

Review and Vary

Supplemental Response to Bell disclosure

Telecom Decision CRTC 2008-108

**The Canadian Association of Internet Providers'
application regarding Bell Canada's traffic
shaping of its wholesale Gateway Access Service**

R&V file references

8662-V42-200907826 and: 8662-P8-200907727

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Introductory Notes

This document is written in response to the disclosure by Bell Canada of certain numbers, notably paragraph 18 of its submission in the R&V process with relationship to other processes where similar numbers were either divulged or not.

Note: The term "Sympatico" is used in this document to refer to Bell Canada's retail ISP service. Despite branding changes, this term is still more recognised and provides clearer distinction between the retail ISP business and Bell Canada's commercial network services.

Bell Needs to take a course in Mathematics.

18. ...wholesale end-users were, in December 2008, consuming 27% of the bandwidth during peak periods even though they were only 14% of the total base of end-users. As of May 2009, these numbers have increased and wholesale users are now consuming 29% of the bandwidth during peak periods even though they are only 16% of the total base of end-users.

1. In December 2008, each 1% of users (GAS) consumed 1.92% of the bandwidth (27/14)
A GAS user consumed 2.26 times what a Sympatico user did.
2. In May 2009, each 1% of GAS users consumed 1.81% of bandwidth (29/16)
A Gas user consumed 2.14 times what a Sympatico user did.
3. *Therefore, it is wrong for Bell Canada to claim that "these numbers have increased" since the relative share of bandwidth went down.*

What numbers should we believe ?

4. In recent times, there have been 4 different sets of claims on this issue:
 - (a) The undisclosed paragraph 18 in the R&V process.
 - (b) The 2008-19 public hearing presentation by Bell
 - (c) Undisclosed correction of the above numbers.
 - (d) The paragraph 18 numbers that were made public (basis for this document).
5. While the Commission may be able to judge the differences in those 4, we cannot.
6. We also cannot judge how those numbers were generated, and whether they were equitably generated. For instance, they could have selected Sympatico numbers for an area with senior citizens who only check emails once a week, and selected a GAS area where there are very active users. Only external audit would, at this point, provide trustable statistics.
7. As others have shown (Per Vice and CAIP/PIAC), how numbers are measured has great impact on the outputted statistics, and total bandwidth consumption is not an authoritative measure of who is responsible of congestion.

8. Considering that Bell Canada is launching IPTV service where connections between the signal generation device and the DSLAM have not been documented, what happens if, by the time IPTV gains popularity, Sympatico customers end up using 10 times more bandwidth during prime time than GAS users? Bell claims GAS customers cause congestion, yet is ready to launch a service that generates orders of magnitudes more demand for capacity.
9. It must be repeated that Sympatico does not purchase GAS service and that its relationship with Bell Canada is undisclosed because it is internal. Sympatico does not use AHSSPI, and its interface to the aggregation network is also different (IP connection to the BAS, whereas GAS connects via a PPPoE tunnel which is itself embedded in an L2TP tunnel).
10. Furthermore, In its 2008-19 public presentation, Bell Canada stated that the throttling during peak times was set at 256kbps. This number is not reachable for GAS customers where throttling kicks in at roughly 232kbps (29KB/s). One possible explanation is due to the fact that the DPI equipment is throttling PPPOE packets for GAS, while it is throttling IP packets for Sympatico. 256kbps of PPPoE traffic yields less payload throughput due to higher overhead. So the argument that GAS was throttled the same as Sympatico is not strictly true. And this may also skew usage statistics that make GAS customers appear to consume more than they really are.
11. Whatever those numbers may be in reality, they are likely to change in any direction as Internet usage patterns evolve and new services such as IPTV are introduced by only Bell. The Commission's decision cannot be made based on untrustable statistics that can change with the weather. Long term guidance must be given to ensure that long term plans by independents can be implemented with reasonable assurances that the services being purchased will be deliverable by Bell.

Nothing wrong with GAS users consuming more

12. A quality chocolate chip maker must be allowed to purchase 1.81 times more chocolate chips if it wants to make better quality cookies compared to the high volume monopoly baker. As long as the chocolate chips are paid for, they should be delivered as ordered. The monopoly must not impose the same low cookie quality standards on its competitors.
13. Therefore, Bell should be made to provide whatever capacity each ISP is purchasing to allow that ISP to deliver the service level it has decided to deliver. As long as the ISP pays for that capacity, Bell Canada must ensure it has the infrastructure capable of delivering it.
14. And in cases where there is congestion, blame should not be assigned to those who purchase the most capacity per end user, it should be assigned to those who don't pay verifiable amounts because their relationship with Bell is undisclosed.
15. Different ISPs cater to different target demographics. Sympatico may have chosen to target aunts and grand-mothers who check their emails once a week, while other ISPs may have targeted geeks and teenagers who make much greater use of available Internet services. Even within GAS, there are probably large variations in usage patterns between different independent ISPs. So variations in usage patterns are to be expected and accepted as perfectly normal. ***The issue isn't about an ISP consuming more than another, it is whether each ISP pays for the capacity that it consumes.***
16. The ability to provide differentiated services catering to different types of customers who have different usage patterns is an important part of what makes up a competitive environment.

17. While the Commission has refused to link the cost analysis provided by Bell Canada as part of the TN7181 process to the R&V process, there needs to be a strong statement on whether the GAS tariffs are profitable to Bell Canada or not because in the end, it is all about whether Bell Canada has been getting enough money from the independent providers to ensure it built its capacity sufficiently to deliver the capacity that is sold, whether Bell Canada has been negligent in network upgrades, or whether Bell is really subsidizing the GAS service, as it has claimed in its petition to Cabinet to prevent it from offering equal speeds to the independent providers.

Better definitions of the tariff are needed

18. In its 2008-19 public hearing presentation, Bell Canada stated that AHSSPI provided just a window into Bell's network and did not provide any capacity. And the word "best effort" was bandied about, even though it is not specified in the GAS/AHSSPI tariff.
19. In its interpretation of the GAS tariffs, the Commission has an opportunity to foster a competitive environment, one where independent service providers are able to define their own competing service and provide reasonable performance guarantees to their own customers. As long as GAS service providers pay for the capacity they use, Bell Canada must not be allowed to impose restrictions that prevent the independents from offering better services than Bell's Sympatico.

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