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

June 1, 2022

Dear Secretary-General,

***Response to TELUS Answer to Cost Application of Deaf Wireless Canada Consultative Committee (DWCC) for their Participation in CRTC TNC 2020-178***

1. DWCC received two letters in response to its TNC 2020-178 Cost Application dated April 8, 2022. The first letter came on April 18, 2022, from Rogers. The second from Telus is dated April 19, 2022.
2. DWCC appreciates everyone's understanding and patience as we have navigated the response phase of the Cost Application.
3. We acknowledge receiving and have read Roger's response, and we thank them for affirming that they have reviewed the cost application and had no comments to offer. We likewise note that there were no other responses from Wireless Service Providers to our application, save that of Telus.
4. DWCC will respond to the queries and views as expressed by Telus in their answer to the Cost Application. It is DWCC's view that perhaps Telus has missed critical points of the very detailed cost application cover letter, and we may reference the document and previous submissions to emphasize the rationale for our Costs.
5. DWCC notes in Telus' letter that specific comments regarding their views were somewhat ambiguous. Therefore, we have responded to the best of our ability in interpreting the extent of the questioning.
6. In preparing for this response, the DWCC team has researched its history of involvement in CRTC proceedings and has seen instances where it has answered similar questions and provided relevant proof of meeting the requirements for participation and qualifications for various cost applications. We believe that providing the following information will reiterate those proofs and provides a rationale for the cost application details.

## RELEVANT DWCC BACKGROUND INFORMATION

### DWCC Structure

7. DWCC may not have explained its internal structure and workings previously in this specific proceeding, but this time we will. Please find the following re-iteration of what was already said in the Cost Application letter.
8. The Deaf Wireless Canada Consultative Committee (DWCC) is a non-profit organization that operates on consensus, has no formal board or staff, and does not maintain an operating budget.
9. In Canada, only four (4) national Deaf and Hard of Hearing non-profit organizations managed by Deaf/Hard of Hearing persons have Executive Directors, and just three provincial DHH non-profits have Executive Directors or administrative staff. Most local DDBHH organizations do not have such staff but manage their activities with volunteers.
10. Unlike some established professional advocacy or service centres and consumer groups (e.g. CNIB, PIAC, ARCH), DWCC has no staff. The hours the members put into the proceedings are challenging because they do not get paid for the time preparing the proceeding documents until months later, when the cost application results are announced. Some team members work at one or more part-time jobs or do freelance contract work to manage their living and education costs.
11. DWCC is not housed in a "brick and mortar office" and lacks infrastructure or equipment. All members and consultants work from home. They use their internet and wireless connection, personal computers, and printers. The team members are spread out from coast to coast, from Nova Scotia to British Columbia, which necessitates wireless or internet-based communication such as FaceTime, Google Meet, or Zoom for team meetings and social media sharing of telecommunication issues.

### No core funding.

12. Some DDBHH organizations participating in proceedings do not have core funding, including the DWCC. DWCC must pay for critical software, file storage and management applications, domain and website, video conferencing, and SurveyMonkey and Mailchimp programs.
13. The reality is that these necessary expenses come from the cost applications. Members of the consumer groups often make personal sacrifices to ensure that there is sufficient money to carry on to the subsequent proceeding. A specific example of how DWCC does this will be described later in the response.
14. The following section will give the timeline for this particular proceeding and detailed descriptions of how the timeline affects the consultants' hours and their cost requests.

