

CONSULTATION DOCUMENT

**Recommendation of the Eastern Caribbean Telecommunications
Authority ("ECTEL")
To the National Telecommunications Regulatory Commission to consult
on
Internet Neutrality**

**Consultation Document
01 /NO.**

September 2013

1. The National Telecommunications Regulatory Commission is in receipt of a submission from ECTEL containing ECTEL's recommendation on the aspects of Interconnection Agreements that should remain confidential.
2. A copy of the draft policy on Internet Neutrality is attached to this Consultative Document.
3. The initial comments period will run from **23rd September 2013 to 28th October 2013.**
4. The Comment on Comments period will run from **4th November 2013 to 15th November 2013.**
5. Following the Reply Comments period, ECTEL's Directorate will revise and submit the draft Policy document to the ECTEL Council of Ministers for its recommendation for adoption in the ECTEL Member States.
6. All responses to this Consultative Document should be written and sent by post, fax or e-mail to: -
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Disclaimer

This consultative document does not constitute legal, commercial or technical advice. The consultation is without prejudice to the legal position of ECTEL's duties to provide advice and recommendations to the Ministers with responsibility for telecommunications and the National Telecommunications Regulatory Commissions.

Suggested Guidelines for Responses to Consultations

In order to promote faster processing of views expressed and to reduce administrative lags in ECTEL's public consultation processes, ECTEL hereby recommends that parties desirous of making contributions to the attached consultation follow the procedures outlined below. ECTEL would therefore be grateful if commenting parties could please observe these guidelines where possible.

- 1) Responses to consultations should be clearly labeled as a response to the particular ECTEL consultation and correctly referenced by title.
- 2) Documents should contain; the Name of Party/Licensee/NTRC commenting, address and telephone, fax number and email contacts of commentary author or corporate officer(s) responsible for document. This information will enable ECTEL to clarify any comments where necessary, or to facilitate follow-up dialog by ECTEL where required.
- 3) For each specific recommendation contained in the consultation document, commenting parties should indicate clearly via a "**Yes**" or "**No**" response, whether they concur or disagree with ECTEL's recommendations, and provide explanations/reasons for each response.
- 4) Where parties have no view or interest in expressing a view on a specific recommendation, parties should indicate "**no comment**" and number appropriately.
- 5) Responses/comments to specific recommendations should be double spaced and numbered in sequence with the recommendation. Where comments are extensive, paragraphs should be numbered. Pages should be numbered.
- 6) Commenting parties should avoid making comments in the form of tracked changes to consultation documents.
- 7) Where possible, comment documents should be submitted in PDF format.

- 8) Where possible, parties should make explicit reference to academic articles; legislative provisions in other jurisdictions, or other sources relied on, and should provide copies of these together with comments. Accurate citations of resources relied on will suffice if copies cannot be provided.
- 9) Where parties are commenting on specific provisions of legal language, alternative language should be proposed where possible. Such language should be appropriately highlighted and double-spaced. Parties should avoid proposing alternative language in tracked changes to the consultation document.

ADDITIONAL INSTRUCTIONS FOR TELECOMMUNICATIONS SERVICE PROVIDERS:

In responding to ECTEL's recommendations also indicate whether your company:

- (1) Currently utilizes or plans to utilize Deep Packet Inspection (DPI) or similar technologies on your networks and if so please explain in detail your reasons for the use of DPI or similar technologies
- (2) Currently employs traffic management techniques other than DPI and if so please outline the traffic management techniques used: and
- (3) Would support the introduction of regulations by Parliament to control the use of DPI and similar technologies.

ADDITIONAL INSTRUCTIONS FOR OTHER STAKEHOLDERS

In responding to ECTEL's recommendations also indicate whether:

- (1) in your experience as a consumer applications such as Skype, Viber have been blocked by a telecommunications provider
- (2) you consider DPI an interference with your right to privacy
- (3) would be willing to pay based on how much data you use and pay extra if you exceed the agreed amount of data; and
- (4) You would support the introduction of regulations by Parliament to control the use of DPI and similar technologies.

ECTEL is grateful to those parties adopting the recommended guidelines for submitting comments.

