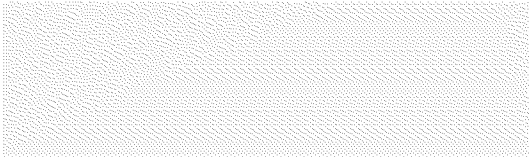




29 July 2010

Our Reference: 496316

BY E-MAIL



s.19(1)

Dear 

Re: Your complaint regarding Bell Canada's ITMP

Thank you for your correspondence.

Please note that in Telecom Regulatory Policy 2009-657, *Review of the Internet traffic management practices of Internet service providers*, 21 October 2009 (TRP 2009-657), the Commission determined that the Internet Traffic Management Practices (ITMP) of Internet service providers (ISPs), including Bell Canada, must conform to the framework set out in that decision.

Prior to TRP 2009-657, the Commission reviewed the ITMP of Bell Canada and determined in Telecom Decision 2008-108, *The Canadian Association of Internet Providers' application regarding Bell Canada's traffic shaping of its wholesale Gateway Access Service*, 11 November 2008, that those practices did not control the content or influence the meaning or purpose of Internet traffic carried by Bell Canada given that they only slowed down non-time sensitive applications and did not involve any blocking. The Commission later confirmed this finding in Telecom Decision 2009-677, *Canadian Association of Internet Providers et al. and Vaxination Informatique – Application to review and vary certain determinations in Telecom Decision 2008-108 related to Bell Canada's Internet traffic management practices*, 29 October 2009.

Given the Commission's finding in these decisions, Commission staff consider that Bell Canada's ITMP does not affect its content-neutral role as an ISP in the sense intended by the Federal Court of Appeal in its decision.¹

¹ 2010 FCA 178.

In light of the above, Commission staff do not consider that your complaint requires further action.

Yours sincerely,

Original signed by

Patrick Owens
Senior Analyst
Telecommunications