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4 November 2009

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Mr. Morin:

Re: Bell Aliant Tariff Notice 242 and Bell Canada Tariff Notice 7181 – Supplemental Interrogatory Responses

In accordance with the procedures set out in the Commission staff letter dated 16 October 2009 issuing supplemental interrogatories on the usage-based billing (“**UBB**”) proposal made by Bell Canada and Bell Aliant (collectively “**Bell**”) in the above noted tariff notices, Yak Communications (Canada) Corp. (“**Yak**”) is submitting its responses to the interrogatories addressed to Internet service providers.

Yours truly,

A handwritten signature in black ink that reads "Ed Antecol".

Edward Antecol
VICE-PRESIDENT, REGULATORY
AND CARRIER RELATIONS

Attachment

c.c.: Richard Pagé, CRTC 819-997-4298, richard.page@crtc.gc.ca
Daphne Fry, CRTC 819-953-5373, daphne.fry@crtc.gc.ca

Attached Distribution List

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Distribution List

Bell Aliant, regulatory@bell.aliant.ca
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Christian Tacit, ctacit@tacitlaw.com
Acanac Inc., paul@acanac.ca
Electronic Box Inc., regulatory@electronicbox.net
Accelerated Connections, mgarbe@dsl4u.ca
Telnet Communications, regulatory@telnetcommunications.com
AOL Canada Inc., regulatoryca@aol.com

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- Q** If the company were to implement usage based billing with its own end-users, explain the implications for doing so in light of the Bell companies' proposal for uncorrelated usage.
- A** Yak does not believe UBB is an appropriate mechanism to deal with peak traffic congestion. However, for the purposes of this interrogatory response, to the extent UBB is in general considered to be an appropriate economic traffic management tool, levying uncorrelated usage charges on ISPs where the ISP cannot pass such charges onto end-users will have no effect on over-use by the end-user. Moreover, it's far from certain whether Yak can close the door on uncorrelated usage to make up for Bell's inability to correlate usage.

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Q Provide, with reasons, the company's views on the feasibility and implications if the Bell companies were to charge each GAS customer for the aggregated usage (correlated and uncorrelated) originating from the telephone number of a GAS customer's end-user. In doing so, the Bell companies' would assign uncorrelated usage to the telephone number from which that usage originated and therefore to the GAS end-user responsible for that telephone number.

A If technically feasible, the proposal embedded in the interrogatory would solve the uncorrelated usage issue. However, the feasibility of correlating all usage to a GAS customer's telephone number would require a mechanism that allows the ISP paying for the GAS access to prevent a user from by-passing the ISP and authenticating on another ISP's network using the same GAS access.

If the proposal is not technically feasible, there should be no uncorrelated usage charges for the reasons set out in interrogatory response Yak (CRTC) 16Oct09-1 UBB.

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Q Comment on the feasibility and implications of an alternative approach whereby the Bell companies would charge each GAS-ISP, for each speed option, based on its end-users' total aggregate usage (correlated and uncorrelated), averaged over its end-users.

A If the Commission allows bell to apply UBB charges to GAS customers, then:

- (a) the usage threshold should be based on the number of end-users multiplied by a monthly cap per end-user (based on Bell's largest retail usage cap);
- (b) the aggregated usage should be calculated on each ISP's total correlated and uncorrelated traffic (but uncorrelated traffic should be included only if such uncorrelated traffic was a result of the ISP's authentication of the end-user); and
- (c) the rate for excessive usage above a usage cap should not vary by speed option - a byte is a byte is a byte.

There are several major issues with applying usage caps based on the GAS access speed:

- (1) A usage cap dependency on the speed option will force ISP's utilizing GAS to slot customers into tiers that parallel Bell's value-limited retail tier offerings;
- (2) Having different usage caps for different speeds doesn't reflect actual "over use" in a fair manner – those who can't get higher speed accesses must pay more for the same amount of data transfer;
- (3) Speed dependant caps penalize ISPs who cannot obtain GAS for higher access speeds e.g., Bell's 16 mbps service with a 75GB cap; and
- (4) Access speed dependant usage caps are consumer unfriendly because they tend to push end-users into selecting plans where consumers most will be paying a monthly fee for more than they use due to a fear of unexpected usage charges.