate that wireless and wireline providers cannot use network management to throttle video calls for sign language Deaf, hard of hearing and DeafBlind Canadians due to life, health, safety or property via 911 calls.

12. DWCC believes that with existing data plans with monthly capped limits, that much earlier alerts are required for our Deaf, Hard of hearing and DeafBlind sign language users. To further expand on this, DWCC would like to first reference to Media Access Canada's comments during the public hearing:

- a. 4966 For some it may not matter. I mean, for many people if they have their four or six gigs of data for the month, they may know from past experience that they only use three of that and it's not an ongoing issue. But for many of the people who are heavily reliant on data, particularly in the deaf and hard of hearing community, it may depend very much on what they're doing that month and maybe they need more feedback and forewarning that things aren't going as planned.
- b. 4968 So aside from accessibility considerations I think as a policy perspective, it would be very good if people had ongoing notifications about their usage, partly for day-to-day things and partly in case something has gone wrong and your phone is eating through it without your being aware that that is happening.
- c. 4969 MS. KILPATRICK: Yeah, I have a local, small internet service provider, partly for that reason that I was really having trouble with the big ones in terms of being able to read clearly their tables of usage didn't make a lot of sense to me sometimes. And the way they did it was there were checkboxes, the little one, and you could say let me know at 50 percent, let me know at -- and you could check them all or you could check, you know, 80 percent, 75 percent. Let me know by email or by text or something like that.
- d. 4970 Also, the table where the usage is on the website is very easy to use and so I think it can be a problem. I also think it can be a problem for people who have some intellectual disabilities. It needs to be simply and you need to know.

13. DWCC agrees with the Media Access Canada (MAC) group in regards to the **data management alerts and notifications** that there should be more options for preferred notification alerting setting for data usage. DWCC agrees with MAC's Kim Kilpatrick's

suggestion above that on the websites, on the WSP account settings web-pages, to ensure that these settings are accessible for people with visual disabilities to have checkboxes available for options of notifications.

14. While DWCC did not answer the question directly to the Commissioner, DWCC suggests notification percentages for our visual communication and video calling constituency, and DWCC notes that our suggested notification numbers being more similar and aligned with the Consumers Council of Canada, Shepherd and Middleton, FRPC and the MAC. It is DWCC's view that notifications be set at **5 options: 50%, 75%, 85%, 90%, and 95%** to meet the needs of our group of visual communication (sign language) users.

15. DWCC would like to see **customer empowerment** in deciding the notifications with account settings either on the WSP website account access or WSP data tracking app system settings. Customers can click the options that they wish to choose for the notifications.






16. Settings should also be made available in **data tracking apps** by the WSP providers with these notification options above. Data tracking apps need to be easy to access, clear and simple that even visual and intellectual disabilities can interact with for the settings for data management.

17. Again, this is **ONLY** if unlimited data packages are unavailable. Unlimited data packages for video communications is our strong preference for DHH wireless plans as it creates less stress and anxiety for people who rely on everyday video communications which consumes data much more quickly. Our community is different in that data usage is a visual accessibility than the general auditory-reliant wireless customers.

18. **CRTC must be in the position to mandate unlimited data plans** even when it is not yet widely available if it is only for our specific constituency: sign language Deaf, Hard of hearing and DeafBlind visual communicators. Our constituency has different wireless communications usage than the greater and general auditory-reliant wireless customers.

19. Coincidentally, in the spirit of information-sharing, DWCC would like to bring to CRTC's attention that approximately a week after the Review of the Wireless Code hearing here in Canada, in our neighboring country, the United States' big four companies announced the availability of an "unlimited data" plan, and hence, created a domino effect to the other major wireless companies. There is currently an active mass promotion of such competitive plans.

20. From these promotions, DWCC has learned that unlimited data means ranging from 22GB to 28GB data package and tethering offerings depending on the company, please reference to the following list:

- a.  AT&T \$90 22GB + Tethering
- b.  AT&T \$60 22GB ~ without tethering "Unlimited Choice" plan
Maximum speed 3Mbps ~ Not good for Video calls
- c.  VZ \$80 22GB + Tethering
- d.  T-M \$79 28GB + Tethering
- e.  Sprint \$50 23GB + Tethering

21. An example of company unlimited data plan is provided by [Verizon](#), which was the first company to make the announcement.

