

**TELECOM NOTICE OF CONSULTATION
CRTC 2024-318**

*Making it easier for consumers
to shop for Internet services*

REPLY COMMENTS

OF

CANADIAN TELECOMMUNICATIONS ASSOCIATION

March 26, 2025

Executive Summary

1. Section 24.2 of the *Telecommunications Act* does not mandate that service providers display required information in a standardized broadband consumer label, such as the type introduced by the FCC in the U.S. Intervenor advocates for a standardized format, such as a broadband consumer label, have not provided convincing evidence of its benefits or that the alleged benefits would outweigh the disadvantages. They also overlook the fact that service providers are already required to provide key contract information to consumers under the Internet Code. Additionally, existing tools and practices already make it easy for customers to find relevant information and compare providers and plans.
2. The Commission should focus on the narrow requirement of Bill C-288, which is to establish criteria for the advertising of typical download and upload speeds for fixed broadband services during peak periods. The Commission should not mandate the provision of other service metrics. Other service quality and performance metrics are rarely requested by consumers and none of the intervenors provide sufficient evidence to indicate otherwise.
3. While requiring service providers to make information machine-readable to meet existing accessibility obligations is appropriate, requiring them to make information machine-readable to assist in developing comparison tools is not.
4. A consumer broadband label should not be a requirement for mobile wireless services for the same reasons that a label should not be required for fixed broadband services. Service providers already have significant disclosure requirements under the Wireless Code, and they also make information about their offerings easily available, accessible and in simple to understand terms on their product websites.

Introduction

5. Pursuant to the procedure outlined in Telecom Notice of Consultation 2024-318 - Call for Comments – Making it easier to shop for Internet (Consultation), the Canadian Telecommunications Association provides its reply comments in this proceeding.
6. Failure to address an assertion or proposal that is contrary to our position should not be construed as our agreement with such assertions or proposal. In accordance the Commission’s revised procedure, comments made by CTA in other proceedings may also be applicable to this proceeding. To the extent that our comments conflict with a comment of a CTA member, the comment of the member shall prevail with respect to that member.
7. As stated in our initial comments, we agree with the Commission and other intervenors on the importance of making it easy for consumers to find relevant information when shopping for Internet Services. This is why, in this intensely competitive market, our members maintain high standards of transparency in their dealings with consumers, including disclosing key information about their offerings in easy to understand and accessible ways, enabling consumers to make informed decisions.
8. However, we disagree with the Commission and the intervenors who support or suggest expanding the Commission’s proposals. Specifically, we oppose the idea that service providers should be required to abandon their established and successful practices for advertising product information in favor of unproven standardized formats or processes, such as an FCC-style label.
9. There is no evidence that U.S. consumers have materially benefited from the FCC label requirement. Nor is there any evidence that a standardized label will be more effective than the current practices of Canadian service providers for disclosing and advertising product and plan information. According to the Commission’s consumer survey, service providers are successfully providing such information to consumers.
10. Furthermore, there is no convincing evidence that consumers typically request service quality or performance metrics other than broadband speed. Service providers should not be required to build processes and systems to measure, analyze

and publish data about metrics that are not important to most consumers when choosing Internet services.

11. Requiring service providers to build costly and complex systems and processes to provide broadband consumer labels or service metrics that are relatively unimportant to consumers would contradict the policy objective of increasing reliance on market forces. It would also fail to ensure that regulation, if required, is efficient and effective. Additionally, it would not comply with the 2023 Policy Direction, which instructs the Commission to “ensure that measures that it imposes through its decisions are efficient and proportionate to their purpose.”¹
12. By adopting the proposals set out in our initial intervention, the Commission can fulfill the purpose of Bill C-288 and meet the objectives of the *Telecommunications Act* and the 2023 Policy Direction.

