



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC
285 McLeod Street, Suite 200, Ottawa, Ontario, Canada K2P 1A1

Selling Speed: Reforming Broadband Advertising Regulations in Canada

Report Summary

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I. Introduction

A decade ago, broadband service was important for consumers to derive the full extent of social and economic benefits from the digital economy. As of 2022, broadband is undoubtedly an essential service for the day-to-day functions of modern life, especially as the COVID-19 pandemic has forced many Canadians to go online to work, learn, pay bills, access public services, keep up with news, media, culture, and maintain connections with loved ones. To achieve these ends, consumers require access to affordable, reliable broadband services.

The broadband industry should therefore be founded on a commitment that internet service providers' (ISPs) broadband advertisements are informative, intelligible, comparable, and most importantly, accurate to the broadband speeds that consumers can expect to receive. Broadband ads must also include sufficient information on the technical limitations that may prevent customers from achieving the advertised speed limits.

In 2012, PIAC published an OCA-funded research project comparing ISPs' broadband advertising practices in Canada and other countries. The study revealed that not only were broadband plans advertised mainly in terms of "up to" maximum speeds, but information on technical limitations was also lacking and/or presented in the fine print. Since 2012, both UK and Australian regulators have developed specific guidelines. Major ISPs in these jurisdictions have – voluntarily or by enforcement – uniformly adopted more stringent standards for speed claims, consumer-friendly explanations of technical limitations, and informative advertisements that help consumers match services to needs. Hence, this "refresher" project aims to re-

examine the Canadian broadband advertising framework in light of regulatory developments in other countries.

II. Updates from Canadian regulatory authorities

The Competition Bureau, whose work includes investigating allegedly false or misleading representations, has in the last decade completed additional guidelines and investigations relevant to broadband advertising. In 2010, the Competition Commissioner commenced an application in the Ontario Superior Court of Justice regarding allegedly false and untested claims made by Rogers and its Chatr brand about “fewer dropped calls than new wireless carriers.” Then in 2014, the court determined in *Canada (Commissioner of Competition) v. Chatr Wireless Inc.* that these claims were incorrect and not based on an adequate and proper test, and that the average consumer is credulous and inexperienced regarding the technical information contained in advertisements.

In its 2015 “Deceptive Marketing Practices Digest,” the Bureau established that disclaimers, even if worded simply, may not alter the general impression of an already misleading advertisement. Furthermore, if the disclaimer aims to restrict or negate the message of the advertisement, the ad is more likely to mislead customers. Regarding performance claims, the Bureau’s 2016 Digest stated that performance claims must be tested using credible and appropriate testing methodologies, further explaining that unsubstantiated claims exploit the information gap between consumers and sellers, and undermine competition. Recently in a January 2022 report on deceptive marketing practices, the Bureau recommended disclosure of all material information clearly in the advertisement, instead of in the fine print. The Bureau has not yet published any guidance specifically about broadband advertising, nor has the Bureau completed any investigations specifically regarding speed claims.

While the CRTC does not directly regulate or provide guidance on broadband advertisements, it has established regulatory policies regarding internet traffic management practices (ITMPs). The CRTC requires ISPs to disclose ITMPs to customers and include information about how ITMPs may impact internet services. ISPs must provide this information not only in the fair use policy or terms of service, but also clearly and prominently on the webpages that describe the internet service offerings. In 2019, the CRTC prompted several major ISPs, including Bell and Rogers, to revise disclosure practices accordingly.

The CRTC’s 2018 report on misleading or aggressive sales practices noted that most commenters in the consultation perceived they were not getting the service they purchased. In 2013 and 2019 respectively, the CRTC created the Wireless Code and the Internet Code, which aim to improve contractual transparency, but does not specifically provide guarantees or rights relating to performance claims. The Commissioner for Complaints for Telecommunications Services (CCTS) deals with complaints under these codes.