## Timeline Review

15. In building the response to Telus, DWCC believes that a review of the timeline is crucial to provide clarity for the proceeding timeline and verify the involvement of the consultants that have performed work for the team.
16. Again referencing, as we did in this Cost Application<sup>1</sup>, where we described the initial proceeding **TNC 2019-57**, which opened on February 28, 2019; DWCC initially participated as a 4-organization joint collaborating party (DWCC et al.) with the Canadian Association of the Deaf-Association des Sourds du Canada (CAD-ASC), the Canadian National Society of the Deaf-Blind (CNSDB), and Deafness Advocacy Association of Nova Scotia (DAANS).
17. While involved in the proceeding **TNC 2019-57**, DWCC et al. submitted several documents, including Interventions, a Reply to Intervention, and several Procedural Requests.
  - a. May 15, 2019 - DWCC et al. Intervention
  - b. November 4, 2019 - DWCC et al. Procedural letter - [CRTC's response on November 21](#)
  - c. November 22, 2019 - DWCC et al. Reply to Interventions
  - d. December 4, 2019 - [CRTC notice](#) that DWCC et al. is withdrawn and commuted to a forthcoming future proceeding on wireless accessibility and to produce the survey in the new proceeding.
18. Please note that items numbered 8. a. to 8. d. above have not been claimed by DWCC in its current cost application. We have removed the number of hours from this cost application, choosing not to claim that time while noticing other groups had claimed hours for the TNC 2019-57 proceeding. These eliminated hours will be shown near the end of this response.
19. CRTC found our points in our intervention for that proceeding to be of great interest and determined that a future separate proceeding should be formulated and focused entirely on wireless accessibility. The Commission requested that our survey questions and interventions be transferred to the new proceeding.

***"Given the determinations set out in this letter, the Commission considers that this survey should be submitted on the record of the forthcoming proceeding."***<sup>2</sup>

- a. June 1, 2020 - TNC 2020-178 established
- b. June 17, 2020 - DWCC et al. submitted a procedural document, with two modified Appendixes of an expanded number of survey questions, in both English and French in two Appendixes.

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<sup>1</sup> DWCC TNC CRTC 2020-178 COST APPL Public Redacted Part 1 APX A - 08 April 2022, paragraph 4 & 5, page 4 - [link](#)

<sup>2</sup> 04 December 2019, CRTC - <https://crtc.gc.ca/eng/archive/2019/lt191204b.htm>

\*error - Upon review of the timesheets and documents for this list, specifically for Eileen Marshall, Brian Foran, and Michael J. Stewart, we noticed some incorrect "years" that the actual work was produced, for example when it was 2020, it was incorrectly typed as 2021, or it was typed 2021 when it was to be 2022. Our apologies for this oversight.

- c. August 27, 2021 - DWCC et al. (modified joint collaborating party with two other national organizations only) submit their interventions and supplementary documents, including two evidentiary reports.
  - d. Reply Comments - DWCC submitted October 10, 2021.
  - e. CRTC RFI Reply document - Submitted December 10, 2021
  - f. Response to CRTC RFI Replies document - January 10, 2022
  - g. Further Comments of Disclosure document - February 25, 2022.
  - h. Cost Application for CRTC 2020-178 - April 8, 2022, \*\*\*
- [\*\*\* Submitted four documents - PDF - Confidential & Public (2) and Word (2)]
20. The following section will introduce the teams working on the specific periods before each submitted document(s) with the above timeline in mind.

### **Joining and Work Timeline of Consultants & Analysts team**

21. The list of the team members as consultants or analysts is given to introduce our rationale for assigning duties and responsibilities in TNC 2020-178, justifying the hours claimed for specific team members. Please note the asterisked (\*) names for explanations.
- a. October 31, 2020 - August 27, 2021 - Lisa Anderson, Jeffrey Beatty, MJ Stewart\*, and Gary Malkowski (and with CNSDB & CAD-ASC)
  - b. October 3, 2021 - Paula Wesley - Deaf Indigenous Consultant
  - c. October 4, 2021 - Leonor Vlug - Writing and Editing Consultant
  - d. December 20, 2021,\* - Eileen Edinger Marshall - Recruited for RFI Response
  - e. January 3, 2022,\*\* - Brian Foran - Recruited for RFI Response
- [\* E. Edinger Marshall & \*\*B. Foran timesheets had typos with one digit wrong on dates.]

