



Telecom Regulatory Policy CRTC 2010-132

Route reference: Broadcasting and Telecom Regulatory Policy 2009-430

Ottawa, 4 March 2010

Follow-up to Broadcasting and Telecom Regulatory Policy 2009-430 – Requirements for telecommunications service providers to communicate certain information in alternative formats

File number: 8638-C12-200912859

In this decision, the Commission affirms, with minor modifications, its preliminary view as set out in Broadcasting and Telecom Regulatory Policy 2009-430 that the following information is to be provided in alternative formats to persons with visual impairments, upon request: information on the National Do Not Call List, information on Bill Management Tools, retail quality of service information, notification of the removal of the last payphone in a community, the incumbent local exchange carriers' communications plans on local forbearance, and information on dialing plan changes.

Background

1. In Telecom Regulatory Policy 2009-156, the Commission eliminated, modified, or retained certain information requirements¹ imposed on telecommunications service providers (TSPs). The Commission further modified the information requirements relating to the retail quality of service (Q of S) regime in Telecom Regulatory Policy 2009-304.
2. In Broadcasting and Telecom Regulatory Policy 2009-430, the Commission considered that because a number of the information requirements retained in Telecom Regulatory Policies 2009-156 and 2009-304 consist of information on rates, terms, and conditions of service, the information therefore must be provided according to the current alternative format requirements as outlined in various Commission decisions and orders.² The Commission further stated that certain other information requirements retained in Telecom Regulatory Policies 2009-156 and 2009-304 do not consist of information on the rates, terms, and conditions of service, and expressed the preliminary view that the information subject to these requirements is to be provided in alternative formats to persons with visual impairments, upon request.

¹ An information requirement is an obligation on a telecommunications service provider (TSP) to provide information to its customers about a regulatory measure or related to its telecommunications services.

² See, for example, Telecom Decision 2002-13, Order 2001-690, Order 2001-164, Order 2001-163, Telecom Order 98-626, and Telecom Order 96-1191. The alternative format requirements specify that certain documents must be provided to subscribers or potential subscribers with visual impairments in Braille, large print, electronic format or any other mutually agreed format, upon the request of the subscriber with a visual impairment.

3. The Commission therefore directed the TSPs to show cause, including cost justification, as to why the following information subject to requirements should not be provided in alternative formats for persons with visual impairments, upon request: information on the National Do Not Call List (National DNCL), information on Bill Management Tools (BMTs), retail Q of S information, notification of the removal of the last payphone in a community, the incumbent local exchange carriers' (ILECs) communications plans on local forbearance, and information on dialing plan changes.

Show cause process

4. The following parties provided comments in the show cause proceeding: Bell Aliant Regional Communications, Limited Partnership and Bell Canada, on behalf of themselves, KMTS, NorthernTel Limited Partnership, and Télébec, Limited Partnership; MTS Allstream Inc. (MTS Allstream); Saskatchewan Telecommunications (SaskTel); and TELUS Communications Company (TCC). The public record of this proceeding, which closed on 21 October 2009, is available on the Commission's website at www.crtc.gc.ca or by using the file number provided above.

Commission's analysis and determinations

5. The Commission considers that all consumers should have reasonably equal access to the information requirements that it retained or modified in Telecom Regulatory Policies 2009-156 and 2009-304.
6. The Commission notes that the parties to this process generally supported its preliminary view in Broadcasting and Telecom Regulatory Policy 2009-430. In certain circumstances the parties proposed a different option to providing the alternative format version of the original information as set out in Telecom Regulatory Policy 2009-156. In such circumstances, the Commission considered whether the content of the information provided to persons with visual impairments would be reasonably equal to that provided to general subscribers.
7. While MTS Allstream provided general costing information relating to documents in alternative formats, the parties did not argue that the costs of providing the information in the current alternative formats would be onerous or unreasonable.

Information requirements regarding the National DNCL, BMTs, and the retail Q of S regime – ILECs

8. In Telecom Regulatory Policy 2009-156, the Commission retained the requirement for ILECs to publish, in a separate section of their residential telephone directories, how to register on the National DNCL and how to file a complaint about a telemarketing telecommunication. The Commission also retained the requirement for ILECs to disclose in their residential telephone directories the fact that BMTs are available, and to include a statement that BMTs may not be available from all TSPs and that customers should contact their service providers for more information.

