



Telecom Decision CRTC 2021-429

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Ottawa, 22 December 2021

Public record: 8665-C209-202105288

Canadian Administrator of VRS (CAV), Inc. – Application requesting video relay service funding for 2022 – Changes to procedure

The Commission **approves** the Deaf and Hard of Hearing Coalition’s procedural request and **directs** the Canadian Administrator of VRS (CAV), Inc. to refile its application with links to the American Sign Language and Langue des signes québécoise videos of its application, within **seven days** of the publication of this decision.

Revised deadline for submission of interventions: 7 February 2022

Revised deadline for submission of replies: 8 March 2022

Background

1. Video relay service (VRS) enables people who use sign language to conduct telephone calls and communicate with voice telephone users using sign language. VRS connects a sign language user with another party via an operator who can interpret between sign language and spoken language.
2. In Telecom Regulatory Policy 2014-659, the Commission approved the structure and mandate of the VRS administrator, known as the Canadian Administrator of VRS (CAV), Inc. (CAV).

Application

3. On 29 August 2021, the Commission received a procedural request from the Deaf and Hard of Hearing Coalition (DHH Coalition)¹ with regard to the CAV’s [2022 budget application](#), submitted on 31 July 2021.
4. In its request, the DHH Coalition asked the Commission to allow for a more fulsome record by

¹ The DHH Coalition is made up of the Deafness Advocacy Association of Nova Scotia, the Newfoundland and Labrador Association of the Deaf, and the Ontario Association of the Deaf.

- directing the CAV to issue its cover letter and the abridged proposed 2022 budget in sign language format;
 - permitting interested parties to submit interventions and replies in sign language; and
 - extending the deadlines for interventions and replies to interventions to ensure that all parties have the opportunity to review the transcripts of these videos and prepare video responses in sign language.
5. The DHH Coalition submitted that the *Accessible Canada Act* (the ACA) formally recognizes that American Sign Language (ASL) and Langue des signes québécoise (LSQ) are one of many languages of communication used by Deaf people in Canada.²
 6. The Commission received an intervention from the Canadian Deaf Grassroots Movement (CDGM), supporting the DHH Coalition's request that the CAV file its application in sign language and that interventions in sign language be accepted. The CDGM also submitted that it agrees with the need for longer timelines.
 7. In its reply dated 3 September 2021, the CAV agreed to provide its application in ASL and LSQ formats but expressly requested that, regardless of the Commission's determination, the funding distribution still start in January 2022.
 8. The CAV argued that if it does not begin receiving funding in January 2022, the VRS operation will be jeopardized. The CAV added that the receipt of funds on time is necessary, since timely payments to suppliers are essential for maintaining relationships and facilitating future contractual negotiations.
 9. The CAV observed that the DHH Coalition did not provide details on the length of the extensions it is seeking. The CAV noted that given the need for the involvement of various parties (such as the CAV's management, third party suppliers, and other Commission resources) to create the ASL and LSQ videos, it would require 21 calendar days to submit the interpretations of its application in ASL and LSQ formats.³ The CAV added that it would therefore require extended timelines for replies to interventions that take into account the time needed to create ASL and LSQ videos.
 10. The DHH Coalition responded that it was abstaining from recommending a specific extension timeline and was leaving that decision to the Commission.⁴ It also submitted that it recognizes the importance of the CAV's concern regarding receiving funding starting in January 2022 and is not seeking to compromise the service.

² Subsection 5.1(2) of the ACA recognizes ASL, LSQ, and Indigenous sign languages as primary languages for communication by Deaf persons in Canada.

³ The [Cover letter](#) and [Abridged budget](#) are available in ASL and LSQ.

⁴ The Commission notes that no party has recommended a specific timeline.

11. On 6 September 2021, the CDGM submitted a further response to the CAV's reply to the procedural request from the DHH Coalition, in which it acknowledged the concerns of the CAV regarding the disbursement of funds. The CDGM noted that as a movement representing Deaf and Hard of Hearing stakeholders, it is interested in the full details of the budget to work with the CAV to improve VRS and increase public awareness and education.

Commission's analysis and determinations

12. The Commission acknowledges that the CAV is only required to file its annual budget in English and French.⁵ However, the budget decision impacts a telecommunications service for individuals who use sign language. In this instance, it would contribute to the development of the record to have the application available in sign language and to permit sign language interventions. This approach would also be consistent with the ACA's objective to make Canada barrier-free for persons with disabilities.
13. The Commission notes that the CAV posted ASL and LSQ videos of its application on its YouTube page on 24 September 2021. In order to formally add these videos to the public record of this proceeding, the links to those videos should be available and embedded in the original application by the CAV.
14. In light of the above, the Commission **directs** the CAV to refile its application with links to ASL and LSQ videos of its application, within **seven days** of the publication of this decision.
15. In order to address DHH Coalition's concern that Canadians who are Deaf, Deaf-Blind, or Hard of Hearing have an opportunity to present their comments on the issues under consideration in ASL or LSQ, the Commission is modifying its general procedures for the purposes of this proceeding. Specifically, in light of the circumstances, the Commission is inviting Canadians to submit their interventions and replies in ASL or LSQ, in video format, if they so choose. Links to these videos will be posted on the public record of this proceeding and a transcript of each video will be created by the Commission and added to the public record as an intervention or reply.
16. The Commission acknowledges that the production of ASL and LSQ videos requires the collaboration of various parties and resources. Accordingly, a 30-day extension to the deadline for the submission of interventions and a 30-day extension to the deadline for the submission of replies are being granted and should allow for sufficient production and transcription times.