### **Recruitment of Consultants with Specific Skill Sets**

22. DWCC would like to emphasize that in Canada, there are many industries such as telecommunications, media, and similar business areas where opportunities for Deaf, Deaf-Blind, and hard-of-hearing individuals are not accessible for various reasons. A major one is that there are barriers to education and training. One such barrier is the irrefutable fact that many Deaf and Deaf-Blind persons have experienced language deprivation and have found learning society's spoken & written language a huge one to overcome.
23. Advanced education and the ability to manage the complexities of the Telecommunication Industry are further barriers. It can be daunting and intimidating for most people to research complex topics and prepare to challenge the vast telecommunication industry and do so within an unfamiliar government structure.
24. So for DDBHH consumer groups, as with their non-profit organizations, recruiting and keeping persons who can communicate well in the primary languages of ASL and LSQ, along with their written equivalents of English and French, is a challenging undertaking.

25. Given this background, DWCC wishes to emphasize the specific skill sets of long-time team members and the group's founding members. There are members whose roles are mainly administrative, while others are actively involved in the proceeding work as team leads, consultants, and analysts. The level of participation in the group depends on their life plans, education, work experiences, and other factors. The constant leads for the DWCC have been the two most senior members.
26. Lisa Anderson, having participated in 16 proceedings, and had written or collaborated in 10 survey analysis reports over the past 14 years, has the most experience and ability to organize the direction that DWCC takes in responding to a particular proceeding, consulting with the other team members, to prepare structured, organized, and thorough responses.
27. She has provided the team members with the tools to keep records, share strategies, and establish contact with outside experts. When recruiting new members, she and the DWCC team look to bring in those with skills that add to the team.
28. The other senior consultant, Jeffrey Beatty, specializes in Technical Consultant areas and has knowledge gained from his years as an educator in the USA. Many more Deaf individuals work in telecommunications, science and technology, and policy-making at state and federal levels. His experience in computer documents and applications makes him a crucial part of report preparation and final production.
29. Another key person that DWCC values is Michael J. Stewart, another long-time DWCC team member whose skill set is developing the actual survey data framework and collection, creating vital information that can be analyzed quantitatively and qualitatively. He collaborates with Dr. Rachel Filion, a Deaf psychologist, who uses her fluency in two written languages to assist with translations of survey questions and answers.
30. Since 2016, through trial and error, DWCC has recruited other junior consultants to do the data analysis and high-quality digital reproduction of charts and graphs. However, none of them produced the highest quality and clarity that Jeffrey Beatty and Michael J. Stewart have done. Thus DWCC has retained them to provide consistently high-quality work products to contribute to survey analysis reports.
31. This current **TNC 2020-178 Proceeding** was the most extensive effort expended by the DWCC. **It reflects the very reason the group was established** - to create an accessible, equitable, technologically appropriate communication environment for Deaf, Deaf-Blind, and Hard of Hearing Canadians.
32. During the past eight months, the DWCC members were able to expand the team, often one person at a time, to include additional consultants and analysts for specific areas, including data and graphic representations, writing and editing, Indigenous perspectives and Deaf-Blind accessibility. In the following paragraphs, we will show that the points made by Telus regarding the use of senior consultants versus junior consultants are not entirely described as indicated by our timelines and timesheets.

33. Referring to the above paragraphs 20 and 22, one will see the correlation between the involvement of specific personnel in the TNC 2020-178 proceeding phases and their claimed hours. In particular, in response to Telus' comment that "*... it appears that much of the work conducted by senior consultants ought to have been delegated to junior or intermediate consultants as a means to control DWCC's costs.*"
34. Explicitly referring to the two senior consultants, Ms. Anderson and Mr. Beatty, please note that they were the primary ones leading the research, survey, writing, and production of three documents for DWCC in the Intervention submission. There were NO junior consultants during that period. Although the DWCC collaborated with the other consumer organizations, they kept separate cost applications.
35. DWCC points to the timesheet numbers submitted by Ms. Anderson for the above period and claimed for the Intervention phase (from October 31, 2020, to August 27, 2021) is **334** hours. In the subsequent phases of the proceedings - up to February 25, 2022, the hours claimed by Ms. Anderson total **124**.
36. In the next phases from October 3, 2021, Reply Comments onwards to the final Further Comments of the Disclosure on February 25, 2022, there WERE new consultants, and the two newest were unfamiliar with CRTC proceeding work, requiring rapid orientation and detailed instruction in the beginning. As Telus quoted the number of hours for the (four) junior consultants as being 137 hours, the reality of the math is that Ms. Anderson performed FEWER hours when the DWCC had this whole team. With the above in mind, the comments made by Telus throughout the letter frequently questioning why the senior consultants did not delegate tasks to the junior or intermediate consultants are *invalid*, as the timelines show clearly.
37. In the case of Mr. Beatty and Mr. Stewart, both specialists in their areas, the DWCC has not been able to recruit and retain high-quality persons with their enthusiasm, experience, and skills. The DWCC philosophy of supporting the Deaf Ecosystem and the communication skills needed to collaborate over distance means the pool of potential colleagues is limited.
38. As a junior analyst, Michael J. Stewart was doing the work for DWCC for the survey data analysis with both of the surveys and two resulting survey analysis reports. His task began in the early part of the Intervention phase. However, in the ensuing proceedings, his classification will become intermediate level, as he will have five years of experience as a consultant.
39. Having provided details on the DWCC's purpose, structure, and personnel, the following section focuses on qualifying for the Cost Application as submitted, with further information and potential solutions to concerns expressed in Telus' submission.