**EASTERN CARIBBEAN TELECOMMUNICATIONS AUTHORITY
(ECTEL)**

**POLICY RECOMMENDATION ON
INTERNET NEUTRALITY**

DISCUSSION PAPER

September 2013

LIST OF ABBREVIATIONS

BEREC	Body of European Regulators for Electronic Communications
DPI	Deep Packet Inspection
EU	European Union
FCC	Federal Communications Commission
ICTA	Information and Communications Technology Authority
IDA	Info-Communications development Authority of Singapore
ISP	Internet Service Provider
ITU	International Telecommunications Union
NET NEUTRALITY	Internet Neutrality
PMT	Public Mobile Telecommunications
QoS	Quality of Service

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INTRODUCTION

*“Network neutrality is best defined as a network design principle. The idea is that a maximally useful public information network aspires to treat all content, sites and platforms equally. This allows the network to carry every form of information and support every kind of application.”*¹

Regulatory authorities approach the issue of Network Neutrality with “cautious observation, tentative refinement or active reform”². According to the ITU Discussion Paper on Network Neutrality cautious observers continue to note the net neutrality issues but have not taken any steps to deal with them whilst refiners adopt a light handed approach and refrain from prohibiting certain behaviours³. Active reformers are described as those that prohibit specific behaviours by ISPs. Countries such as Australia are regarded as cautious observers, the United Kingdom is classed as a tentative refiner and the Netherlands, Singapore, and the United States are seen as active reformers⁴. The major point of separation between the active reformers and the tentative refiners is enactment of prohibition on the blocking of content. Thereafter, both those classes engage utilize similar approaches such as the enactment of provisions for greater transparency in traffic management practices and the promotion of a competitive broadband market.

Summary of ECTEL’s Position

Having examined the approaches of a number of regulatory authorities ECTEL proposes that providers of fixed and mobile broadband refrain from blocking the content and provide customers with information on the terms and condition of their broadband service. The blocking of content in fixed or mobile broadband networks is only allowable in extremely limited circumstances and even where such circumstances exist providers must demonstrate that the action of blocking is reasonable and proportionate. It must be noted here also that ECTEL’s position on the blocking of content does not prevent providers from utilizing usage based pricing schemes where the customer is charged a rate for exceeding agreed usage levels. However, ECTEL does not support the practice of providers cutting internet speeds once a consumer has exceeded his agreed usage limit. In addition to advocating the prohibition against the blocking of content, ECTEL also advocates information transparency. As such, ECTEL supports the view that consumers must be supplied with all current

¹ Tim Wu, “Net Neutrality FAQ” (http://timwu.org/network_neutrality.html) last accessed on 24th June 2013.

² International Telecommunications Union, “Net Neutrality a regulatory perspective”, 2012 (<http://www.ictregulationtoolkit.org/en/Publication.4029.html>) last accessed on 24th June 2013.

³ (fn 2) pg

⁴ (fn 2) pg

information relevant to their broadband service in a manner that is clear and understandable.

This discussion paper commences with a brief examination of the differing regulatory approaches to Internet neutrality and thereafter outlines ECTEL's proposals on how the matter should be dealt with in the ECTEL Member States.

APPROACHES TO INTERNET NEUTRALITY

Prohibit the blocking of content.

Article 7. 4a of the Telecommunications Act in the Netherlands prohibits providers of public electronic communication networks which deliver internet access services and providers of internet access services from hindering or slowing down applications⁵. Provisions prohibiting the blocking of lawful content are also found in the 2010 United States Federal Communications Commission Report and Order on preserving the open internet. Therefore, one of the open internet rules mandates that fixed broadband providers refrain from blocking lawful content, applications, services or non-harmful devices. Mobile broadband providers are prohibited from blocking websites or applications that compete with their voice or video telephony services⁶.

However, the rule against the blocking of lawful content is subject to certain restrictions. Thus in the Netherlands the blocking or hindering of lawful content can be undertaken where it is necessary to “ minimize the effects of congestion whereby, equal types of traffic should be treated equally”⁷ and to “preserve the integrity and security of the network”⁸. In the United States the Open Internet Report recognizes that “an open, robust, and well-functioning Internet requires that broadband providers have the flexibility to manage their networks, including but not limited to efforts to block spam and ensure that heavy users don't crowd out other users”⁹. As such the rules regarding no blocking and non-discrimination are subject to the provider undertaking “reasonable network management.” A network management practice is reasonable “...if it is appropriate and tailored to achieving a legitimate net-work

⁵ Bits of Freedom, “Translation of Key Dutch Internet Freedom Provisions” (<https://www.bof.nl/2011/06/27/translations-of-key-dutch-internet-freedom-provisions/>) last accessed on 24th June 2013.