The CCTS generally does not deal with complaints about internet ads or broadband measurements, but does investigate complaints where the customer is allegedly receiving a lower speed than indicated in the service plan. In case studies described in the CCTS' annual reports, these complaints are often resolved by negotiating with the ISP to grant the customer a discount and remove the cancellation penalty. In the 2019-2020 Annual Report, the CCTS stated that full and proper disclosure to customers would help decrease complaints arising from unmet expectations.

This unfortunate game of regulatory 'hot potato' has left Canadian consumers without a regulator taking primary responsibility for ensuring fair and transparent broadband advertising.

III. Developing Discourse on Broadband Speed Testing

Many factors affect internet performance, or otherwise limit the speeds that customers receive on their devices. The factors described in PIAC's 2012 report are still relevant to performance: access technology, network congestion, latency, packet loss and jitter.

In addition to speed, latency and packet loss are often tested in third party tools and in measurement programs conducted by regulators today. Latency, which is measured by the time it takes for data to complete the roundtrip from the user to a server, is an important consideration for online activities that require frequent exchange of information, like online gaming and videoconferencing. ISPs should be able to explain the difference between and factors affecting bandwidth and latency, including how likely a particular service plan can achieve maximum speeds (the bandwidth) while also maintaining low latency. ISPs should also track jitter and packet loss, which affect the user's quality of service. Jitter measures variation between latency measurements – high jitter may cause communications to stutter and overlap. Packet loss is the rate at which data packets are lost – a high rate of loss may cause video streams to skip content.

However, speed testing considerations have somewhat changed due to the continued expansion of FTTP networks, which has mostly shifted the performance bottleneck from the ISP's last mile access network to users' devices, home Wi-Fi network, network interconnections, and other factors. Therefore, some researchers consider that current speed testing tools may require redesigning to produce a more representative reflection of users' internet experience.

Ultimately, how to design and market a speed test depends largely on the purpose of the test. A user accessing a 3rd party online speed test like Ookla may simply want to validate their current internet performance on one device. An ISP testing its own lines may use its own controlled testing methods to assess network capacity. A regulatory authority conducting mass testing studies may seek to evaluate the overall quality of ISPs' service offerings. There is perhaps no ideal, single speed test that provides a comprehensive representation of service

within the home while taking into account performance factors both within and outside the user's control.

For consumers, however, a test that effectively only measures the ISPs' maximum network capacity is not very useful. The design of any speed test intended to inform consumers must consider the potential limits and interferences within a user's home network. Official speed testing conducted by regulators usually aim to avoid these interferences altogether by using dedicated testing hardware that controls for user traffic within the home. However, difficulties in optimizing home internet connections are a real part of the broadband user experience, which is frustrating especially where ISPs provide or sell the equipment and help install new services. As such, transparency must be the chief consideration in speed tests, that is, clear explanations to consumers about the limits of the methodology. Misinformation issues arise where a speed test designed to capture controlled aspects of a broadband service is used to make sweeping conclusions about entirely different dimensions of the same service. PIAC believes the CRTC's 2016 and 2020 Measuring Broadband Canada studies demonstrate this very issue.

i. The CRTC's Measuring Broadband Canada Projects

In 2016 and 2019, the CRTC commissioned SamKnows, a global internet measurement company, to collect data on performance indicators, including download and upload speeds, latency, packet loss, and webpage loading time. SamKnows collects speed data through its proprietary "Whitebox," which is a piece of hardware installed between a user's device and the home modem/router. To avoid interference from user activity, the Whitebox refrains from taking measurements until cross-traffic subsides below a threshold. Whiteboxes therefore do not account for the user's network setup, devices, or other factors that potentially affect bandwidth during normal use. The CRTC's news release for the 2020 report announced that "the vast majority of participating Canadian Internet service providers (ISPs) have met or exceeded the maximum download and upload speeds they advertise." While this may technically be true of ISPs' network capacities, the statement and study methodology does not represent how well broadband services stand up to normal user activity. The 2019 study also largely excluded data from rural and remote customers, who commonly experience limited availability and reliability of broadband services. The exclusion of rural and remote customers undermines the report's conclusion that "quality of service is consistent across Canada."

