

March 22, 2021

VIA Intervention Comment Form

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Doucet,

Subject: Telecom and Broadcasting Notice of Consultation CRTC 2021-69: Call for comments – The Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations

1. The Canadian Communication Systems Alliance (“CCSA”) speaks for independent communications distributors – smaller broadcasting distribution companies, telephone companies and ISPs – across Canada. CCSA represents more than 100 companies operating from sea to sea to sea, including across the North.
2. As CCSA noted in its initial comments in this matter, the *Accessible Canada Act* creates very significant new process and reporting requirements for federally-regulated entities including BDUs, TSPs and ISPs.
3. We think it is vitally important that those new requirements actually produce real and substantial benefits to Canadians who face accessibility challenges.
4. CCSA has had the opportunity to review, in draft, the comments of the Independent Telecommunications Providers Association (ITPA) and, also, of the Canadian Association of Broadcasters (CAB) in response to B/TNC CRTC 2021-69.
5. CCSA agrees with ITPA’s analysis of the effect of the 2006 and 2019 Policy Directions and

particularly, with its emphasis on the premise that the Policy Directions require regulatory measures to be “efficient and proportionate to their purpose”.

6. Fundamentally, the exemption of companies based only upon an arbitrary number of fewer than 10 employees will impose a significant and costly new regulatory burden on many very small communications companies with very little added social benefit.
7. The reporting burden that imposition of accessibility planning, development of feedback mechanisms and annual reporting requirements places upon such companies is not proportionate to the intended purpose of the proposed regulation in this area.
8. CCSA submits that the many small communications companies which it represents are just the same as one member who describes his company as being, “tightly knit with our community and its people’s needs”. Those companies tend to know directly which of their customers face accessibility challenges and have proven themselves to be willing and able to respond to such needs on a personal basis.
9. CCSA therefore supports ITPA’s recommendation to exempt from application of this regulation the small ILECs and those small BDUs which are already exempted under the *Broadcasting Act*. CCSA proposes that small competitive TSPs with revenues of less than \$10 million should also benefit from at least an initial temporary exemption, as discussed below.
10. CCSA agrees with ITPA’s analysis of the Commission’s authority to extend a temporary exemption to such entities pursuant to s. 46(1) of the *Accessible Canada Act*. CCSA supports ITPA’s recommendation that, if the Commission is unwilling to apply a permanent exemption in this respect, it should, at a minimum, apply the regulation to only the largest entities at first and, only once the results of an initial three-year exemption for smaller entities can be assessed, consider whether application of the regulation should be extended to smaller entities.

11. CCSA is deeply concerned that the proposed regulation, in its application to a large number of very small communications providers, will not achieve its intended objectives and, in practice, may well actually work to the disadvantage of Canadians with accessibility challenges.
12. We share CAB's concern that the regulatory framework, as currently proposed, may well result in "a morass of documentation that cannot be easily or meaningfully used".
13. CCSA is especially concerned that the framework, as currently proposed, sets up a process whereby literally hundreds of smaller BDUs, TSPs and carriers will be required to consult with accessibility groups and Canadians with accessibility challenges in the development of accessibility plans and feedback mechanisms.
14. Such a process is likely to create a huge burden on both smaller communications companies and on the accessibility community. Such a process is also likely to create an uneven patchwork of accessibility plans and feedback mechanisms with the result that Canadians with accessibility needs will themselves become confused as to which expectations or standards will apply in a given market with respect to a given communications provider.
15. Those factors argue for simplification and standardization of processes to the extent possible. We support ITPA's recommendation that: "If the Commission imposes the draft reporting regime on small service providers it should impose as light a regime as possible on small service providers."
16. The objective should be to create simple and standardized mechanisms which actually assist Canadians with accessibility challenges to locate and receive the resources they need, regardless of where they live and from whom they receive their communications services.
17. While we recognize that the regulation, as proposed, leaves it open as to how communications companies might coordinate to develop approaches to consultation and development of their accessibility programs, we think there is considerable benefit to be had

from definition and standardization, up front, of the detailed processes to be applied by communications providers in the 10-99 employee size bracket.

18. In its draft comments, CAB states that:

. . . what we propose is a more effective, meaningful, and efficient reporting obligation for broadcast entities with between 10 and 99 employees and an alignment of reporting for those entities to the normal CRTC annual filing deadline of November 30th. The proposed reporting obligation for such entities would consist of completion of a standardized form which would be issued by the Commission as one of the forms licensees are required to complete and file. Development of that form would occur . . . through a cooperative stakeholder/CRTC process, such as a CRTC endorsed ACA Working Group of affected broadcasters and key stakeholders, as proposed by the CAB earlier. A standardized feedback process and progress report process would also be developed.

19. CCSA joins CAB in recommending that an industry working group be convened with the objective of defining standardized accessibility plans, feedback mechanisms and annual reporting templates for adoption by communications providers in the 10-99 employee bracket. CCSA would be pleased to participate in such a working group as the representative of its members.

20. With respect to the annual reporting requirement, unlike the largest communications providers, companies with 10-99 employees – that is the B3 and T3 classes defined in the draft regulation – have no requirement to report under the *Employment Equity Act* and, therefore, do not benefit from a June 1 reporting date.

21. Such companies already have reporting obligations under the Commission’s DCS which are tied to a November 30 filing deadline. As CAB notes in its draft, “all broadcast entities, exempt and licensed, are accustomed to filing obligations on this date”. The same is true for telecommunications providers.

22. An effective approach to reporting by smaller providers would be to coordinate the ACA reporting requirements for broadcasting and telecommunications service providers in the B3

and T3 classes with the already required DCS reporting, using simple, standard forms developed for that purpose.

23. Finally, CCSA notes and agrees with CAB’s suggestion, in its draft comments, that coordination of reporting through the Commission’s existing data collection mechanisms would place the Commission, itself, in a position to “publish appropriate aggregate analysis in accessible formats”.
24. CCSA notes that its recommendations above are concerned primarily with processes which could be used to improve the simplicity, standardization and usefulness of the required plans, feedback mechanisms and report to Canadians with accessibility challenges.
25. The one change to the draft regulation which would be required to implement those recommendations would be a change from June 1 to November 30 in those provisions which fix a day or refer to a fixed day in respect of Class B3 and T3 regulated entities.¹
26. CCSA thanks the Commission for the opportunity to provide these comments.

Sincerely,



Christopher J. Edwards
Vice-President, Regulatory Affairs

¹ Draft Regulation, s. 3(1)(c), s. 3(2), s. 15, s. 18(1)(c), s. 18(2), s. 30.