Bill C-288 does not mandate a broadband consumer label

13. Bill C-288, which mandates this Consultation, was introduced as a private member’s bill by a Member of Parliament, Dan Mazier, who was concerned about the accuracy of broadband speed advertising. While the Commission found in each of its speed studies that service providers’ broadband speed advertising was accurate,² the new Section 24.2 of the *Telecommunications Act* created by Bill C-288 requires service providers to provide to the public information about “typical download and upload speeds during peak periods”.
14. As part of the Consultation, the Commission is examining “whether standardized labels would make comparison shopping easier”.³ In response to that question, MP Dan Mazier states in his initial comments to this Consultation:

¹ [Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy](#), paragraph 4

² In its March 2016 preliminary [report](#), the CRTC found that service provider “[p]erformance was largely consistent across all regions, with the vast majority achieving between 104% and 110% of advertised download speed.” In its September 2016 final [report](#), the CRTC found that the majority of ISPs were delivering speeds above their advertised rates, regardless of the access technology in use, including during peak periods. And again, in its 2020 [report](#), the CRTC found that “all major Canadian ISPs are delivering users with average download speeds that exceed maximum advertised rates.” Finally, in its 2024 [study](#) of fixed wireless services, the Commission concluded that “[o]n average, both the advertised download and upload speeds were achieved across a 24-hour period.”

³ Consultation, paragraph 1

The question of *whether* Internet service providers *should* be required to display information in a standardized label is non-negotiable. The consultation the Commission is legally required to undertake in response to Bill C-288 is not to determine if, but how Internet service providers display specific service quality metric service quality metrics to consumers. This criterion is explicitly outlined in Bill C-288.⁴

With respect, Mr. Mazier appears to have misunderstood the Commission statement and misstates, in part, the requirements of Bill C-288.

15. Contrary to Mr. Mazier’s implication, we do not interpret the Commission’s statement as suggesting that C-288 does not introduce new requirements or mandate public hearings to define these requirements. Instead, the statement simply indicates that a standardized label is one of the options under consideration for displaying specific performance or quality metrics. The Consultation is also exploring and inviting comments on other approaches, including those used in other countries.
16. More importantly, Mr. Mazier suggests, in the first sentence of his statement quoted above, that Bill C-288 requires the display of information “in a standardized label”. It does not. The second sentence of Mr. Mazier’s statement is more accurate. He states that C-288 requires the Commission to determine “how” Internet service providers display such information and that the criteria that the Commission must follow are found in Bill C-288. What is not found in Bill C-288 are the words “standardized label” or anything similar.
17. The new section 24.2 of the Act created pursuant to Bill C-288 provides that:
 - (2) A Canadian carrier that offers fixed broadband services shall make the following information available to the public, in the form and manner specified by the Commission:
 - (a) service quality metrics during peak periods;
 - (b) typical download and upload speeds during peak periods; and

⁴ Dan Mazier, intervention, February 20, 2025, pg.1.

(c) any other information required by the Commission that is in the public's interest.

18. Subparagraph 24.2(3) of the Act provides that the Commission shall hold public hearings to determine the following:

(a) the service quality metrics that are to be measured....

and

(f) the form and manner in which the information referred to in subsection (2) is to be provided to the public to ensure that it is easily available, accessible and simple to understand.

19. As Section 24.2 clearly states, the Commission must hold public hearings to determine what service quality metrics must be displayed by service providers and the "form and manner" in which they must be displayed. A standardized label, like a nutrition label, is but one option.

20. Mr. Mazier's intervention also includes transcripts from his testimony in Parliament on Bill C-288 and the testimony of witnesses at the Standing Committee on Industry and Technology hearings considering the bill. Nowhere in such testimony, including the testimony of Mr. Mazier, is it stated that Bill C-288 requires prescribed information to be displayed in the form of a standardized label. In fact, in his testimony before the Standing Committee, Mr. Mazier states:

When the CRTC actually launches these hearing processes, that's where there is an opportunity to be flexible as well. There's lots of latitude in this. It is a discovery process to figure out how Internet service providers are going to display or transmit their services for Canadians.⁵

21. Section 24.2 of the Act clearly does not mandate that service providers display required information in a standardized broadband consumer label, such as the type introduced in the U.S. by the FCC. If a standardized broadband consumer label were required, Bill C-288 would have so stated. The Commission should disregard Mr. Mazier's statement that Bill C-288 requires the Commission to mandate the use of a standardized label for the displaying of performance metrics or any other information.

⁵ Standing Committee on Industry and Technology, March 6, 2023, pg. 4 of transcript.