IV. Regulatory Updates in Foreign Jurisdictions

i. United Kingdom

In 2018, the UK's Advertising Standards Association (ASA) imposed specific rules for advertising residential broadband services, such that ISPs should advertise speed claims based on the actual experience of users, and ensure that a reasonable proportion of customers can achieve

those speeds. The ASA's Committee of Advertising Practice announced that, effective May 23, 2018, numerical speed claims in broadband ads should be based on average speeds, i.e. download speed available to at least 50% of customers at peak times (8-10 pm). This was a drastic change from the previous guidance that permitted advertising of "up to" speeds, measured over a 24-hour period and available to at least 10% of customers. The 2018 guidelines require that ads clearly and prominently communicate the factors that may affect the consumer's ability to achieve the advertised speed. Ads should also display the right to exit a contract penalty-free if the speed falls below a minimum guaranteed threshold and cannot be improved within 30 calendar days. After these new rules were introduced, nearly every ISP in the UK reduced their advertised broadband speeds, and ceased advertising "up to" speeds.

In 2018, Ofcom published their own updated code of practice, complementary to the ASA's guidelines. The code generally requires that at point-of-sale, ISPs always communicate realistic speed estimates, minimum guaranteed speed, and contractual exit rights.

ii. Australia

In Australia, advertising practices are governed by the Australian Consumer Law (ACL), which prohibits misleading or deceptive conduct, unconscionable conduct, unfair practices and other similar practices. The Australian Competition and Consumer Commission (ACCC) and each state and territory's consumer protection agency administers the ACL.

In response to complaints about perceived slow speeds, and consumer desire for easily comparable service ads, the ACCC published in 2017 its first guide for providers on how to advertise speeds for broadband services. The guide's six key principles direct that: consumers should have accurate information about the typical speeds they can expect to receive during the busy period; wholesale network speeds or theoretical speeds should not be advertised without reference to typical busy period speeds; information about the performance of promoted applications should be accurate and sufficiently prominent; factors known to affect service performance should be disclosed; performance information should be presented in terms easily comparable by consumers; and service providers should have systems in place to diagnose and resolve broadband speed issues.

Like in the UK, the updated guidelines improved broadband advertising in Australia. After the ACCC published its 2017 guide, eight ISPs came forward with court-enforceable undertakings admitting they likely misled consumers about broadband speeds, and offered to compensate customers. In 2021, the ACCC won a court challenge against Dodo and iPrimus, who paid a combined \$2.5 million penalty for making misleading claims based on flawed measurement methodology that used only the fastest observed speeds while ignoring the slower speeds that many customers experienced. In 2020 and again in early 2022, the ACCC initiated public reviews to add more information on higher speed products, upload speeds, wholesale specifications, and changing peak periods.

The Australian Communications and Media Authority (ACMA) also sets and enforces rules about communications. ACMA administers and investigates complaints under the Telecommunications Consumer Protections Code (TCP Code), which includes rules on advertising telecommunications products. The TCP Code aligns with the ACCC's six principles, in that the Code requires that the language and detail in ads must suit the intended audience, and all performance characteristics must be substantiated. In recent years, ACMA has ordered or received reports from ISPs like Optus and TPG revealing failures to notify customers about underperforming service speeds.

iii. The United States

In early 2022, the FCC sought comments on new broadband service labels, formatted in a manner similar to nutrition labels for food products. First proposed in 2016 as a voluntary measure, these labels include information on performance indicators like typical peak download and upload speeds, latency, and packet loss, alongside technical factors like network management practices that may affect speeds. The President himself, through an executive order and new law in 2021 requiring providers to create consumer-friendly labels, has played a major role in pushing forward the reform. As of March 2022, the FCC has not yet completed the public consultation on the labels.

