



**Canadian Network Operators Consortium Inc.
Consortium des Opérateurs de Réseaux Canadiens Inc.**

April 22, 2020

FILED VIA GCKEY

Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Gatineau, QC
K1A 0N2

Dear Mr. Doucet,

Subject: Implementation of new or modified technical Internet traffic management practices in response to COVID-19 – Request of Canadian Network Operators Consortium Inc. for Commission directions

1. Canadian Network Operators Consortium Inc. (“CNOCC”) is writing to request that the Commission issue directions with respect to the implementation of new or modified technical Internet traffic management practices (“ITMPs”) that are employed for the purpose of protecting network integrity during the COVID-19 pandemic.
2. During the week of April 13th to 17th, certain CNOCC members received notice from a wholesale high-speed access (“wholesale HSA”) service provider that it had implemented a new technical ITMP on a trial basis as part of the measures it is taking to manage its network during the COVID-19 pandemic.
3. According to the information provided, the new technical ITMP reduces the maximum upload speed for end-users that generate high levels of upload traffic. This reduction in upload speed is applied for a period of 96 hours, following which the maximum upload speed is reinstated for the end-user. If the end-user’s level of upload traffic is not subsequently reduced to an acceptable level, the technical ITMP may be applied to the end-user again.
4. As part of the notification, certain CNOCC members received the MAC address associated with their end-users to which the ITMP is being applied as part of the trial.

5. Further details and important information regarding the technical ITMP, what types of traffic it constrains, the thresholds that determine whether an end-user will be subject to the ITMP, and confirmation that the ITMP is being employed temporarily in order to protect network integrity have not been provided. The notice also appears to have been provided after the new technical ITMP had been implemented based on the indication that the technical ITMP was already being applied to the end-users identified.

6. We wholly appreciate the challenges posed by the COVID-19 pandemic, including the increased level of network usage that is occurring as Canadians are doing their part to flatten the curve by staying at home. We also understand that it may be necessary for measures to be taken to maintain network integrity in order to ensure that Canadians remain connected during this time. However, where a wholesale HSA service provider intends to take such measures by imposing a technical ITMP that impacts a wholesale HSA customer's end-users, it is critical that the wholesale HSA customer be provided sufficient information about the ITMP with as much advance notice as feasible in order to enable wholesale HSA customers to understand the impact that the technical ITMP will have on its end-users and properly troubleshoot and respond to complaints by impacted end-users.

7. Accordingly, we are asking the Commission to issue the following guidance, on an expedited basis, with respect to the implementation of technical ITMPs during the current COVID-19 pandemic. More specifically, if a primary ISP (as defined in Telecom Regulatory Policy 2009-657) is implementing a technical ITMP on a temporary basis for the purpose of maintaining network integrity during the COVID-19 pandemic, the primary ISP should: (1) attest that it is treating its own retail customers in the same manner as it is treating the retail customers of its wholesale HSA customers; (2) attest that it is implementing the technical ITMP on a temporary basis in order to protect network integrity during the pandemic and that the technical ITMP will be employed only for the minimum amount of time required to address the impact of the shifting usage patterns caused by the pandemic on its network; and 3) provide the following information:

- (a) who is affected by the ITMP;
- (b) when the Internet traffic management will occur;
- (c) what type of Internet traffic (e.g. application, class of application, protocol) is subject to management; and

(d) how the ITMP will affect a user's Internet experience, including the specific impact on speeds.¹

8. In our view, this measure balances the recognition that the implementation of technological ITMPs to maintain network integrity may be necessary during unprecedented emergency situations and the importance of ensuring that wholesale HSA customers have the information they require to serve their end-users that are impacted by such technical ITMPs.

Sincerely,

Jeff Brownlee
Executive Director

Copy: Chris Seidl, CRTC (via email)
Michel Murray, CRTC (via email)
TELUS Communications Inc. (via email)
Shaw Communications Inc. (via email)
Saskatchewan Telecommunications (via email)
Bell Canada (via email)
Rogers Communications Canada Inc. (via email)
Cogeco Communications Inc. (via email)
Videotron Ltd. (via email)
Bragg Communications Inc., carrying on business as Eastlink (via email)

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¹ This is consistent with the level of disclosure required to be made by ISPs implementing technical ITMPs generally. See paragraph 60 of Telecom Regulatory Policy CRTC 2009-657.