22. DWCC is aware that in Canada, it is still quite early and premature, but DWCC believes that CRTC can begin with mandating provisions of “unlimited data” only to the visual accessibility groups to reduce the anxiety of exceeding data caps for required video communication. WSPs need to be cognizant of subjecting the visual communications group to de-prioritization and reduced data speeds with network management. This is an example of what could constitute as an “accessibility non-compliance” to the new Wireless Code.

Overage penalties

23. Canadian sign language users make video calls, and utilize video messaging, with a variety of apps such as: Glide, Facetime, Skype, WhatsApp, Facebook Messenger, and the CanVRS app, on an everyday basis for communication. For these users, there needs to be a cushion of “allowed overage” for this group if they are going over monthly data limits. The proposed \$50.00 overage charge is too excessive for this group. DWCC would prefer to see a \$0.00 overage penalty fee for the *DHH Wireless Plan* holders as a matter of everyday visual communications.

Lack of awareness

24. Among sign language wireless customers, there is a general lack of awareness of:

- a. Wireless Code
- b. Contract language in alternative accessibilities
- c. CCTS
- d. Accessibility Trial period

25. Thus, it is DWCC's view that these above listed items need to not only be made clear in the vendor store locations, but also be made available online.

26. Vendor location staff need to ensure that the sign language wireless customers are aware and understand their wireless contract, and show them where to find the:

- a) Wireless Code videos in ASL and LSQ
- b) Wireless terminology in ASL and LSQ
- c) CCTS links in ASL and LSQ

27. These above three links should be available in a list format within the Critical Information Summary (CIS) that the Deaf, Hard of hearing and Deaf-Blind wireless customer needs to review and should take home.

28. DWCC proposed and remains firm that instead of making so many multiple wireless contracts available in ASL & LSQ, the wise choice would be the WSPs to develop as a collaborative working group with the DWCC's involvement and consultancy in creating and developing an online glossary, terminology or definitions available in both ASL and LSQ. More about this was expanded in our [Undertaking#1](#) and [Undertaking#2](#).

29. DWCC maintains that it is the CRTC's responsibility to create videos that summarize the important parts of the Wireless Code, in both ASL and LSQ, using the infographic and simplified information at these **links**:

- a) [Wireless Code Simplified](#)
- b) [English infographic](#)
- c) [French infographic](#)

30. CRTC did a fantastic job with the *Roadmap to CRTC* video series, and DWCC is confident this can be repeated as a series of *Wireless Code* videos, after all the policy was created by the CRTC themselves.

31. Likewise, DWCC maintains its position that CCTS also needs to make their complaint resolution escalation steps clear, accessible (ASL and LSQ videos) and in plain language to those with visual sign language communications. DWCC confirms the CCTS is aware but as DWCC mentioned, the staff contact person has since left.

32. Ultimately, it is the WSP vendor staff's responsibility to ensure the sign language wireless customers aware of all of these ASL and LSQ videos.

33. DWCC agrees that there should be an increase in the promotions of the Wireless Code. DWCC supports *Cavanaugh and Pavlović* (Transcript lines 1369 & 1495 on Feb 6, 2017) testimony with the suggestion that in the ever-popular app market, a Wireless Code awareness app should be created for all Canadian wireless customers. The WSP companies would have to promote the existence of the app with their customers, as a

part of the list recommended apps to download upon purchase of the smartphone along with the company's own data management apps.

Accessible Trial Period

34. Aside from the lack of awareness about trial periods, it is the accessibility trial periods that DWCC has concerns about, it is our prerogative to ensure that the trial period remains at 30 days, and that 4GB/monthly is the minimum test trial period GB data limit to help our sign language wireless customers determine their GB limit plan if it fits their needs, and to assist in determining that the customer requires more, or not.

35. It should be stipulated that the WSP's own data management app is promoted along with the accessible trial period for ASL and LSQ sign language wireless customers.

Unlocking Fees

36. During the public hearing, DWCC mentioned how unlocking fees was a hindrance for our constituency, because ASL and LSQ wireless customers may require to have an unlocked device in order to try out a number of WSPs before settling on the most accessible data package for prices and data caps, it is better to refrain from such charges for our type of customer founded on the accessibility issues. No unlocking fees (\$0) for the *DHH Wireless Plan* customer.