V. Updated Broadband Advertisements

Periodically throughout the 2021-2022 study period, PIAC canvassed broadband advertisements in Canada and abroad. In summer 2021, fall 2021, and spring 2022, PIAC recorded the online advertisements of Canada's national ISPs: Bell, TELUS, and Rogers. At the same time, PIAC also collected the online ads of some major ISPs in the UK (BT Broadband and Sky Broadband) and Australia (Tangerine and Telstra), where regulators have implemented major changes to advertising practices. The figures in the final published report depict ads collected in spring 2022. As examples, PIAC has included select figures for this summary.

The comparison study reveals that the informational gap has widened between Canadian ads and those of the selected jurisdictions in the last decade. Consistent with new advertising guidelines, both BT and Sky Broadband ads in the UK show a guaranteed minimum speed and a range of download/upload speeds, and communicate clearly that customers can sever their contracts penalty-free if their speed falls below the minimum guarantee and cannot be resolved within 30 days. In Australia, even more information is contained in the ad itself and in linked fact sheets. The top providers in Australia advertise their plans in terms of typical busy period speeds, and convey information about technical factors in various pop-up windows and key fact sheets that are easily accessible from the main ad page. Tangerine's advertising materials, as displayed Figures 1 to 3, demonstrates this information continuum.

The image displays four broadband service plans in a row. Each plan card includes a title, typical evening speed, a list of benefits, a price, and a 'Choose Plan' button. A mouse-over tooltip is positioned over the 'XXL SPEED BOOST' plan, providing additional details about its performance. Below each plan card are links to 'Critical Information Summary' and 'NBN Key Fact Sheet'.

Plan Name	Typical Evening Speed	Price (MTH)	Price Details
STANDARD SPEED	25Mbps	\$44.90	(\$44.90 for 6 months, then \$59.90 ongoing)
XL SPEED BOOST	50Mbps	\$54.90	(\$54.90 for 6 months, then \$69.90 ongoing)
XXL SPEED BOOST	92Mbps	\$94.90	(\$94.90 for 6 months, then \$109.90 ongoing)
XXXL SPEED BOOST	205Mbps	\$94.90	(\$94.90 for 6 months, then \$109.90 ongoing)

XXL SPEED BOOST Mouse-over Tooltip:
 Maximum download/upload speeds of 100/20Mbps. Typical evening speed provides a measured expected download speed between 7pm and 11pm on fixed NBN services. This speed may differ based on various factors including your equipment, capacity of our systems and our suppliers, the number of users using your service, the applications running and the websites you are accessing. Speeds may be slower on NBN Fixed Wireless. Due to this we are unable to guarantee the typical evening speeds.

Figure 1. A customer shopping for Tangerine’s broadband services online can access additional information directly from the main advertisement, through a mouse-over text box and links to the “Critical Information Summary” and “NBN Key Fact Sheet,” displayed in Figures 2 and 3.

KEY DETAILS

The NBN broadband plan that you have ordered is on our XXL SPEED BOOST. This is provided on the nbn 100/20 speed tier.

*Interface speeds refer to the speed to the technology installed at your premises. They are not necessarily equivalent to the download/upload speeds you will achieve in practice. Actual download and upload speeds will be affected by many external factors which include the number of end-users using the service at the same time, the hardware, the software and software configuration, the connection method within the premises and the type/source of content being downloaded.

All Tangerine Telecom plans are subject to the Tangerine Telecom Fair Use Policy, which can be seen on our [website](#)

Broadband Speed:

Actual speeds you will receive will vary due to a number of factors such the number of end-users using the service at the same time, the hardware, the software and software configuration, the connection method within the premises and the type/source of content being downloaded.

NBN services provided using Fixed Wireless/FTTB/FTTC or FTTN technology may not be capable of supporting the highest available speed tiers. It is not possible for us to determine precisely the maximum speed that you will be able to achieve until your service is connected. If after connecting to a higher speed tier, you cannot achieve the typical speeds shown for your plan we will inform you and offer to move you to a lower speed tier and refund any money that you have paid for the higher speed tier.

Please contact us as soon as possible if you are not achieving satisfactory speeds and we will provide some troubleshooting tips that may improve things.