## Application to CRTC Rules for Costs Award Practises and Procedures

40. It is well recognized that the Commission will evaluate all cost applications based on specific criteria as follows:
- a. whether the claimant had filed evidence that was used in the Commission's deliberations;
  - b. whether the contribution was active, focused, and structured;
  - c. whether the contribution was to the point, without straying from the issues at hand;
  - d. whether the contribution had served a purpose other than developing the claimant's expertise;
  - e. whether the contribution had served a purpose beyond the claimant's personal interest;
  - f. whether the claimant had met the deadlines;
  - g. whether the contribution was relevant to the claimant's interest, the topics the claimant addressed, and the issues the Commission had decided to examine in the case; and
  - h. whether the contribution offered a distinct point of view on the issues under consideration and did not duplicate that of other parties.

### Qualifying Statements

41. As highlighted in the above paragraphs and our numerous past submissions, DWCC has given the rationale for its work to achieve Communication Equity for Deaf, Deaf-Blind, and Hard of Hearing Canadians, in a field that can be highly competitive and daunting to consumers and newly-minted professionals alike.
42. The following points will show why DWCC holds that the Commission should grant the Costs as recommended in the last part of this submission.
43. DWCC believes
- a. It filed an abundance of concrete **evidence** with its interventions and two major analysis reports that **will be used in the Commission's deliberations** for the outcome of this proceeding;
  - b. **Kept** its contribution **to the point and focused on the issues** within the proceeding. In addition, it ensured the accessibility of the documents for Deaf-Blind audiences and created a summary.
  - c. **Contributed** to the record as an expert group, with its mandate resting entirely on the subject matter of this specific wireless proceeding. This activity was done in addition to the ingrained philosophy that all work done by DWCC and its collaborators has to be fully inclusive by providing bilingual surveys and making all materials accessible for Deaf-Blind and Hard of Hearing individuals.

- d. Its **contribution served a purpose beyond personal interest**. The two main areas of focus were the **communication accessibility needs** of Deaf, Deaf-Blind and Hard of Hearing Canadians while **bringing in new team members and contractors to develop their work skills to support the Deaf Ecosystem** in general. believes that its **contributions shed light on the issues under consideration**
- e. DWCC believes it **met the deadlines** considering COVID-19 impacting the group's timelines, and followed the protocols with procedural requests when warranted.
- f. Its contribution was **relevant to the claimant's interest**, which follows the DWCC's mandate:
- "DWCC's mandate is to advocate for accessible wireless communications equity for DDBHH Canadians, including but not limited to:
1. Cost-reasonable accessible wireless data plans for ASL and LSQ users for two-way video calls.
  2. Accessible industry-wide promotions of wireless services and products.
  3. Removal of disparities in costs of the same accessible wireless products and services within each company.
  4. Provision of functional equivalent wireless products and services, including wireless applications (apps).
  5. Accessible wireless emergency services (including emergency alerts and direct text to 911).
  6. Nationwide public awareness, education and outreach on currently accessible wireless and mobile communication products and services."
- g. Therefore, DWCC's topics addressed were relevant to the issues the Commission had decided to examine in the case;
- h. Its contribution offered a distinct point of view on the issues under consideration and did not duplicate that of other parties. DWCC members are the more experienced group with wireless accessibility considering its mandate.
- i. DWCC submitted not one but two comprehensive survey analysis reports, with its full background in wireless accessibility led and incorporated its expertise and experience in the reports submitted. DWCC contributed two infographics that visually summarize the results of the experiences of Deaf, Deaf-Blind and Hard of hearing Canadians.
- j. In addition, DWCC actively included Deaf-Blind and Indigenous perspectives throughout, as well as **consulted with industry professionals** for complex concepts such as forbearance to appropriately contribute



