

**SORENSEN COMMUNICATIONS**  
**DRAFT OPENING STATEMENT**  
**CRTC PUBLIC HEARING**  
**OCTOBER 24, 2013**

ISSUES RELATED TO THE FEASIBILITY OF ESTABLISHING A VIDEO RELAY SERVICE

***Introduction***

(Paul Kershisnik)

1. Thank you Madame Secretary. Mr. Chairman, members of the Commission, my name is Paul Kershisnik and I am the Chief Marketing Officer for Sorenson Communications. It is our pleasure to be here with you today and I would like to introduce the other members of our panel. To my left is Mike Maddix who is our Director of Government and Regulatory Affairs. To Mike's left is Suzie Giroux, our District Manager for Canada. To my right is Greg Kane from the firm Dentons LLP who is our legal counsel. We will now begin our oral comments.

***Oral Remarks***

2. Five years ago, almost to the day, Sorenson Communications made its first public appearance before the Commission. While some of the people appearing for Sorenson, as well as a number of the Commissioners are different, the issue remains the same, that is, the feasibility of establishing a video relay service (VRS) in Canada.
3. This time around Sorenson has the interesting distinction of having been described as an "outlier" by the Bell companies. We are familiar with the term "outlier" as it was used by Malcolm Gladwell in his best-selling book "Outliers: The Story of Success". We are flattered to have been called outliers when it means having achieved success after devoting a lot of time and effort to a task.
4. This could well apply to Sorenson Communication starting with our founder, James Sorenson. Mr. Sorenson overcame a childhood of poverty and dyslexia to achieve great success in areas as diverse as medical devices, where he

patented, among other things, the plastic catheter and disposable surgical masks, to electronics where our predecessor company invested millions of dollars and thousands of hours of research to invent pivotal video compression software that ultimately led to services as diverse as desktop video conferencing of the highest quality through to computerized heart monitors. This investment in research also led to Sorenson's VRS technology developed because Mr. Sorenson was struck by how difficult it was to communicate with a member of his family who was deaf. Millions of dollars and thousands of hours later, his challenge to the Sorenson engineers resulted in the VRS technology we will be discussing this morning.

5. Sorenson's position has not changed from day one of our participation in CRTC proceedings. We are strong advocates for the introduction of VRS in Canada. This is consistent with our company's mission statement which is to provide the highest quality communication products and services to all deaf and hard-of-hearing persons. Sorenson has now been working for more than 17 years towards breaking down communication barriers with innovative solutions and high quality products and services for the deaf and hard-of-hearing community in the United States. For more than seven of those years, Sorenson and Sorenson Communications of Canada have been actively monitoring and participating with respect to the feasibility of establishing VRS in Canada.
6. What is different from our appearance five years ago is the evolution of equipment that enables the provision of VRS. While our video quality was good in 2008, it is now even better with our next generation of videophone, the ntouchVP. In addition, we now have very robust offerings for mobile (iOs and Android) and portable solutions (Mac and PC) that enable consumers to access VRS via cell, smartphones, tablets and laptops along with the more traditional videophone that can be installed at home or at work. Because of a new feature called Sorenson myPhone, consumers with multiple devices only need one number instead of the previous requirement of separate numbers for each device. When a consumer's myPhone number is called, all of their devices will

“ring” and the consumer will choose which one they prefer to use in order to communicate. This technological evolution, and it is continuing, means that from the perspective of technology and access, there has never been a higher level of functional equivalence for persons who are deaf and hard-of-hearing than there is today in the United States. This advanced technology can be made available in Canada from day one in the event that Sorenson is provided with an opportunity to offer service in this country.

7. Mr. Chairman, in your opening statement you encouraged parties to provide as many facts as possible. We will be pleased to do this and share with you the benefits of our 17 years of experience in developing, implementing and providing VRS service in the United States and Canada.
8. We will now focus on the questions you indicated you would like to discuss.

***What are the benefits of video relay service?***

9. In the Notice of Hearing for this proceeding that you issued in March, the Commission made the statement: “...the Commission recognized that VRS provides significant benefit to those with hearing or speech impairments who communicate via sign language”. We would be pleased to repeat, and it is not an exaggeration, to say that VRS is a transformative technology. Furthermore, it is the only technology that will permit functionally equivalent service for persons who are deaf and hard-of-hearing.
10. We would ask you to think about it this way: this hearing has been conducted in a way that is essentially a live version of VRS with superb interpretation services that have permitted real-time communication between persons who are deaf and hard-of-hearing and hearing. You could not have conducted this hearing using TTY or IP Relay. If you had, you would still be conducting your questions with the Canadian Hearing Society who appeared first thing on Monday morning.
11. The final word, of course, should go to those who have had direct experience with and without VRS. The TELUS Trial will provide you with ample evidence

supported by the strong endorsement by TELUS. You have also heard from many others in this hearing who have come before us; for example, Tatiana Kamaeva from Vancouver who told you how valuable VRS was to her during the TELUS Trial. The evidence before the Commission for some time now is overwhelming and it is clear that VRS meets the needs of people who are deaf and hard-of-hearing better than the current relay technologies or any other technology.