Figure 2. The “Critical Information Summary” page provides details about the terms and disclaimers for each plan, including, as shown in the sections above, factors that may cause actual speeds to vary in practice.

KEY FACT SHEET:

NBN Services

Information on speed tiers

NBN is available in a range of speed tiers. A speed tier is a theoretical maximum speed that is available during off-peak periods. The actual speed that you experience may be less, especially during busy periods. The nbn250 speed tier and above is only available to properties with FTTP and some HFC connection types. Please use our website to check your address and establish if these speeds are available to you. Details of the typical speeds you can expect and a recommendation of suitable plan for your usage can be found in the table below:

	nbn25 Speed Tier	nbn50 Speed Tier	nbn100 Speed Tier	nbn250 Speed Tier
Plan Name	Speed Boost	XL Speed Boost	XXL Speed Boost	XXXL Speed Boost
Typical Peak Time Speed (7pm – 11pm)	25Mbps	50Mbps	92Mbps	205Mbps
Typical Off-Peak Speed (11pm – 7pm)	25Mbps	50Mbps	92Mbps	205Mbps
Suitable for:	3+ users streaming music, video and web browsing. Streaming multiple HD services at the same time may not work well on this plan.	5+ users streaming music, HD video and web browsing at the same time.	Larger households, gamers and heavy internet users.	Those who want the fastest possible internet connection. Note that this is only available to FTTP and selected HFC services addresses.

Figure 3. The “NBN Key Fact Sheet” compares peak speeds and suitable uses between the service tiers offered by Tangerine, clearly highlighting that the highest speeds are only available to FTTP customers.

Where foreign ISPs provide minimum speed guarantees, or speed ranges, Canadian ISPs still primarily sell their services based on “up to” speeds. Any information about factors affecting download speeds is often not presented up front, but rather in the fine print in a footnote after scrolling past the service listings, or on a separate page. Figure 4 shows Bell’s online advertisement for its Fibe 50 service, which indicates that 50 Mbps and 10 Mbps are respectively the “max” download and upload speeds. Of the three national carriers, Bell is

somewhat of an outlier in that it does provide “minimum” and “most customers get” speeds on a separate webpage through the “view details” link, though there is no contractual guarantee attached to these speeds. There is also no information on suitable uses, and limited information about the factors that affect customers’ ability to achieve advertised speeds. Rogers’ and TELUS’ ads vary in that they provide slightly more information on suitability, technical factors, and minimum system requirements, but do not include any information on minimum or average speeds. Overall, there is no uniform approach to broadband advertising between the three national carriers.

Speeds to your Home Hub and usage	Minimum	Most customers get	Maximum
Download speed	46 Mbps	50 Mbps	50 Mbps
Upload speed	1.90 Mbps	7.5 Mbps	10 Mbps
Included monthly usage	Unlimited		

Home Wi-Fi

Home Hub 3000 with wireless AC technology included.

[Learn more about Wi-Fi](#)

Available to new residential customers, where access/technology permit. Subject to change without notice; not combinable with other offers. Taxes extra. Customer must opt to receive paperless billing. Modem rental included. Price is subject to increase during your subscription. Any change made to services may affect the price and/or result in the loss of credits or promotions, as the case may be, as eligibility conditions may vary. Upload access speed varies depending on the distance between the customer’s modem and switching equipment from Bell. Speed experienced on the Internet may vary with your technical configuration, Internet traffic, server, your environment, simultaneous use of IPTV (if applicable) and other factors.

1. Upload access speed varies depending on the distance between the customer’s modem and switching equipment from Bell.

Figure 4. Bell’s Fibe 50 plan claims that 50 Mbps and 10 Mbps are the “Max download/upload speed to your Home Hub.” Clicking on “View Details” leads to a separate page providing more details on the service, including a minimum and maximum speed, and a speed that “Most customers get.” In a footnote, limited details are provided on factors affecting the customer’s experienced speeds.