44. DWCC has proven that alone or in collaboration with other groups and individuals, notably the Canadian Association of the Deaf-Association des Sourds du Canada, they have produced detailed quality documents and reports. It has achieved improvements in wireless telecommunications. In particular, as noted in the 2020-178 Cost Application document, the CRTC was persuaded to order the WSPs to provide aggregated data on accessibility plan numbers, arguing that the Commission had previously ordered the disaggregated data for IP Relay, Message Relay, and other services.
45. Large numbers of Deaf, Deaf-Blind and hard-of-hearing consumers participated in surveys designed to meet their communication needs and resulted in invaluable information. While a party had dismissed some of the data as "anecdotal," - they did not know that this was a valued and historical way for the Deaf community to record information. Additionally, the surveys contribute to CRTC's "evidence-based decisions in the public interest."<sup>3</sup>
46. Such efforts take many hours of planning and work to achieve the results that DWCC has contributed and submitted. We evidence that not only are the results provided in written format but offered in consideration of the visual culture of Deaf, Deaf-Blind and Hard of Hearing through the creation of infographics highlighting the results of the reports. We thus provide full communication accessibility for both hearing and Deaf readers as equitably as possible.

### **Quantity and Quality of Documents submitted**

47. If you reference the Cost Application cover letter in paragraph 14<sup>4</sup>, DWCC describes having submitted a total of **42 documents**, *7 of them from 2019-57*, as Intervention #1 of the proceeding, as well as 35 documents provided and filed as Intervention #32 for TNC 2020-178 submitted to the record of the proceeding. An itemized list of these documents is listed in this same paragraph.<sup>5</sup> The number and size of documents created prove that DWCC has modelled how inclusion and accessibility should be handled, with documents always in Microsoft Word and PDF file formats. With the Commission preparing to develop its standards for Telecommunications, we believe this is one of the things the DDBHH Canadian community would like to see as a standard.

### **Timesheet calculations**

48. As the hours calculated are indisputable. DWCC has evidence of every time we were in the document typing and writing, and all the editing work can be tracked in the raw google document left online. If requested, we will be happy to share the evidence of these timestamps even if it is a laborious process; it would mean copy and paste through screenshots of hundreds of timestamps. Each of us has laboriously ensured our due diligence following the CRTC cost calculation rules that even if working over 10 hours, we followed the CRTC Rules to limit counting to 7 hours a day. Truthfully we did significantly more hours than we submitted. Further to this, here are other places we did cost cutting with totals that were **not claimed**.

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<sup>3</sup> Ian Scott to the Standing Committee on Canadian Heritage, 31 May, 2022 - [link](#)

<sup>4</sup> 08 April 2022 - Cost Application, paragraph 14 - [link](#)

<sup>5</sup> 08 April 2022 - Cost Application, Part 2 Appendix B - [link](#)

## UNCLAIMED DOCUMENT WORK FOR TNC 2019-57 AND TNC 2020-178

### Intervention & Reply to Interventions

49. Intervention and Reply to Interventions documents had Lisa and Jeff doing **49 hours** at \$225.00 each to **\$11,025.00**.

### Survey Question Drafting for both 2019-57 and 2020-178

50. Separate documents were created to draft survey questions for 2019-57, and new documents were reworked for 2020-178. When creating survey questions for 2020-178, the DWCC intentionally created questions that would reduce the number of text comments in the survey.