***Are the necessary interpreter resources available?***

(Suzanne Giroux)

12. The answer is unequivocally "yes". It is important to emphasize the amount of experience we have gained in Canada since we first established a sign language interpreting centre in Toronto in February, 2007. Building upon the success of our Toronto centre, we have opened other call centres from coast to coast in Victoria, Vancouver, Calgary, Edmonton, Winnipeg, Ottawa and Halifax.
13. We are also proud to say that because we have established these centres, it has encouraged the highly qualified interpreters who reside in Canada to stay here through meaningful employment with Sorenson. Our active training program means that we have also enhanced and expanded the pool of qualified interpreters who are encouraged, in addition to their employment with Sorenson, to work in the communities where they live, to provide important interpreter services to hospitals, courts, schools and all other social and private agencies that rely on their services. On average interpreters work for Sorenson 12 hours per week.
14. A good example of what I am talking about is the fact that some of the interpreters working in this hearing are part-time Sorenson employees. We won't embarrass them by singling them out. The important point is that they do not need Sorenson's permission to do this. They do get Sorenson's encouragement to do it.

15. The Bell companies have alleged that Sorenson has “downplayed the shortage of interpreters” and that our position “defies common sense and is irresponsible”. This is an interesting observation from companies that said they “have no experience in providing sign interpretation services”. Sorenson has had more experience with the issue of interpreter availability for VRS than any other service provider in this proceeding. VRS does not put an insatiable demand upon this critical human resource. As we have demonstrated in all of the cities in the United States and Canada where we have centres, VRS becomes an important catalyst for interpreter growth and development. The fact is that VRS drives interpreter supply and is a positive influence in a community.

***Implications of VRS for Emergency Calls and Caller Privacy***

(Mike Maddix)

16. We recognize that 911 calls are the most important calls a person ever makes. If Sorenson were selected to be a VRS provider in Canada, we would enter into immediate negotiations with our 911 technology partner to facilitate the ability to process 911 calls throughout Canada. This would involve: (i) prioritizing 911 calls above all other calls to minimize any delay in reaching an interpreter; (ii) using the location information provided by the consumer to determine the correct PSAP location for the call; and (iii) route the call natively through selective routers with enhanced 911 information similar to how VoIP calls are routed today.
17. Privacy and confidentiality are crucial elements in the provision of VRS. The issues are the same in the United States. Whether the service is in the United States or Canada, it is important to appreciate that interpreters are professionals and part of their professional responsibility is to maintain absolute confidentiality and ensure the privacy of anything they hear or observe.
18. You should think of the issue this way: the interpreter is an important part of the telecommunications facilities that enable a communication to take place between a deaf and hearing person. Suzie has suggested that I describe her role, and that of any interpreter, as having the communication go in one ear and out the other just as it goes in one end of a telecommunications system and comes out

the other. As a result, they are not a part of the conversation. Interpreters do not go to break or home and talk about the calls that they have just interpreted. The users of VRS, whether they are deaf or hearing, must have absolute confidence in the confidentiality and privacy of what is being discussed.

### ***Costs Related to Implementation***

19. We appreciate the Commission's need to try to establish the cost of the VRS service. We have filed evidence in our intervention and we have responded to written questions from the Commission on this subject. We stand by that evidence and our estimates of the costs.
20. On Tuesday, during its appearance, TELUS made a helpful suggestion that we would like to endorse. Pointing to the fact that you have received cost estimates from Mission and Sorenson respectively that vary from an annual cost of \$32 million to \$103 million, TELUS put forward a suggestion of having a competitive procurement process to select a service provider that meets defined service characteristics at the lowest possible cost. Sorenson endorses this suggestion. We believe that it has the potential to put an end to the extensive examination that has gone on for almost 7 years about the possible implementation of VRS.