VI. Stakeholder Consultations

i. Consumer Interest Groups

PIAC consulted with various stakeholders using questionnaires or through one-on-one calls to discuss the aims of the project. Questionnaires were generally tailored to each stakeholder group, but every correspondent was asked to provide their views on the recent foreign reforms.

PIAC received responses from various consumer groups, including ACORN Canada, National Pensioners Federation (NPF), Consumers Council of Canada (CCC), and Union des consommateurs. In varying degrees, responses from these groups gave credence to the court's impression of the average consumer as "credulous and technically inexperienced." In some cases, the inexperience can be profound, as representatives from ACORN and NPF relayed that some consumers cannot even grasp basic technical concepts that differentiate service options, like Mbps/Gbps speeds or data limits, let alone more complex technical factors that affect service quality. Due to a lack of knowledge, these consumers sometimes accidentally purchase, or are sold services that are more expensive and that far exceed their actual needs.

Consultations with consumer groups also highlighted common issues with internet performance. CCC has received complaints from members who experience daily internet performance issues, especially during the pandemic, leading consumers to perceive that they are paying for service potential that is not fully available to them. Consultations also more generally revealed the various difficulties that consumers encounter while shopping for, upgrading, or troubleshooting their broadband services. For example, ACORN and NPF highlighted that insufficient or overly complex technical explanations frustrate some low-income and senior consumers, and lead to inaccurate performance expectations that sales agents fail to dispel.

Regarding the specific reforms adopted in Australia and the UK, ACORN and NPF strongly supported a more qualitative, comparative approach to broadband advertising, focusing on descriptions of functionality. The Union also supported inclusion of "suitability" information on the face of broadband ads. The Union further recommended that performance claims should not leave any room for ambiguity, and be presented clearly and simply so that even consumers with limited technical literacy can understand the ads. NPF asserted that these simple descriptions are more useful for seniors than technical features.

Union also supported standardized industry metrics for advertised speed representing the average or range of speeds during the peak period. However, CCC suggested that 7PM – 11PM, which is the peak period used in Australia, may no longer be the appropriate peak period due to pandemic-driven shifts in the time and type of internet usage. Both Union and CCC further expressed reservations about providing consumers with a detailed list of the technical

performance factors, pointing out that a list of potential points of failure does not provide adequate protections for consumers. Rather, consumers want more proactive steps from ISPs, like reliable ISP-provided interconnection devices that can fulfill performance claims, transparency around causes of performance failures, and commitments about the time taken to restore service.

Consumer stakeholders also expressed support for a contractual right to exit contracts penalty-free within 30 days if internet performance fails to meet advertised claims. NPF further recommended an extended 60-day grace period for seniors, who are less likely to use internet often enough to perceive performance issues within just one month. The Union added that the contractual right should include the return of devices supplied by the ISP.

ii. Regulatory Stakeholders

PIAC forwarded questionnaires to the CRTC, CCTS, Competition Bureau, and Advertising Standards Council. Though the Bureau declined to provide substantive responses to the questionnaire, it highlighted the Bureau's general strategic priorities as set out in the "2021-2022 Annual Plan: Supporting economic recovery through competition," pointing specifically to the objective to "[i]ncrease proactive enforcement in order to address anti-competitive activity across Canada." PIAC did not receive a response from the Advertising Standards Council.

The CRTC confirmed that it does not currently regulate or intervene with the rates, quality of service issues, advertisements, or retail practices of ISPs, but it does conduct and report on research relating to telecommunication services. Such research includes the 2016 and 2020 Measuring Broadband Canada studies, which the CRTC claims provide "a high degree of confidence that the findings of the report are representative of the overall set of users for the service offerings tested." As explained above, PIAC disagrees with this general conclusion. The CRTC also referred to the Wireless and Internet Codes as general codes of conduct that are meant to improve the consumer experience, though PIAC notes that neither code addresses how performance claims should be advertised and validated.