Lack of evidence supporting standardized format or consumer broadband label

22. Intervenor who support requiring service providers to present prescribed information in a standardized format, such as a broadband consumer label, have not provided convincing evidence of the alleged advantages of a standardized format or that such advantages would outweigh the disadvantages. Most fail to acknowledge that service providers are already required to provide key contract information to consumers pursuant to the Internet Code. They also fail to acknowledge that existing tools and practices for informing customers about product and plan information already make it easy for customers to find relevant information and compare providers and plans.
23. Many of the intervenors supporting a standardized label or consumer broadband label base their argument on the Commission's public opinion survey.⁶ This survey asked individuals several questions about whether receiving standardized information for home Internet service options would be helpful. Participants were also shown an example of a broadband label and asked if it would be helpful. However, as Eastlink notes in its intervention,⁷ the design of the survey questions limits the usefulness of the results in determining whether a standardized format or consumer label is necessary or would provide a material benefit to consumers.
24. Eastlink correctly observes that participants were asked whether receiving such information would be "helpful" or "unhelpful" and whether it would make it "easier to compare" or "more difficult to compare". Given the choices, it is not surprising that most participants said that having such information would be helpful rather than unhelpful and make it easier to compare rather than more difficult to compare.
25. However, saying something would be helpful rather than unhelpful does not mean it is a better solution than existing or alternative practices for providing information to consumers. Participants were not asked to compare different ways that information can be displayed. They were not asked to consider how service providers in Canada already provide product and plan information, nor were they asked to review how service providers in other countries, like the U.K. or Australia, provide such information.

⁶ Public Opinion Research to Enhance the Transparency of Information Provided to Broadband Consumers Final Report, April 12, 2024. Prepared for the Canadian Radio-Television and Telecommunications Commission (CRTC) (hereinafter referred to as the survey)

⁷ Eastlink, intervention, February 20, 2025, pg. 9

26. They were also not asked to consider the information they already receive from service providers pursuant to the Internet Code. Additionally, they were not asked to consider whether a standardized format or consumer label would be desired even if the cost of building complex systems and processes to produce such labels might result in an increase to their monthly bill. Without asking survey participants to consider these related factors, the results of the survey questions about standardized formats and labels are of little value.
27. The Commission must consider all the above-mentioned factors when deciding how prescribed information should be provided to consumers. They should also note that 85% of survey participants indicated that they are satisfied, somewhat satisfied, or neither satisfied nor dissatisfied with the information they are able to find when shopping for home Internet services.⁸ Additionally, only 2% or fewer respondents found specific types of product or plan information - such as speed, cost, extra fees, and data - difficult to find or understand when choosing a service provider or shopping for an Internet plan. Only 1% of respondents said it was difficult to compare services, providers or prices.⁹
28. These results indicate that current practices for presenting consumers with pre-sale contract information and advertising product and plan information are working well. Consumers do not find it difficult to access or understand relevant information for choosing and comparing providers and plans.

Prescribed service quality metrics and other information

29. As mentioned above, Bill C-288 was introduced as a private member's bill due to a Member of Parliament's concern about the accuracy of broadband speed advertising. While the Commission found in each of its speed studies that broadband speeding advertising was accurate, it is the alleged inaccuracy in advertised broadband speeds that is the problem that Bill C-288 is trying to solve. This is reflected in the testimony before Parliament and before the Parliamentary committee that studied the bill. Other performance metrics or the main terms and conditions of service, such as monthly price, discounts, and term, are barely, if at all, mentioned.

(i) Service terms and conditions

⁸ Survey, pg. 22

⁹ Ibid. pg. 36

30. Intervenors who propose that service providers should be required to produce and display FCC-style consumer broadband labels with similar categories of service terms and conditions fail to mention that the FCC label was created under much different circumstances than exist in Canada. As noted by intervenors such as Cogeco¹⁰ and Eastlink¹¹, broadband services are significantly less regulated in the U.S. than in Canada.
31. Canadian service providers already have significant disclosure requirements under the Internet Code. Much of the information in the FCC label overlaps with information that must already be provided to customers in pre-sale offers and in the post-sale Critical Information Summary and contract. Service providers also make information about their offerings easily available, accessible and in simple to understand terms on their product websites.
32. Market forces, together with the requirements of the Internet Code, have resulted in consumers being provided with the key information regarding service terms and conditions in an accessible and easy-to-understand manner. There is no need to require service providers to abandon these existing practices in favour of unproven standardized formats or by requiring the disclosure of rarely asked for service plan information.