⁵ See paragraph 76 of Telecom Regulatory Policy 2014-659.

17. The Commission notes the CDGM's desire to comment specifically on how the CAV plans to allocate funds. The Commission reminds parties that the criteria for approving the release of funds from the National Contribution Fund for VRS are as follows:
- Is the budget requested within the \$30 million cap?
 - Did the VRS administrator meet all the requirements set out in Appendix B of Telecom Regulatory Policy 2014-187?
18. The Commission reminds parties that matters dealing with the CAV operations and the allocation of the budget are more appropriately addressed in the ongoing proceeding to review VRS, Telecom Notice of Consultation 2021-102.⁶
19. In Telecom Decision 2021-384, the Commission approved the release of funds to the CAV on an interim basis and required the Central Fund Administrator to distribute monthly payments equal to 1/12th of the \$30 million requested, effective 1 January 2022. This interim funding will allow the CAV to continue to operate VRS on an uninterrupted basis until the Commission approves the CAV 2022 budget on a final basis.
20. A final decision on the CAV 2022 budget will be made by the Commission in the context of this application, with due consideration of all comments that have been or will be received, after close of record.

Conclusion

21. The Commission **directs** the CAV to refile its application with links to the ASL and LSQ videos of its application, within **seven days** of the publication of this decision.
22. The Commission will accept video interventions and replies in ASL and LSQ for this proceeding. Interested persons must provide a working link to a publicly viewable version of their video in the comments box in the "Submit an intervention" section of the Intervention form.
23. The Commission also adjusts the deadlines as follows:
- The intervention period is extended to **7 February 2022**.
 - The reply period is extended to **8 March 2022**.
24. The interim funding approved by the Commission in Telecom Decision 2021-384 will allow the CAV to continue to operate VRS on an uninterrupted basis until the Commission approves the CAV 2022 budget on a final basis.

⁶ The deadlines for the review are currently suspended while the Commission considers procedural requests submitted by the Canadian Deaf-Blind Collective, the Ontario Video Relay Services Committee-Comité Ontarien des Services de Relais Vidéo and the DHH Coalition. The Commission intends to issue an updated notice, as soon as is practicable, that will address the procedural requests, set out revised deadlines, and provide further information about process for the proceeding.

Policy Directions

25. The 2006 Policy Direction⁷ and the 2019 Policy Direction⁸ (collectively, the Policy Directions) state that the Commission, in exercising its powers and performing its duties under the *Telecommunications Act* (the Act), shall implement the telecommunications policy objectives set out in section 7 of the Act, in accordance with the considerations set out in the Policy Directions,⁹ and should specify how its decisions can, as applicable, promote competition, affordability, consumer interests, and innovation.
26. The Commission considers that the determinations detailed herein are consistent with the Policy Directions. Specifically, these determinations enhance and protect the rights of consumers in their relationships with telecommunications service providers, including rights related to accessibility, by allowing parties to provide comments in sign language on the implementation of VRS.

Secretary General

Related documents

- *Final 2021 revenue-percent charge and related matters*, Telecom Decision CRTC 2021-384, 17 November 2021
- *Call for comments – Review of video relay service*, Telecom Notice of Consultation CRTC 2021-102, 11 March 2021; as amended by Telecom Notices of Consultation CRTC 2021-102-1, 26 April 2021; and 2021-102-2, 30 June 2021
- *Structure and mandate of the video relay service administrator*, Telecom Regulatory Policy CRTC 2014-659, 18 December 2014
- *Video relay service*, Telecom Regulatory Policy CRTC 2014-187, 22 April 2014

⁷ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

⁸ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

⁹ The relevant considerations are the following: paragraphs 1(a)(i) and (ii) of the 2006 Policy Direction, which state that the Commission should rely on market forces to the maximum extent feasible as the means of achieving the telecommunications policy objectives, using regulatory measures that are efficient and proportionate to their purpose and that interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives; and paragraph 1(a)(iv) of the 2019 Policy Direction, which states that the Commission should consider how its decisions can promote competition, affordability, consumer interests, and innovation in particular the extent to which they enhance and protect the rights of consumers in their relationships with telecommunications service providers, including rights related to accessibility.