51. DWCC team made separate copies of the survey questions document, one without question logic and one with clear instructions on which question would contain skip logic, to make it easier for the data analyst to enter into Survey Monkey. Thus, there were four separate documents for the survey question drafting and development. In the 5th separate large document, all the charts and tables were put together and the early-stage drafting of the survey analysis.

52. As a result, DWCC did not submit the 24 hours for the three DWCC members: Lisa Anderson, Jeffrey Beatty, and Michael J. Stewart, which adds up to \$7,137.50.

### Procedural documents

53. Between the 2019-57 and 2020-178 proceedings, there were six procedural request documents submitted, which would have 24 hours total of work between several members, totalling an unclaimed total of **\$5,400.00**.

### TNC 2020-178 Cost application work

54. Finally, for compiling, collating and editing the 114-page cost application packages, we ensured that we were not excessive, so we sacrificed **80 hours** between three people: Mr. Beatty, Ms. Anderson, and Ms. Vlug, which would have been an additional **\$13,975.00**.

### Total unclaimed cost recovery

55. DWCC did its due diligence even with all the available evidence, such as timestamps and timesheets with these calculations. DWCC, in its final examination of total hours and calculations, made executive decisions to remove and thereby lose more hours of work to reduce the cost recovery application. The amount of unclaimed costs is \$37,537.50, summed up here::

Total unclaimed costs		
<b>2019-57 Interventions</b>	49 hours	\$11,025.00
<b>Initial Survey documents</b>	24 hours	\$7,137.50
<b>Procedural</b>	24 hours	\$5,400.00
<b>Cost applications</b>	80 hours	\$13,975.00
<b>TOTAL:</b>		<b>\$37,537.50</b>

56. DWCC **could** have filed a cost recovery with consultant and analyst hours of \$213,970.00. But without the above \$37,537.50, it has claimed a total of **\$176,432.50**.

## Disbursements

57. In this response, the DWCC deliberated what they would sacrifice in the cost recovery. It determined that since survey prizes were an "extra," the members agreed to put forward the suggestion that the final total is adjusted without the smartphone prize expenses as disbursements.
58. However, DWCC must advise the CRTC that the money used for the expenditures in this proceeding comes from amounts that are from Ms. Anderson's and Mr. Beatty's awards from an earlier proceeding. They had left the funds untouched for DWCC to use as an accounting cushion for the "future wireless accessibility proceeding," aiming that individuals will be reimbursed from the 2020-178 proceeding. We state this as a fundamental fact because DWCC does not have any core funding, and it would be a personal loss for the two consultants earned from their previous work in the 2017 and 2018 proceeding. However, if the CRTC agrees that it should be given up, DWCC will need to find another way to re-compensate the prize money.

Survey Prize:		
Prize #	Total cost	Reference
Prize 1	\$949.19	#040-2020-178
Prize 2	\$1,185.37	#041-2020-178
Prize 3	\$1,581.99	#044-2020-178
<b>TOTAL:</b>	<b>\$3,716.55</b>	

59. Original disbursement total \$27,760.10, and this means with the deductions without the survey prize expenses, the new and modified disbursement cost would be: **\$24,043.55**
60. Paraphrasing an industry advisor to DWCC, "It can be said that participation at CRTC is frightening, and any consumer group wishing to start participation will need guidance from an expert. Preventing these costs will send a message to future groups to not consider participation and hinder the Commission's ability to collect a fulsome record for proceedings."
61. We thank Telus for their comments on our cost recovery for participating in TNC 2020-178; it allowed us to analyze further the time we invested in the proceeding.
62. As always, the Cost Decision outcome rests with the Commission. DWCC trusts that the CRTC will use its Rules and Guidelines for the Assessment of Costs framework in deciding award final costs set out in the Guidelines for assessing costs and determining whether the costs filed are reasonably incurred.
63. DWCC et al. appreciate the Commission's consideration of its response and look forward to its decision. Should you have any questions, please do not hesitate to contact us.

Sincerely,

Lisa Anderson  
Chair-Consultant

cc: CRTC TNC 2020-178 participating parties.

**\*\*\*END OF DOCUMENT\*\*\***