Compliance Reporting

37. In our second undertaking, DWCC mentioned that DWCC would like to see compliance reporting including issues and checkpoints that affect groups with different accessibilities, measures need to be recorded for such non-compliances relevant to our wireless customer group. Annual reporting would be appreciated by groups such as the DWCC that include such WSP non-compliances as:

- a. difficulty finding the DHH Wireless Plan on the WSP website including SEO search-ability fails
- b. where available, failure to provide website table structure of pricing schedule established and adhered to by WSP, for example like this [AT&T plan](#) or [Verizon chart](#).
- c. no hashtag or special code assigned to specific WSP *DHH Wireless Plan*
- d. WSP general wireless plans systematically overriding the *DHH Wireless Plan*, making it difficult or impossible to apply the "code" to give the special pricing.
- e. lack of public promotions of the WSP *DHH Wireless Plan* - *printed digital media, flyers, website links, hashtags, and ASL and LSQ videos*
- f. where available, failure to provide website table structure of pricing schedule established and adhered to by WSP, for example like this American WSP.
- g. ambiguous and unclear *DHH Wireless Plans*, must be in plain language

- h. failure to include all relevant information of interest to the DHH or DB wireless customer in a contract, this information includes links to:
 - 1) Wireless Code ASL & LSQ videos,
 - 2) Wireless terminology video series nested at wirelessaccessibility.ca
 - 3) CCTS visual information, including ASL and LSQ videos that show steps to escalation of wireless contract dispute resolution This means infographics and full descriptions.
- i. failure to provide CIS with ASL and LSQ link information listed in h. above.
- j. subjecting the *DHH Wireless Plan* customers to de-prioritization and reduced data speeds with network management (throttling) of video communications.
- k. disparity of *DHH Wireless Plan* pricing for the same amount of GB wireless among the same WSP DHH customers, which is a current common scenario among our constituency.

38. It is DWCC's view that CCTS should permit up to 5 Deaf, Hard of Hearing and DeafBlind customers to make a **group complaint** with such disparity and ensure the companies adheres to following the ADVERTISED DHH Wireless plan. A good example of this discovered unfair practise, of item 37k. is: 5 DHH customers of one company all had 2GB plans but all had different pricing ranging from \$35, \$50, \$65, \$85.00/month with the same 2GB - too much disparity within the one and same company, and creates confusion and a feeling of unfairness among DHH wireless customers of the same WSP company.

DHH Wireless Plan Promotions

39. DWCC acknowledges some of the data package issues were outlined in CRTC's *Telecom Regulatory Policy 2016-496*, however, DWCC wants to repeat one last point while DWCC has the chance. The promotions are of a concern, as per Wireless Code TRP 2013-271:

- a) 334. WSPs generally expressed that they were committed to advancing accessibility issues. The Commission considers that disability-specific plans are currently being offered by WSPs, but that these plans may not be promoted sufficiently. The Commission notes consumers' frustration with the wireless service industry in receiving customer service with expertise in the area of accessibility.

40. DWCC is still seeing that DHH ASL and LSQ wireless customers are having difficulty finding wireless package information. DWCC proposes that a **#hashtag** be developed by each of the WSP companies such as **#WSPDHH** that signifies the WSP company name and DHH Wireless Plan (example: #RogersDHHPlan or #TelusDHHPlan), for *easy searchability and reference points* for everyone involved from

the wireless customer, to the vendor customer service representative and the company itself.

TERMINOLOGY CLARIFICATION

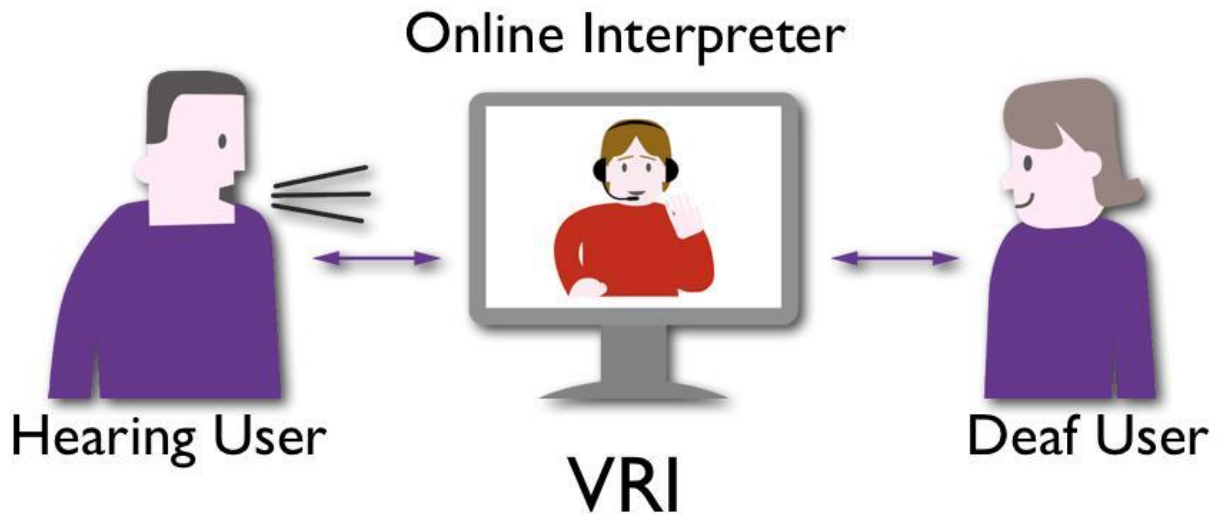
Customer Service at the WSP vendor locations