⁶ FCC Report and Order, In the matter of preserving the open internet and broadband practices (http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-201A1.pdf) last accessed on 24th June 2013.

⁷ (fn 5)

⁸ (fn 5)

⁹ (fn 6)

*management purpose, taking into account the particular network architecture and technology of the broadband Internet access service.*¹⁰ In Singapore although the IDA prohibited providers from blocking legitimate content it also adopted the position that ISPs must have the flexibility to manage their own networks and differentiate their service offerings. Thus, in its 2011 decision on net neutrality the regulator stated that “ISPs and network operators should be allowed flexibility to manage their network or differentiate their service offerings, but must abide by IDA’s fair competition rules, information transparency and minimum QoS requirements, as well as the prohibition of blocking of legitimate Internet content.”¹¹

Refine Quality of Service standards

In a converged telecommunications market where the ISP and the Content Provider may be one and the same, some traffic management techniques may be regarded as an anti-competitive. Thus, blocking access to or the use of a rival’s content or application or throttling a rival’s content with the intention of making the ISP’s own service more attractive in comparison is an unduly discriminatory practice.

In order to minimize the potential effects of traffic management techniques that degrade the service supplied to consumers, some regulators have refined their quality of service requirements. The EU in 2009 noted that the techniques utilized for traffic management could be utilized to degrade the quality of some services to an unacceptable level¹². In order to mitigate against this, it was proposed that the EU rules be altered to permit national telecommunications authorities to set minimum quality levels for network transmission services to promote net neutrality and net freedoms. As such, Article 22 (3) of the Universal Service Directive, permits regulators to set minimum Quality of Service requirements in order to prevent the degradation of service and the hindering or slowing or traffic over networks. In the Netherlands the revised legislation stated that in order to prevent the degradation of service or the slowing down of traffic, minimum requirements regarding the quality of service may be imposed. Further, part of Singapore’s three pronged approach to dealing with net neutrality focused on ensuring that customers enjoy a reasonable quality of service through the enforcement of quality of service regulations.

¹⁰ (fn 6)

¹¹ IDA, Decision on Net Neutrality, 2011

(http://www.ida.gov.sg/~media/Files/PCDG/Consultations/20101111_Neteutrality/NetNeutralityExplanatoryMemo.pdf) last accessed on 24th June 2013.

¹² EU Press Release, Agreement on EU Telecoms Reform paves the way for stronger consumer rights, an open internet , a single European telecoms market and high speed internet connections for all citizens ([http://europa.eu/rapid/press-release MEMO-09-491_en.htm](http://europa.eu/rapid/press-release_MEMO-09-491_en.htm)) last accessed on 24th June 2013.

Improvement in information transparency In order to improve the quality of service, regulators have determined that the provision of information by operators about their services and the limitations of the same will further the objective of net neutrality. Once providers are obliged to be more transparent in their dealings, customers will be placed in a better position to make informed choices and in a competitive environment, consumers will readily switch to operators whose services and policies are best suited to their needs. Further, information transparency will also allow regulators the opportunity to examine service terms and conditions and thereafter determine whether the same are in keeping with regulatory rules. Therefore, transparency requirements focus on the revelation of information pertaining to speeds, the traffic management practices and their impact on the services provided as well as the terms and conditions of provision of the service.

In the EU Article 21 (3) of the Universal Service Directive mandates NRA's to ensure that providers inform their customers about the limitations on their access to service. However, according to BEREC the Directive did not provide an exhaustive list of the essential factors for the achievement of transparency. Therefore, in order to better explain how transparency could be achieved BEREC in 2011 issued a document outlining best practices and recommended approaches for achieving transparency in furtherance of the goal of net neutrality. The document recommends that operators which provide services with fixed connectivity should detail maximum speeds as well as actual download and upload speeds. Providers should also reveal the conditions necessary for the delivery of certain speeds as well as factors that impact on the provision of the services to the customer. Further, it was proposed that providers should inform customers about their traffic management techniques, clearly distinguish between applications agnostic and application specific traffic management methods and state how the said techniques impact on the customer's service¹³.

