



Ottawa, 13 January 2011

Ref. No.: 503207

BY E-MAIL

Mr. Ken Thompson
Director and Counsel Copyright and Broadband Law
Rogers Communications Incorporated
333 Bloor St. East
Toronto, Ontario M4W 1G9
ken.thompson@rci.rogers.com

Dear Mr. Thompson:

Re: Complaint regarding Rogers' Internet traffic management practices

On 4 November 2010 Mr. Justin McKillican complained to the Commission that Rogers Communications Inc. (Rogers) had introduced changes to its Internet traffic management practices (ITMP) which impacted downstream peer to peer (P2P) traffic without providing the 30 day notice required by Telecom Regulatory Policy 2009-657, *Review of the Internet traffic management practices of Internet service providers*, October 21, 2009 (TRP 2009-657). The complaint further alleged that the changes introduced by Rogers were not reflected on Rogers' website and thus did not meet the requirements for prominent and clear disclosure of technical ITMPs as required by TRP 2009-657.

In your 10 December 2010 letter to Commission staff you indicated that Rogers intended to update the ITMP disclosure on its website in order to respond to the issues raised by the complaint from Mr. McKillican. Commission staff has reviewed the revised ITMP disclosures on Rogers web pages and considers that the revisions are not sufficient to make the disclosures compliant with TRP 2009-657.

Staff notes that the first mention of ITMP on the Rogers web page is titled Legal Disclaimer. The discussion of ITMP on that page indicates that the Rogers ITMP only applies to upstream peer to peer (P2P) traffic and that the ITMP has the effect of reducing speeds for such upstream applications to 80 kb/s. This same claim is made on the detailed discussion available on the network management policy page, paragraphs one and two.

Staff consider that in order to comply with TRP 2009-657, the discussion in the page titled Legal Disclaimer and the detailed discussion available on the network management policy web page should indicate that there are circumstances whereby the Rogers ITMP will also affect download speeds available to subscribers. Further, the detailed discussion on the network management policy page should clearly indicate which download applications might be affected in these circumstances and to what degree (i.e., the impact on download speeds should be indicated).

Staff further note that, in addition to the complaint from Mr. McKillican, staff has received at least three other complaints from Rogers subscribers raising similar allegations to those raised by Mr. McKillican.

Staff requests that Rogers provide a further response by 14 February 2011 to indicate whether and how Rogers intends to modify its ITMP disclosures in compliance with TRP 2009-657.

Please direct your further correspondence to Patrick Owens of my staff. Should you have any questions about this request, you may call Patrick at (819) 953-7159, patrick.owens@crtc.gc.ca

Yours sincerely

Lynne Fancy
Director General
Competition, Costing & Tariffs
Telecommunications

cc: Justin McKillican, justin@mckill.ca
Patrick Owens, patrick.owens@crtc.gc.ca