41. During the public hearing question period when DWCC faced the panel of Commissioners, some questions were around the clarification of terminologies. DWCC would appreciate to clarify the three terms that there was an inquiry about:

- a) 4611 COMMISSIONER MENZIES: Okay, thanks. And maybe just talk -- I need -- I have another point of clarity, in terms of terminology too and then we'll talk more about terminology issue -- challenges.
- b) 4612 You use at various times in your submissions three different terminologies and DWCC are not certain whether they are three different ways of describing the same thing or if they are three different things.
- c) 4613 So maybe you can explain the difference to us if there is any, between one, video remote interpreting; two, a dedicated support line and three, direct video calling.
- d) 4620 If DWCC were going to have a meeting in this room, I could access a video remote interpreter remotely and that interpreter could translate for us as DWCC are meeting in the same room.
- e) 4621 And I understand that it hasn't -- it's not clear yet for the deaf community, because it's very new here in Canada, but it has been available in the States for a long time, but it usually is used when two people are meeting in the same room, accessing VRI.

42. DWCC would like to take the opportunity to re-clarify terminology as inquired by Commissioner Menzies, by the means of custom-designed illustrations by Jeffrey Beatty, our technical consultant and talented digital illustrator, see the illustrations with the definitions in as plain language as possible in the following pages, in items 43-50.

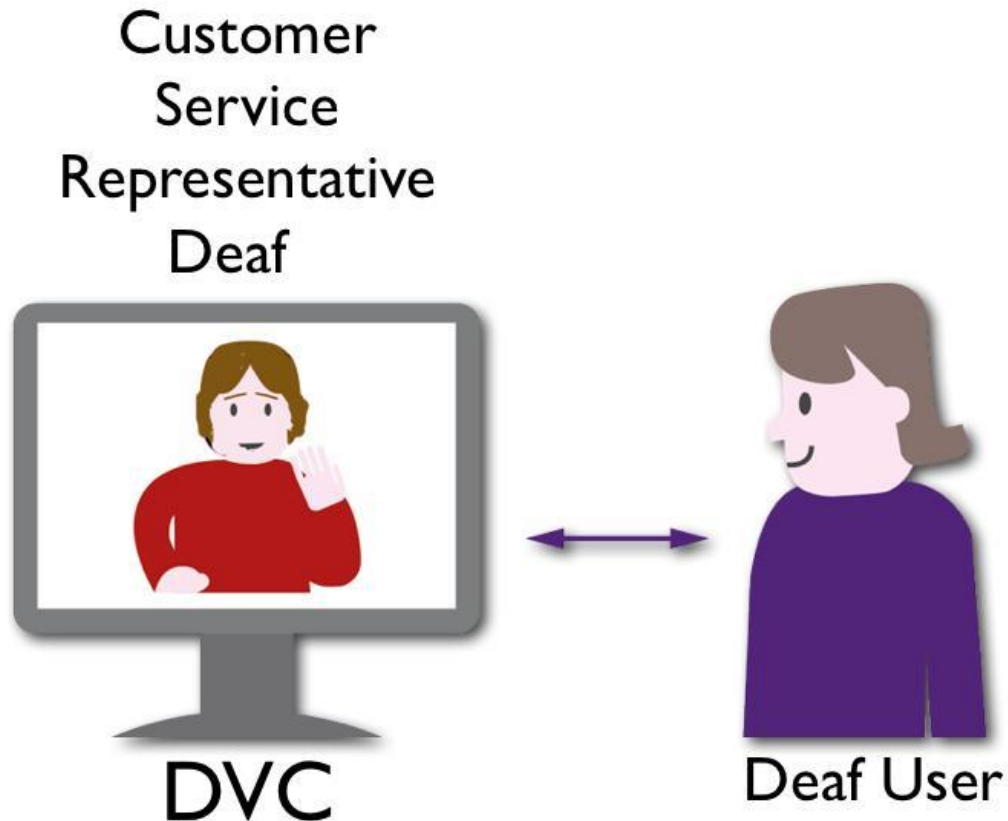
VIDEO REMOTE INTERPRETING - VRI is enabled at the WSP vendor store:



