



25 August 2010

Our Reference: 496016

BY E-MAIL

Mr. John C. Plater
355 Quiet Valley Road
R. R. #1
Heathcote, Ontario N0H 1N0
john@plater.ca

Dear Mr. Plater:

Re: Complaint regarding Bruce Street Technologies' traffic shaping practices

Commission staff has reviewed your response to the 21 July 2010 complaint from [REDACTED] regarding the Internet traffic management practices (ITMP) applied by Bruce Street Technologies (Bruce Street) to its Internet access services. s.19(1)

Staff notes Bruce Street's submission that the technical ITMP which were the focus of [REDACTED] complaint were introduced by Bruce Street to address system wide degradation of service affecting all users on a particular gateway and that those measures have since been removed.

Staff further notes that, pursuant to Telecom Regulatory Policy 2009-657, *Review of the Internet traffic management practices of Internet service providers*, 21 October 2009 (TRP 2009-657), Internet Service Providers (ISPs) are required to provide disclosure of their ITMPs clearly and prominently on their web sites, and reference their online disclosures in relevant marketing materials, customer contracts and terms of service. New ITMPs or changes to current ITMPs that make them more restrictive should be disclosed to subscribers thirty days in advance, and must include the information identified at paragraph 60 of TRP 2009-657. In this regard, staff could not locate any discussion of ITMPs on Bruce Street's web pages. To the extent that Bruce Street employs technical ITMPs in the future, it is required to provide such disclosure in order to be compliant with TRP 2009-657.

Staff also notes that, pursuant to TRP 2009-657, where an ISP is reliant on services from a primary ISP that may apply ITMPs, the secondary ISP is required to disclose those ITMPs to its customers. In this regard, staff notes that Bruce Street acknowledges that its wholesale service provider may employ ITMPs and is presently reviewing the terms of service of its

wholesale provider to ensure that Bruce Street is in compliance with its obligations under TRP 2009-657.

s.19(1)

complaint also raised the effect of Bruce Street's technical ITMP on a specific Massively Multiplayer Online game used by Commission staff notes that there is no prohibition per se, as suggested by on the application of technical ITMPs to games for which end-users have paid for. However, certain online games may be time-sensitive. Pursuant to TRP 2009-657, to the extent that any technical ITMP results in the "noticeable degradation" of time-sensitive Internet applications, they must be approved by the Commission prior to use. In the circumstances of this case, there is insufficient evidence to determine whether the game in question is time-sensitive, and if so, whether Bruce Street's ITMP resulted in noticeable degradation of the traffic generated by the game. Given that Bruce Street is no longer applying the ITMP which affected the game, Commission staff will not investigate this matter further.

Finally, Commission staff notes that Bruce Street intends to register with the Commission as a telecommunications service provider.

In order to ensure that all appropriate compliance measures have been taken, Bruce Street is to confirm via e-mail to Patrick Owens of my staff (patrick.owens@crtc.ca) by 25 September 2010, that it is in compliance with the notification requirements of TRP 2009-657 outlined above and that it has filed the appropriate registration forms with the Commission.

Yours sincerely,

Original signed by

Lynne Fancy
Director General
Competition, Costing and Tariffs
Telecommunications

c.c:

Patrick Owens, CRTC, (819) 953-7159, patrick.owens@crtc.gc.ca