### ***How to Administer VRS***

21. We can also agree with TELUS, as we have in our written submissions, that VRS should be funded through a national fund managed by an independent entity. Other parties in this proceeding are better equipped to speak with you in detail about that structure. We can tell you as a possible service provider that it would be a workable solution.
22. It has been very clear from the advocacy groups and from our experience with consumers in Alberta and British Columbia that time is of the essence in the implementation of VRS. It was for this reason that we originally suggested utilizing existing fund administrations. We understand that the TELUS suggestion to have the Commission direct a CISC committee to set up a

consortium dedicated to VRS funding and administration, similar to the consortium for the national contribution fund would essentially do that. From the perspective of a possible service provider, we are most interested in the speed of establishing the structure and our ability to deal with the ultimate administrator charged with the responsibility of implementing VRS.

23. If the TELUS proposal could achieve these goals, then we are pleased to support the company's suggestions.
24. One suggestion we have made that is different from the TELUS proposal is to use amounts that have been over-recovered by the incumbent local exchange carriers for existing message relay services (MRS). Our proposal is on a going forward basis only and it would mean that ILECs should be required to pay annually by March 31 of any year the excess of MRS revenues over what it has cost them to provide MRS services. We believe this would be a valid regulatory measure on the part of the Commission and it could be directed to the administrative costs related to creating a new contribution fund.

***New Question***

(Greg Kane)

25. During the course of the hearing the Commission has, without notice, raised what appears to be an additional issue or question relevant to the decision you will be making. The way it has been stated is that carriers have an obligation to provide service up to the point of undue hardship for either TSPs or individual consumers. It was explained that this obligation has been derived from the *Canadian Human Rights Act* and that there is legal advice to support such a position.
26. This is not an issue or a question that has been raised in either the Notice of this hearing (2013-155) or the opening statement by the Chairman of the Panel. We came into this hearing on the understanding that the Commission's jurisdiction on the issue of accessibility was well-established. Going back as far as decisions in 1980, the Commission has arrived at decisions relative to section 27 of the

*Telecommunications Act* consistent with policy objectives in sections 7(b) and (h) of the *Telecommunications Act*. This has led the Commission to make further determinations that the funding for technologies used to address accessibility issues shall be provided by the general body of subscribers.

27. We have not found, in any one of the decisions over a span of some 30 years, a test whereby the service would only be approved up to the point of undue hardship. This is not surprising because there is no such statutory provision in either the *Telecommunications* or *Broadcasting Acts*.
28. There is another element to this new issue. It has led to further questioning and requests, such as that to TELUS on Tuesday, to provide a monthly amount per consumer in order to demonstrate the impact of this regulatory measure. This is also an unprecedented examination.
29. Underlying this examination is the rationale that consumers will ultimately be responsible for the funding of the service. This raises an interesting area of consideration. If we go to the Commission's Communications Monitoring Report 2013, we find a number of areas where the Commission has addressed funding where consumers are ultimately responsible. Under the section entitled "Connect", we find \$132M in 2012 for the telecommunications contribution and subsidy regime where high cost serving areas were subsidized with TSPs contributions. In a section headed "BDU – Contribution and Expenditure Regimes", it is pointed out that approximately 6% of BDU revenues were directed to various funds such as CMF, LPIF, other independent funds and expenditures on local expression (community channels). The total amount of these contributions was \$506.2M in 2012.
30. Therefore, even by a rough estimate, it can be seen that consumers were required to provide the funding of approximately \$600 million in 2012 that came directly from regulatory provisions established by the Commission. None of the decisions establishing these funds faced an undue hardship test or disclosure of an amount per month per consumer.



31. But the most important point that we wish to make for the purposes of this opening statement is that we need to know the case we have to meet and the Commission's apparent injection of a significant jurisdictional hurdle must be clarified. We will reserve our submissions until that happens.

**Conclusion**

(Paul Kershisnik)

32. Mr. Chairman, members of the Commission, we would like to conclude by indicating how impressed we have been with earlier pronouncements by the Commission establishing the principle that equal and non-discriminatory access for persons who are deaf and hard-of-hearing requires telecommunications service providers to offer services that provide the same ability as any subscriber to communicate with all other subscribers. These decisions have been followed consistently over a span of some three decades.
33. Sorenson's approach to the provision of VRS in Canada presumes a dedication to the principle of functional equivalence. This is of fundamental importance because deaf consumers deserve what the hearing consumer enjoys and takes for granted. In practical terms, we would expect that deaf Canadians should be able to call whomever they wish, whenever they wish, from wherever they are located, all the while utilizing the latest technology whether it is fixed or mobile. At the conclusion of this hearing, we are confident that the Commission will have the evidence it is seeking to make a determination that VRS should be implemented and the manner in which it should be implemented in order to address the needs of all Canadians.
34. Thank you for the opportunity to participate in this important proceeding. We would be pleased to respond to your questions.