43. Video Remote Interpreting - VRI:

When in-person, on-site interpreting services are not immediately available, there is technology now that provides for an interim solution in the form of an off-site interpreting services, called Video Remote Interpreting (VRI). VRI will allow immediate access to a sign language interpreter through the use of an internet enabled device with webcam. Such an example of an internet enabled device would be an iPad. The interpreter will appear on-screen and communicate with the deaf person using sign language and interpret what was said into spoken language for the hearing person; and vice versa **while the hearing person and the deaf person are in the same room**, such as at a WSP vendor location. To use VRI, the WSP would need to open an account with a VRI service provider.

DIRECT VIDEO CUSTOMER SERVICES - Call directly from home or use the WSP store's webcam device (iPad)



44. Direct Video Customer Service - Direct Video Calling (DVC) is one-to-one video communication provided by a call center to allow conversations to occur between two callers using American Sign Language (ASL) and or Langue des signes québécoise (LSQ).

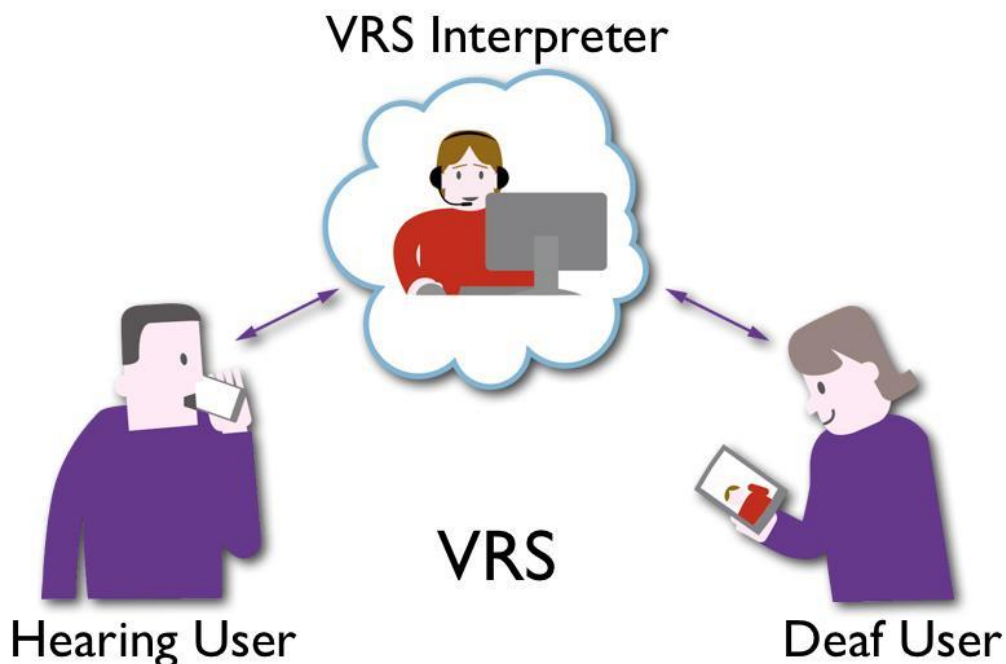
45. Just like any hearing person can walk into a store, and talk to another person in the store using spoken English or French, what DWCC proposes is the WSPs undertake the initiative to actually hire people with fluent sign language communication skills so they can deal with the sign language communicating wireless service customers via a video customer service line, link, providing face to face customer service using a video communication platform. Our strong preference is that WSPs take leadership in hiring Deaf ASL and LSQ sign language customer service representatives. Hire the Deaf, Hard of hearing or DeafBlind, many are eager to work, eager to learn, skilled and qualified and ready. WSPs have the means to provide the job opportunities, so just do it!