The IDA, noting that providers in Singapore published theoretical broadband internet access speeds, recommended that ISPs measure and publish typical access speeds experienced by end users¹⁴. In January 2012 the IDA in an information paper on the publication requirements for internet service providers mandated that all ISPs offering residential fixed or customer mobile broadband plans to publish the typical speeds of each of the applicable residential fixed and consumer mobile broadband plan alongside the theoretical maximum speeds¹⁵. The speeds must be "prominently published on

¹³ BEREC Guidelines on transparency in the scope of Net Neutrality: Best Practices and Recommended Approaches, 20122 (http://berec.europa.eu/doc/berec/bor/bor11_67_transparencguide.pdf)

¹⁴ (fn 11)

¹⁵ IDA, Publication Requirements for all Internet Service Providers, 2012 (http://www.ida.gov.sg/~media/Files/PCDG/Licensees/Information%20Papers/PR_ISP.pdf) last accessed on 24th June 2013.

the ISPs websites, brochures, digital and press advertisements, and any other publicity or marketing materials in a clear, easily accessible and easily understood manner, preferably alongside the theoretical speeds.”¹⁶ Further, the IDA requires that the computation methodology utilized to measure the speeds also be made available to the consumer¹⁷.

Promote competition in the retail broadband market. Providers who do not possess significant market power and who operate in markets that are competitive are unlikely to engage in traffic management practices that are likely to result in a consumer shift away from their businesses. Therefore, regulatory interventions which aim at improving competition in the broadband market will reduce the incentive for providers to undertake anti-competitive business practices. According to the ITU, open access policies such as the mandated unbundling of local loops, bitstream access and duct access have been successful in stimulating retail fixed broadband markets¹⁸.

In Singapore, the IDA’s three pronged approach to net neutrality commences by advocating the facilitation of competition in the market for internet access through the utilization of the IDA’s competition code. The Code guards against anti-competitive behaviour and unfair methods of competition such as the degradation of service without a legitimate justification¹⁹.

ECTEL’s PROPOSED APPROACH TO INTERNET NEUTRALITY

Having reviewed the approaches adopted in several jurisdictions as well as the current legislative framework in the ECTEL Member States ECTEL is of the view that the internet must be open and as such believes that all electronic communication that passes through a network must be treated equally. If ECTEL were to advocate the position that the blocking of content and throttling of speeds by telecommunications providers was acceptable, it would be acting contrary to its mandate to promote a ubiquitous state of the art communications environment, contributing to the curtailment the government objective of establishing knowledge based societies and sanctioning the violation of the telecommunications legislation and licence terms.

ECTEL Member States have committed themselves to goal of establishing knowledge based economies and to that end some have subscribed to regional initiatives such as the CARICOM ICT4 project which apart from other things has as its aim the utilization of ICT to transform enhance economic and social

¹⁶ (fn 16)

¹⁷ (fn 16)

¹⁸ (fn 2)

¹⁹ (fn 11) pg 6

development. In order to achieve these regional objectives it is essential to possess a robust communications infrastructure and as such the CARICOM ICT4 project speaks to the establishment of “*modern, regional regulatory and open telecommunication infrastructures...to provide affordable and ubiquitous access.*”²⁰ ECTEL was conceived in part to promote the introduction of advanced communication technologies as well as the overall development of telecommunications in the Member States. Given this function and the participation of ECTEL Member States in these types of initiatives, ECTEL supports the objective of using ICT to transform and reform the economies of the member states. Provider policies and behaviour which have as their aim the blocking of content and the throttling of internet speeds will interfere with regional goals and potentially stymie the growth in the ICT sector, hamper innovation and unnecessarily inhibit the transmission of information. ECTEL as an institution created in part for the promotion of telecommunications cannot support actions by providers which interfere with overall development in the telecommunications sector and therefore ECTEL cannot support the blocking of content or the cutting of internet speeds. ECTEL supports the concept of an internet in which the end to end principle is maintained.

Not only is the blocking of websites potentially inhibitive of economic development it also interferes with the privacy rights of customers. This in turn breaches the terms of the current telecommunications legislation as well as the licence terms and conditions. The Telecommunications legislation in the Member States speaks to the confidentiality of the information transmitted over the telecommunications infrastructure and seeks to protect consumer privacy. In order for a provider to restrict subscribers' usage of the internet, providers would of necessity need to engage in some form of computer network packet filtering known as DPI. All data transmitted over the internet is sent in the form of "packets" of information usually containing a "header" and a "body" of data (i.e. which together constitute "messages.") In order to successfully restrict or block a user's access to certain types of services, an ISP would essentially need to set up its network so that certain types of information, (i.e. data or "messages,") would be restricted from passage through the network or routed to an alternative destination based on certain pre - established protocols.