9. In Telecom Regulatory Policy 2009-304, the Commission required the ILECs to publish in their residential telephone directories a reference to the retail Q of S regime, along with a statement indicating that i) the retail Q of S regime may or may not apply, depending on the customer's service provider and location, and ii) the customer should contact their service provider for additional information.
10. The Commission notes that the parties agreed to provide the directory portions of the information requirements on the National DNCL, BMTs, and the retail Q of S regime in alternative formats, upon request.
11. Accordingly, pursuant to section 24 of the *Telecommunications Act* (the Act), the Commission requires the ILECs, as a condition of providing service, to provide the information in their residential telephone directories on the National DNCL, BMTs, and the retail Q of S regime in alternative formats to persons with visual impairments, upon request.

Removal of the last payphone in a community - ILECs

12. In Telecom Regulatory Policy 2009-156, the Commission retained the information requirement pertaining to the removal of the last payphone in a community. This consists of a notification to the location provider, a notice placed on the payphone in question, direct notification to the local government, and a notice in the local newspapers to inform the general public.
13. TCC proposed to provide the text from the notice in the newspapers in alternative formats, while MTS Allstream and SaskTel proposed to provide the text from the newspaper notice and/or the notice on the payphone in alternative formats.
14. The Commission is of the view that the text from the newspaper notice would be the most appropriate means of providing reasonably equal information to persons with visual impairments. As such, pursuant to section 24 of the Act, the Commission requires the ILECs, as a condition of providing service, to provide this text in alternative formats to persons with visual impairments, upon request.

Communications plans on local forbearance - ILECs

15. In Telecom Regulatory Policy 2009-156, the Commission retained the information requirement for the ILECs to file their communications plans for local forbearance with the Commission.
16. SaskTel and MTS Allstream submitted that providing the local forbearance communications plans in alternative formats would be of little use to customers. These companies proposed that the particular notices which the ILECs use to inform customers of the forbearance regarding local exchange services would be more appropriate to make available in alternative formats, upon request.
17. The Commission considers that either the ILECs' communications plans or their notices to customers about local forbearance would provide reasonably equal information to persons with visual impairments. Therefore, pursuant to section 24 of the Act, the Commission requires the ILECs, as a condition of providing service, to provide either document at their discretion in alternative formats to persons with visual impairments, upon request.

Dialing plan changes – all relevant TSPs

18. In Telecom Regulatory Policy 2009-156, the Commission retained the general obligation for all relevant TSPs to inform all customers about dialing plan changes where it is not technically possible for the TSPs to provide industry standard network announcements with automatic call completion. However, the Commission found that the TSPs may determine the appropriate methods to inform their customers.
19. SaskTel submitted that the information within the Consumer Awareness Program (as part of the NPA³ Relief Implementation Plan) which is amenable to reformatting should be made available in the current alternative formats, upon request.
20. The Commission considers that SaskTel's proposal would be acceptable provided that the content of the information provided to persons with visual impairments is reasonably equal to that provided to general subscribers.
21. As such, pursuant to section 24 of the Act, the Commission requires Canadian carriers, as a condition of providing service: i) to provide information on dialing plan changes in alternative formats to persons with visual impairments, upon request, and to do so in a manner that is consistent with the dialing plan changes information requirement; and ii) to include in their applicable tariffs, contracts, or other arrangements with resellers a condition requiring that resellers make available the information on dialing plan changes in alternative formats for persons with visual impairments, upon request, in a manner consistent with the dialing plan changes information requirement.

Policy Direction

22. The Commission considers that the measures imposed in this decision are consistent with the Governor in Council's *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006, and advance the objectives set out in paragraphs 7(b), 7(h), and 7(i) of the Act.⁴

Secretary General

³ NPA stands for Numbering Plan Area.

⁴ The cited policy objectives of the Act are
7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
7(h) to respond to the economic and social requirements of users of telecommunications services; and
7(i) to contribute to the protection of the privacy of persons.

Related documents

- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Follow-up to Telecom Decision 2008-105 – Retail quality of service regime in non-forborne markets for ILECs with over 25,000 NAS*, Telecom Regulatory Policy CRTC 2009-304, 25 May 2009
- *Revised regulatory requirements to provide information to customers*, Telecom Regulatory Policy CRTC 2009-156, 24 March 2009
- *Extending the availability of alternative formats to consumers who are blind*, Telecom Decision CRTC 2002-13, 8 March 2002
- *Alternative formats for a person who is blind*, Order CRTC 2001-690, 31 August 2001
- *Access to Bell Canada's SimplyOne by persons who are blind*, Order CRTC 2001-164, 26 February 2001
- *Access to Microcell's Fido-related service by persons who are blind*, Order CRTC 2001-163, 26 February 2001
- Telecom Order CRTC 98-626, 26 June 1998
- Telecom Order CRTC 96-1191, 29 October 1996

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.