



Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission

Ottawa, Canada
K1A 0N2

September 19, 2014

Our reference: 678655

BY EMAIL

Ms. C.J. Prudham
Xplornet Communications Inc.
625 Cochrane Drive, Suite 1000
Markham, Ontario L3R 9R9
cj.prudham@corp.xplornet.com

Dear Madam:

RE: Complaint regarding Xplornet Communications Inc.'s Internet traffic management practices

The Commission has received a complaint in which the complainant alleges that Xplornet Communications Inc. (Xplornet) may be using Internet traffic management practices (ITMPs).

Commission staff notes that in *Review of the Internet traffic management practices of Internet service providers*, Telecom Regulatory Policy CRTC 2009-657, 21 October 2009 (TRP 2009-657), Internet Service Providers (ISPs) were required to disclose to their retail customers information related to the technical ITMPs that apply to their Internet service. Among other things, an ISP should identify how the ITMP will affect a user's Internet experience, including the specific impact on speeds.

Commission staff requests that Xplornet provide a full response to the complaint by **9 October 2014**, with a copy to the complainant.

Commission staff requests that, in providing its response to the complaint, the company ensure that it addresses, among other matters, the following:

- a) Indicate whether Xplornet is applying ITMPs to the complainant's Internet service that could affect the complainant's Internet speeds, specifically when attempting

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- b) to access the Google Play store. If Xplornet is not applying ITMPs to the Internet service, indicate what the source of the complainant's Internet speed issues may be.
- c) If the complainant's service is being throttled, indicate:
 - i. the throttled bit-rate,
 - ii. the period in a day where throttling is being applied, and
 - iii. the number of consecutive days on which throttling would be applied.
- d) Address the complainant's statement that when he attempts to access the Google Play store between 7am and 2am his connection is subject to ITMPs.
- e) Address the complainant's allegation that Google Play store traffic is treated differently than Apple App store traffic.
- f) Explain the process established to inform customers of Xplornet's Internet plans, including specifically the plan that is the subject of this complaint, that certain types of Internet traffic would be slowed during specific times.

Provide copies of all files (e.g. service tickets and test results) related to the individual's complaint and discussions that the complainant had with the company on this topic, if applicable.

The complainant may file a reply within **10 days** of Xplornet's response, with a copy to Xplornet. If a reply is not received, Commission staff will consider that the complainant is in agreement with Xplornet's response.

Please direct your correspondence to Cameron Warriner of my staff at cameron.warriner@crtc.gc.ca.

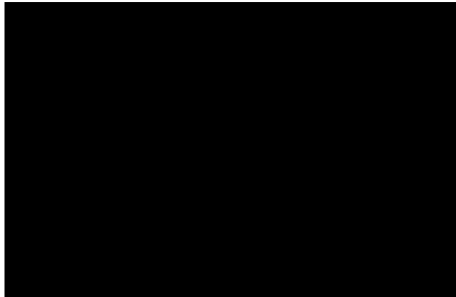
Sincerely,

Original signed by

Michel Murray
Director, Regulatory Implementation
Telecommunications Sector

c.c.: [REDACTED]
Cameron Warriner, CRTC, 819-953-6081, cameron.warriner@crtc.gc.ca

Attach. (4)

Attachment 1/4Correspondence ProfileClient Info

Date Registered: 03/09/2014 1:32:32 AM

Date Arrived: 03/09/2014

Message:

Xplornet's (www.xplornet.com; the "ISP") Inconsistent Traffic Management Policy (the "TMP")

- the ISP throttles Google Play store traffic but does not throttle Apple App store traffic.
- from 24/7/14 to 20/8/14 I have sent five emails to the ISP regarding this problem. Each response essentially denies a problem and keeps referring me to their TMP.
- no response has been received from the last email of 20/8/14.
- the Apple App store and Google Play store are identical services provided over the internet for various iOS (Apple) and Android (Google) devices; their treatment should be identical.
- as it stands, the ISP appears to favour consumers of Apple Inc. products and services over Google Inc. products and services.
- in this case, the ISP is contravening the tenets of net neutrality.