However, section 59 of the Act which states that *"Any message transmitted over a public telecommunications network, shall be confidential and shall not be intercepted or interrupted without the consent of the sender, or without a court order made under this Act or any other enactment"* prohibits any interference in the correspondence of a sender (and by necessity a receiver) without consent or

²⁰ CARICOM Draft ICT for Development Strategy

(http://www.caricomict4d.org/images/stories/docs/draft_regional_ict_strategy.pdf) pg 16. last accessed on the 24th June 2013.

a court order. Thus, the practice of DPI coupled with the act of blocking of content amounts to interference with correspondence and as such is a clear breach of the prohibition against unlawful interference. The practice of blocking content is also contrary to licence terms. Article 8 of Part 2 of the PMT and ISP Licences states that *“The Licensee shall ensure the privacy and confidentiality of information and business secrets obtained in the course of its business from any Customer by establishing and implementing procedures for maintaining confidentiality of such information as set out in the Act.”* Where a provider, utilizes DPI in order to block access to certain websites it undermines rather than maintains the privacy and confidentiality of subscribers’ information.

The blocking of content also violates licence terms which speak to non-discrimination and engaging in anti-competitive practices. Thus, if a provider decides to prevent access to certain websites on its mobile network yet allow access on its fixed network it would be in breach of Article 6.3 and 6.5 of the ISP licence that treats with non-discrimination and free trading. Article 6.3 of Part 2 of the standard PMT and ISP Licences prohibits discrimination *“against any customer using customer equipment, in connection with the Licenced Networks, which are... leased by the Licensee, provided that any such Customer Equipment is... approved under the Act.”* Therefore, where a provider’s data plan states that the use of certain applications may be restricted if the said plan is used on another device, the provider is imposing restrictions on the use of the internet depending on the device utilized. This is contrary PMT and ISP Licences and constitutes a breach of a fundamental licence term.

In addition to the above, the blocking of content by holders of PMT and ISP licences contravenes the licence terms on engaging in anti-competitive behaviour. Article 6.5 of the PMT licence places an injunction on providers to desist from engaging *“in any activities, whether by act or omission, which have, or are intended to or likely to have, the effect of unfairly preventing, restricting, or distorting competition in any market for the licenced services...”* Where one entity acts as a content provider and a telecommunications provider, it could be tempted to favor its own content, applications and or programs, among other things, if it were allowed to restrict access to certain services. Permitting such an entity to place an unreasonable restriction on subscribers’ use of mobile internet services therefore, could potentially enable it to favor its own content and related services to the detriment of consumers. Such action would restrict or limit customer choice, place an undue restriction on subscriber access to information and enable it to regulate the market for a service in which it is itself a competitor. Such a state of affairs would likely amount to an abuse of a dominant position since it would effectively ensure that the provider could unfairly prevent, restrict, or distort competition in the market for mobile internet content, including but not limited to mobile applications, email and or related services.

In light of the above, ECTEL takes the view that the blocking of content is prohibited under the current telecommunications legislative framework. However, the absolute prohibition against the blocking of content is oft challenged by the argument that providers must have the freedom to efficiently manage their networks. In a decision dated the 23rd March 2010, the ICTA in outlining the results of its consultation on DPI noted that providers utilized DPI to manage traffic on their networks, identify network threats such as spam, identify and restrict illegal content and tailor internet advertising to users. After considering these varying uses the ICTA stated that it was “*not convinced that examination of content is essential for traffic management (or any of the other purposes listed above) and views this practice as an unreasonable invasion of an individual’s privacy.*”²¹ ECTEL concurs with the ICTA’s position that DPI is not necessary to ensure effective traffic management.

Though cognizant of the fact that providers must be able to employ techniques to effectively manage the traffic that passes through their networks for optimal performance, ECTEL’s view is that those techniques utilized should not interfere with the privacy rights of customers, breach existing telecommunications legislation and licence provisions or have anti-competitive effects. Further, ECTEL, like the Netherlands and other countries that have prohibited the blocking of websites notes that there are circumstances in which exceptions should be made. To that end, ECTEL is of the view that for traffic management techniques to be countenanced, the provider must demonstrate to the regulator that the said techniques do not interfere with the individual right to privacy and are not discriminatory and are reasonable and proportional in the circumstances.