(ii) Service quality and performance metrics

33. Service providers should only be required to provide typical download and upload speeds during peak periods. Other service quality and performance metrics are rarely requested by consumers and none of the intervenors provide sufficient evidence to indicate otherwise.
34. Section 24.2 of the Act requires service providers to disclose to the public information about “typical download and upload speeds during peak periods.” While Section 24.2 also invites the Commission to consider whether service providers should also be required to provide consumers with information on other service quality metrics, few additional metrics were mentioned by intervenors.

¹⁰ Cogeco, intervention, February 20, 2025, para.46

¹¹ Eastlink, pg .10.

35. Latency is mentioned by some intervenors, but mostly in the context of the FCC broadband label and with little explanation for why latency disclosure should be required. As Rogers mentions in its initial comments, while there may be differences in latency between networks, most networks deliver latency that is:

well below the threshold of perceptibility and differences in latency will have no impact to their use of the service. Accordingly, requiring disclosure of latency is likely to mislead consumers into thinking this metric is relevant to their experience when it is not, potentially putting service providers offside the Competition Act and other advertising laws that prohibit misleading consumers by exaggerating metrics that are not relevant to them.¹²

36. Jitter is also mentioned by a few intervenors. However, the Commission's consumer survey concluded that few consumers consider metrics like latency or jitter when choosing an Internet plan.¹³ Advertising requirements and guidelines in the Australia and the UK do not include requirements to disclose metrics for latency or jitter. As mentioned in our initial comments, there was no substantive discussion about latency or any other performance metrics in the House of Commons or Senate Committee meetings studying Bill C-288.¹⁴

37. Mr. Mazier states that requiring the disclosure of packet loss would be in the public interest but does not provide any evidence supporting this position. Most consumers do not understand packet loss and would not know how to interpret the information. More importantly, there is a trade-off between reduced packet loss and the speed in which packets are transmitted through the network. Given these trade-offs, a lower packet loss does not necessarily mean better performance. Requiring disclosure of packet loss could result in consumers being misled into thinking that packet loss is an important metric and indicative of overall network performance.

38. With respect to download and upload speeds, there is no reason to go beyond what is required by Section 24.2 of the Act, which requires service providers to provide to the public information about "typical download and upload speeds during peak periods". Some intervenors, such as the Public Interest Advocacy Centre (PIAC), argue that

¹² Rogers, initial comments, February 20, 2025, paragraph 21.

¹³ Consumer survey, page 39.

¹⁴ CTA, intervention, February 20, 2025, para. 51.

service providers should be required to disclose other indications of broadband speeds.

39. In paragraph 19 of its initial comments, PIAC states that Bill C-288 requires service providers to report “typical upload and download speeds” to consumers and that service providers must provide information on “typical speeds for users across the day, and at peak hours”. Bill C-288 contains no such requirement. In quoting the words “typical download and upload speeds” PIAC left out the key words “during peak periods” that are contained in subsection 24.2(2)(b) of the Act.
40. PIAC further references the Australian Competition and Consumer Commission’s (ACCC) webpage¹⁵ on broadband performance data which provides information on average National Broadband Network (NBN) speeds by hour of the day and argues that the Commission should require service providers to disclose similar hourly information to consumers.
41. The ACCC webpage referenced by PIAC is part of the ACCC’s Measuring Broadband Australia (MBA) program¹⁶ that measures and reports on residential NBN fixed-line broadband speeds on a quarterly basis. The MBA program was launched in 2017 following complaints to the Telecommunications Industry Ombudsman during 2015-2016 which revealed that Internet data speeds for the NBN service was the single largest issue for consumer complaints during the year.¹⁷ These circumstances are markedly different from those that exist in Canada where, according to the Commission’s own studies, advertising of broadband speeds are accurate.
42. While Australian service providers may use the MBA information as a reference when developing advertising claims about their broadband services, they are not required to use it.¹⁸ Additionally, while the Australian regulator reports hourly speed testing results for NBN services, service providers are not required to measure or advertise the average hourly broadband speed of their services. In other words, there is no correlation between the ACCC’s MBA program and service provider broadband speed advertising. The fact that the ACCC MBA program publishes data on average hourly speeds does not justify requiring Canadian service providers to do the same,

¹⁵ <https://www.accc.gov.au/consumers/telecommunications-and-internet/broadband-performance-data>

¹⁶ [Measuring Broadband Australia program](#).

¹⁷ [ACCC to monitor Australia’s broadband performance](#), ACCC, April 7, 2025.

