



Ottawa, Canada
K1A 0N2

Ottawa, 4 May 2011

Ref. No.: 526400

s.19(1)

Dear

Re: Your complaint regarding Bell Canada and Teksavvy's Internet traffic management practices

Thank you for your correspondence.

Your complaint alleges that the Internet traffic management practices (ITMP) employed by Bell Canada and Teksavvy affects certain applications, although you indicate that there appears to be no congestion on the Bell network.

Commission staff notes that the Commission's policies on ITMP are set out in *Review of the Internet traffic management practices of Internet service providers*, Telecom Regulatory Policy 2009-657, 21 October 2009 (TRP 2009-657).

Commission staff further notes that at paragraph 46 of that decision, the Commission stated the following:

Consistent with the current regulatory approach, under which the Commission has granted forbearance for retail Internet services, primary ISPs may continue to apply ITMPs to retail Internet services as they consider appropriate, with no requirement for prior Commission approval.

While the Commission can review ITMPs using the framework set out in TRP 2009-657, when it receives a complaint regarding an ITMP applied to retail Internet services, the burden of establishing that an ITMP discriminates or results in a preference or disadvantage is on the complainant, as noted in paragraph 48 of that decision.

You have not provided sufficient evidence with your complaint to show that either Bell Canada or Teksavvy violated the TRP 2009-657 framework. For example, you have not identified which applications were affected, nor the length of time they were affected. Commission staff recommends that you contact these companies to see if they can assist you in understanding and resolving the problem.

In light of the above, Commission staff considers that your complaint requires no further action. Consequently, this file is closed.

Yours sincerely

Joanne Baldassi, Senior Analyst,
Telecommunications