Indeed, given the concern that some customers utilize applications which require a lot of bandwidth to the detriment of others, ECTEL suggests that providers consider the utilization of data caps. ECTEL is not opposed to providers implementing data caps by setting a price for a predetermined amount of data. Where the agreed amount of data is exceeded the provider may charge the customer for the excess or temporarily suspend the account after the customer has been given notice and an opportunity to purchase additional data. Providers are also free to implement congestion controls that do not target any specific application and as such are application agnostic. However, ECTEL wishes to make it abundantly clear that ECTEL does not approve of the

²¹ ICT Decision 2010-4 Decision on Deep Packet Inspection and similar Technologies in the Cayman Islands, ICTA, (<http://mail.ectel.int/Session/400-8eB3BJ2Jg7DvFv3fzekg/MessagePart/INBOX/5561-03-B/ICT%20Decision%202010-4%20DPI.pdf>) last accessed on the 24th June 2013.

throttling of speeds or blocking of websites where customers exceed usage limits.

Additionally, ECTEL supports the view that customers should be supplied with all relevant information on the quality of service provided. Not only does this promote transparency within the sector it also allows customers to make informed decisions about the service provider and the type of service to choose. Therefore ECTEL encourages providers to adhere to s. 17 (1) of the Quality of Service regulations which states in part that “*a telecommunications provider shall before it concludes a contract with a customer make available to that customer clear and up to date information on its quality of service for each service that it is licensed to provide.*” In complying with this section, ISP’s should disclose their traffic management techniques and state clearly how the utilization of the same would impact on the speeds obtained and the overall quality of service.

SUMMARY OF ECTEL’S POSITION

1. The practice of blocking websites and throttling speeds interferes with regional objectives to utilize ICT as a way of transforming economies and transitioning towards knowledge based economies. As a body which was in part created to promote the introduction of advanced technologies and the overall development of telecommunications in Member States, ECTEL cannot condone actions by providers which stymie the growth and development of the ICT sector.
2. In order for providers to restrict customer access to particular websites telecommunications providers must engage in DPI which constitutes an interference with the privacy rights of individuals. The practice of DPI breaches legislative provisions on privacy and confidentiality as well as the terms of the licences currently issued by ECTEL. ECTEL as the regulatory authority cannot support actions which are contrary to the law nor as a public institution condone actions which interfere with the constitutional rights of individuals. ECTEL recommends that providers of fixed and mobile broadband services refrain from the practice of DPI and the subsequent blocking customer access to content irrespective of the end device utilized.
3. It is noted that the countries which have addressed the issue of net neutrality all acknowledge that the provider must be able to utilize certain techniques that will enable the efficient use of their infrastructure. ECTEL recognizes that there may be merit to the argument that providers must engage in some form of traffic management. However, traffic management techniques must not

interfere with the fundamental right to privacy nor can it be applied to achieve anti-competitive ends and as such practices which are discriminatory or which are tantamount to an abuse of competition are not acceptable. As such whilst ECTEL will note the position that providers must be able to efficiently manage their networks, it reiterates the view that providers refrain from actions which infringe on the individual right to privacy and have anti-competitive objects and/ or effects. To that end ECTEL is of the view that for traffic management techniques to be countenanced, the provider must demonstrate to the satisfaction of the regulator that the said techniques do not unduly interfere with the individual right to privacy and are not discriminatory and are reasonable and proportional in the circumstances.

4. ECTEL has noted that within the Caribbean region providers have implemented usage based pricing schemes for mobile data services. ECTEL recommends that providers utilize usage based pricing schemes and application agnostic network management as a method to control network congestion.
5. When one examines the approaches to net neutrality, it is noted that information transparency is often regarded as one method in which to promote net neutrality. It involves providing customers with relevant information on the traffic management practices used by the provider and the impact of the practices on the service that will be supplied. Once consumers are given access to the information they are able to make better decisions about whether they would want to obtain service from a particular provider. ECTEL recognizes that this approach by itself does not resolve the issues caused by the providers restricting access to content but concurs that information transparency does play a role in furthering the overall aim of net neutrality. As such, ECTEL recommends that providers in keeping with the provisions of the Quality of Service Regulations provide customers with clear, readily accessible and relevant information on the traffic management practices used by providers, the quality of service that they should expect and all other terms and conditions relating to their broadband service. This information would allow customers to make informed choices.