¹⁸ [Broadband Speed Claims: Industry Guidance](#), ACCC, October 2022, page 5.

especially when the Australian regulators do not mandate it for their own broadband service providers.

Machine readable format

43. In question 5 of the Consultation, the Commission states that any broadband consumer label must be machine-readable and asks whether there are any other accessibility-related considerations for which the Commission should be aware. While it is clear that the Commission is referring to machine-readable format in the context of enhancing accessibility for individuals with disabilities, some intervenors interpreted the Commission's reference to machine-readable as referring to a mandated label that is optimized to allow automated systems compare labels.
44. For example, the CCTS said that it supported machine-readable labels as they could enable the development of third-party applications that compare labels.¹⁹ It is our understanding that making a label machine-readable for persons with disabilities and making a label-machine readable to allow for the development comparison tools are, from a technical perspective, two different things. While requiring service providers to make information machine-readable to meet existing accessibility obligations is appropriate, requiring them to make information machine-readable to benefit third party comparison tool developers is not.
45. Service providers should not be required to expend resources to make information available in a specific format for third parties to use and generate revenue for their own benefit. There is also no assurance that these parties would use the correct, complete and up-to-date information. This could result in consumers being misled and confused.
46. As mentioned above, the Commission's consumer survey found that only 1% of respondents said it was difficult to compare services, providers or prices. There is no justification to require service providers to format a consumer label or any other information to allow third parties to create comparison tools.

¹⁹ CCTS, intervention, February 20, 2025, paragraph 42. See also the Competition Bureau, intervention, February 20, 2025, starting at paragraph 74

Mobile wireless services

47. The Competition Bureau argues that while Bill C-288 applies only to fixed-broadband services, the Commission's proposal to require consumer broadband label requirement for fixed broadband services should also apply to wireless phone services.
48. A consumer broadband label should not be a requirement for mobile wireless services for the same reasons that a label should not be required for fixed broadband services. Service providers already have significant disclosure requirements under the Wireless Code, and they also make information about their offerings easily available, accessible and in simple to understand terms on their product websites.
49. Market forces, together with the requirements of the Wireless Code, have resulted in consumers being provided with important information regarding service terms and conditions in an accessible and easy-to-understand manner. In the Commission's consumer survey, 3% or fewer of respondents identified cost, amount of data, roaming fees, contract terms and conditions, network reliability, or the ability to compare mobile wireless plans and prices as being particularly hard to find or difficult to understand. There is no need to require service providers to abandon existing practices or add unproven standardized formats or rarely asked for service plan information.
50. Additionally, as mentioned above, Bill C-288 was introduced to address a specific concern regarding the advertising of fixed broadband speeds. The advertising of mobile wireless speeds is not mentioned in Bill C-288 and was not identified as a concern by the bill's sponsor. Mobile wireless services are different than fixed broadband services. Mobile services allow users to connect to the network while they are travelling from location to location, whether that be in their community, on the other side of the country, or even in a different part of the world. The quality of service in any specific location depends on a variety of factors including distance from the serving cell tower, topography, environmental conditions, and potential interference from other wireless devices or structures. It is not practical to require service providers to advertise a typical mobile wireless speed during peak hours.

Conclusion

51. Intervenors supporting a requirement for standardized labels, such as the FCC label, have not provided sufficient evidence that a standardized label would make shopping for Internet service easier than it is today. Most intervenors who support a standardized label cite the FCC requirement but fail to note that the FCC label requirement is an outlier and unproven. Other countries, such as the UK and Australia, who have thoroughly examined the advertising of Internet services, do not require a standardized label or format.
52. Some intervenors base their support for a standardized format or label on responses from the Commission's consumer survey, which indicated that that such information or format would be more helpful than unhelpful when shopping for Internet services. However, these survey questions were posed in a vacuum and without considering service providers' existing practices for making produce and plan information readily available and easy to understand. In contrast, when asked if there is any plan or service information that participants find difficult to find or understand, very few respondents answered in the affirmative, and only 1% said it was difficult to compare providers or plans.
53. Market forces and the requirements of the Internet Code make it easy for consumers to shop for Internet services. The Commission should focus on the narrow requirement of Bill C-288, which is to establish criteria for the advertising of typical download and upload speeds for fixed broadband services during peak periods.

*****End of Document*****