While the CCTS emphasized that it does not handle complaints about broadband ads or measurements, the CCTS does help resolve complaints when, based on evidence, the consumer receives speeds pertaining to a lower tier than what they are paying for. As such, the CCTS shared data on the number of complaints received regarding "false/misleading advertising" pertaining to internet services. From 2014 to 2021, the number of annual complaints in this category increased from 24 to 153. In the same time period, the number of complaints for "Intermittent/Inadequate quality of service" increased steadily from 361 to 2200.

Neither the CRTC nor the CCTS provided any views on the foreign reforms.

iii. Industry Stakeholders

Although PIAC reached out to national and regional ISPs, most declined to provide comments. The one exception was TELUS. Notably, in PIAC's 2012 report, TELUS was the only ISP who advertised its broadband services in terms of a range of speeds, instead of "up to" speeds. Since then, TELUS has switched to advertising broadband plans based on maximum download and upload speeds. According to TELUS' consultation response in the present study, this change was driven by a shift in subscriber base to a majority of PureFibre customers using a dedicated FTTP connection, which TELUS asserts consistently meets or exceeds advertised speeds. Therefore, TELUS reasons that "up to" advertising now represents clear and transparent guidance about expected service capabilities, as FTTP is not vulnerable to the capacity constraints and environmental stresses that may occasionally affect copper-based DSL services. TELUS also generally stated that both download and upload speeds are verified through regularly scheduled network testing to ensure customers receive the advertised speeds. TELUS emphasized several website features, such as an "Internet Wizard" quiz that asks customers about their needs and preferences, and then offers suitable plan options.

VII. Conclusion and Recommendations

In our 2012 report, PIAC made general recommendations about how ISPs can improve disclosures about performance claims in broadband advertisements, and how various regulatory bodies can enhance their roles in supporting this reform. Those recommendations continue to apply a decade later, but now, based on lessons learned domestically and from other jurisdictions, and further consultations, PIAC can offer more specific direction about what information best empowers consumers when shopping for broadband services.

- Based on recent foreign approaches, PIAC recommends that broadband service advertisements use tested, peak period average speeds or a range of typical speeds for each service tier. Solely using "up to" speed claims should not be permitted.
- Ads should include simple descriptions of the suitable uses for each plan, such as how many users a plan can support for bandwidth-heavy activities such as online gaming, high-resolution streaming, and videoconferencing.
- Ads should include technical factors affecting speed within the home, speed testing frequency, testing parameters (jitter, latency, etc.), and an obligation for ISPs to verify the customer's speed inside the home after new broadband services are installed.

- Ads should clearly communicate all material information within the ad and in immediately surrounding spaces, and/or through obvious links to other pages that prominently feature the information.
- All ISPs should provide a 30-day “cooling off period” during which customers can exit contracts penalty-free (including the refunding and free return of any rented/purchased equipment) if performance issues fail to meet advertised claims and cannot be adequately remedied. Seniors should have an extended 60-day cooling off period on the same bases.

Though PIAC offers the above recommendations, public consultations are still necessary to gain broad input from all stakeholders, especially consumers, about the specific terms of new broadband advertising guidelines. These consultations would help regulators strike the proper balance between the amount, format, and clarity of information. The Competition Bureau, CRTC, CCTS, and the ASC should all play complementary roles in ensuring consumers get the broadband services they pay for, perhaps with the Bureau spear-heading reforms as the regulatory body tasked by statute to regulate marketing practices. As demonstrated in foreign reforms, ISPs must also play a critical role in proactively holding themselves accountable to higher standards of transparency in advertising.

Ideally, consumers should not even have to select or troubleshoot broadband services based on speed. PIAC argues that consumers simply want affordable broadband services that support their usage needs, regardless of the theoretical maximum speeds the ISP is paid to provision. Perhaps in the future, all broadband services should be advertised primarily based on suitability of use, where consumers could bring complaints and assert contractual rights based on these advertised qualities. The onus, then, would fall on the ISP to provide a minimum baseline of service speeds that support a certain level of usage, which PIAC imagines will become more feasible as higher speed fibre is rolled out nationally. In the meantime, however, consumers deserve greater transparency and accuracy in broadband performance claims.