46. Examples of such direct video customer service in the United States:

- A. Start a direct video calling program with ease at your call center with ACE Direct: https://www.youtube.com/watch?v=XdCA1v7iT2Q&ab_channel=fccdotgovvideo
- B. Federal Communications Commission - [Accessible Communications for Everyone \(ACE\)](#)
- C. U.S Equal Employment Opportunity Commission: [\(EEOC\)](#)

47. In Canada, an excellent example is the provisions of direct Customer Service, the first of its kind for our country is provided by *SRV Canada VRS* tech support line, customers dial 9050 within the *SRV Canada VRS* video communication platform to call ASL and LSQ fluent staff. This Direct Video Customer Service is provided by the [IVèS platform](#) company.

48. VIDEO RELAY SERVICES** - check <https://srvcanadavrs.ca/en/> for more information.



49. As DWCC mentioned on record in the public hearing, VRS is a service operated over the phone. There is no direct contact with the WSP vendor.

50. Video Remote Interpreting and Direct Video Customer Service are the optimal routes for customer service between the Deaf Hard of Hearing and DeafBlind sign language (ASL and LSQ) wireless customer and the WSP vendor customer service representatives.

CONCLUSION

51. The Deaf Wireless Canada Consultative Committee (DWCC) appreciated the opportunity to participate in this public hearing. DWCC would like to emphasize that access to information from Deaf, Hard of Hearing and DeafBlind communities will require ASL and LSQ videos to be available through various websites at CRTC, CCTS, CWTA, WSPs and our own website, to ensure that the customers have all the information available to them.

52. DWCC enjoyed filming the initial ASL and LSQ videos for the terminology project as a part of this proceeding, to start the wireless terminology with a minimal number of definitions while we await direction from the CRTC for collaboration with a *WSP Working Group* on the project. ASL & LSQ videos will be edited and uploaded to our website as soon as all the CRTC TNC 2016-293 proceeding documents are complete and submitted for the record. DWCC will share the full library of videos when they are completed and uploaded with all the parties involved in CRTC TNC 2016-293.

53. This equal access to information is about empowering the sign language wireless customers to make informed choices in regards to their data plans and devices, knowing how to make a complaint correctly and clearly understand their rights in the Wireless Code. Overall, the customer satisfaction in high quality video is also paramount to best communication practices.

54. In closing, DWCC would like to leave the CRTC with a message that one of our DWCC Committee members, our treasurer, Darryl Hackett, wished the CRTC would read as part of its record:

55. "Hello CRTC Commissioners,

As a Deaf person living in Ottawa, Ontario, I am writing this e-mail to make my final comments on CRTC TNC 2016-293 Wireless Code in a few next paragraphs.

Since my monthly data plan with Telus were often overran, I decided to upgrade the plan to 6 GB for \$85 plus taxes per month a few months ago. I hoped it would help me keep the cost under control for a while; however, it failed me to control it at all. My new data plan has been overran along with extra cost for a few months and it has been frustrating to me.

The best solution to the issues about the data plan and costs for Deaf people are unlimited data plans at flat rates. Recently several major American mobile companies such as Verizon, T-Mobile, and AT&T started offering unlimited data plan (22 to 28 GB) for 80-100 US Dollar a month. I strongly encourage you to request and/or order Bell

Canada, Telus and Rogers Wireless to adopt and follow their American counterparts' data plan for Deaf and Hard of Hearing people in Canada.

In addition, I strongly urge you to consider the expansion of LTE network coverage into suburban and rural areas across Canada because LTE network coverage helps the quality of video and the smoothness of video feed where are commonly and importantly used in Video Relay Service and video conferences, significantly for Deaf and Hard of Hearing people.

Thank you for your attention and time.

Darryl J. Hackett"

Submitted by:

Lisa Anderson-Kellett

Nicole Marsh

Jeffrey Beatty

Deaf Wireless Canada Consultative Committee Panel, Intervention #133
CRTC TNC 2016-293

**Please note:

*Lisa Anderson-Kellett is participating in this hearing in her **role as Chair of the Deaf Wireless Canada Consultative Committee (DWCC)**, and not as a Director of the Canadian Administrator of VRS (CAV, Inc.).*

All information contained in this submission in Lisa's role as Chair-Analyst of the DWCC and not in the capacity as a Director of the CAV.

No confidential or proprietary information of CAV was used in the preparation of this or all preceding or subsequent submissions.

*****END DOCUMENT*****