



March 25th, 2013

John Traversy
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

via GC-KEY

RE: TNC 2013-80 Review of outstanding wholesale high-speed access service issues related to interface rates, optional upstream speed rates, and modem certification requirements
CRTC File: 8661-C12-201303487

Mr. Traversy,

1. Pursuant to process defined by the 2013-80 Notice of Consultation, Vaxination Informatique submits its initial comments on optional upload speeds and modem certification issues below. And per the regulations, Vaxination confirms it wishes to be considered an intervenor in this file.

Optional Modem Upload speeds

2. The matching speeds principles exist to prevent incumbents from giving themselves undue preference by offering speeds which are not available to wholesale ISPs. Upload speeds are becoming more important to consumers as well as for ISP's marketing. As a result, an ISP who is able to offer higher upload speed gains a competitive advantage. Generally, when new speeds have been advertised, incumbents comply with matching speed requirements.
3. In its March 7th response, Rogers did admit to running some temporary promotions and does not feel matching speed should apply. The danger is that an incumbent would go from limited time promotion to limited time promotion on a more or less permanent basis. At what point should such options start to fall under matching speeds requirements ?
4. Another issue with TPIA wholesalers is that while tariffed wholesale has not offered "business" services, the incumbent's retail service does¹. This has not been a problem because TPIA ISPs have been allowed to use residential TPIA rates to serve business customers. However, from a speed matching point of view, if an incumbent offers its own retail business users speeds not available to residential customers, should those speeds also be made available to TPIA wholesale ?

¹ <http://www.rogers.com/business/on/en/smallbusiness/products/internet/plans/>

5. In the case of Bell Canada, a cost based approach must be used to determine whether an optional upload speed should be priced higher or not. Since costs are essentially the same, there should be no monthly cost difference between 15/1 and 15/10 services. However, an “upgrade” charge is reasonable for a customer moving from 15/1 to 15/10 (standard \$25 service charge for profile change). “

Modems

6. In the case of TPIA, modems have to be approved by the cable company because one subscriber’s defective modem, when connected to the shared coax, could disrupt service for other subscribers on the same coax.
7. In the case of DSL service, because the last mile is not shared, a faulty modem will not disrupt service for other subscribers. Also, telcos have the concept of the “demarc” which clearly delineates the limit of their responsibility with regards to debugging/repairing lines. As such, the responsibility of modem support falls onto the ISP and the ISP should then be free to choose modems of their choice. The telco should provide specifications of its VDSL2 implementations and let ISPs choose modems, instead of requiring each modem to be certified by the incumbent.
8. In the case of VDSL2 offering, Bell Canada has recently begun to offer its Sagecom modems for sale. However, modems must still be purchased through Bell Canada, must still be registered in Bell Canada’s systems (serial numbers), and are afflicted by Bell Canada’s user interface limitations (disabling most of the functions of the modem, including ability for user to access line statistics, a very important tool to help ISPs diagnose problems without involving the risk of a DMC charge).
9. While Bell Canada is free to cripple the functions of its modems for its own retail subscribers, it must not impose its own retail service decision onto wholesale competitors who may wish to offer better tools for their more tech savvy customers and the ability to disable the rudimentary routing and wireless features because those customers have their own separate and more capable router and/or wireless.
10. This is important for small business users who operate a firewall on their router and do not want some rudimentary router provided by Bell Canada between their full function router and the internet.
11. Furthermore, with an eye on the future where VDSL2 modems may become a commodity (as ADSL1 and 2 modems did), the Commission should not block the possibility of ISPs sourcing modems themselves and to this end, Bell Canada should publish a document which outlines the specifications of its VDSL2 implementation with the various sub protocols implemented and not implemented. Such a document has existed for ADSL-1 and ADSL-2 modems. Note that even if VDSL2 standards are still evolving, the Commission must take a forward looking view and enable the move of the modem market to “commodity” status of modems as soon as possible.
12. Should modem certification for ADSL/VDSL service be accepted, the Commission should review the concept of the demarc and DMC charges because if end users are forced to accept modems selected by the incumbents with crippled firmware designed to disable the end user’s access to the modem, then the incumbent should be made responsible for all support from the DSLAM to the Modem (inclusively).

13. It is important to note that in cases of problems with connectivity, the end use contacts his/her ISP and the debugging and technical support is up to the ISP and it is the ISP who should choose which modems it wants to support, especially when some bands of modems offer better debugging tools than Bell Canada's crippled firmware.

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