

## **ISP MASS MARKET INTERNET SERVICE POLICIES AND CUSTOMER INFORMATION**

The following policies apply to mass market broadband Internet services offered by Central Texas Communications Inc. Central Texas Communications Inc. also offers enterprise level services that can be individually tailored to customer needs. Information on enterprise level services can be obtained at <http://www.centex.net/contactus.php>. It is Central Texas Communications Inc.'s policy to provide robust and reliable access to the Internet for all of its residential and commercial mass market end user customers. Because network resources are shared by all users, Central Texas Communications Inc. has implemented the following policies to govern mass market Internet service. These policies are designed to: (i) ensure that shared network resources are allocated fairly among all users; (ii) allow users and prospective users to understand service policies and any significant limitations on the service; and (iii) provide a foundation that assures customers that they can rely on consistently receiving the level and quality of service to which they subscribe. Central Texas Communications Inc. does not block access to, nor discriminate against, any lawful website or Internet application and, with respect to fixed Internet access services, supports the ability of users to select and attach the equipment of their choice to the network so long as that equipment: (i) is used for a lawful purpose consistent with Central Texas Communications Inc.'s Acceptable Use Policy; and (ii) does not harm the network or degrade network performance for other users. Customers are encouraged to familiarize themselves with the following policies which are deemed part of their Service Agreement. By using Central Texas Communications Inc.'s Internet service, the customer accepts, agrees to be bound by and to strictly adhere to, these policies. The customer also agrees to be responsible for compliance with these policies by third parties, such as friends, family members or guests that make use of the customer's service accounts or equipment to access the network for any purpose, with or without the permission of the customer.

### **I. ACCEPTABLE USE POLICY**

1. General Policy. Central Texas Communications Inc. reserves the sole discretion to deny or restrict your service, or immediately to suspend or terminate your service, if the use of your service by you or anyone using it, in our sole discretion, violates the Service Agreement or other Central Texas Communications Inc. policies, is objectionable or unlawful, interferes with the functioning or use of the Internet or the Central Texas Communications Inc. network by Central Texas Communications Inc. or other users, or violates the terms of this Acceptable Use Policy ("AUP").

<http://centex.net/CTCServiceAgreement.htm>

2. Specific Examples of AUP Violations. The following are examples of conduct which may lead to termination of your Service. Without limiting the general policy in Section 1, it is a violation of the Agreement and this AUP to: (a) access without permission or right the accounts or computer systems of others, to spoof the URL, DNS or IP addresses of Central Texas Communications Inc. or any other entity, or to penetrate the security measures of Central Texas Communications Inc. or any other person's computer system, or to attempt any of the foregoing; (b) transmit uninvited communications, data or information, or engage in other similar activities, including without limitation, "spamming", "flaming" or denial of service attacks; (c) intercept, interfere with or redirect email or other transmissions sent by or to others; (d) introduce viruses, worms, harmful code or Trojan horses on the Internet; (e) post off-topic information on message boards, chat rooms or social networking sites; (f) engage in conduct that is defamatory, fraudulent, obscene or deceptive; (g) violate Central Texas Communications Inc.'s or any third party's copyright, trademark, proprietary or other intellectual property rights; (h) engage in any conduct harmful to the Central Texas Communications Inc. network, the Internet generally or other Internet users; (i) generate excessive amounts of email or other Internet traffic; (j) use the service to violate any rule, policy or guideline of Central Texas Communications Inc.; (k) use the service in any fashion for the transmission or dissemination of images containing child pornography or in a manner that is obscene, sexually explicit, cruel or racist in nature or which espouses, promotes or incites bigotry, hatred or racism; or (l) download or use the Service in Cuba, Iran, North Korea, Sudan and Syria or in destinations that are otherwise controlled or embargoed under U.S. law, as modified from time to time by the Departments of Treasury and Commerce.

3. Copyright Infringement/Repeat Infringer Policy. Central Texas Communications Inc. respects the intellectual property rights of third parties. Accordingly, you may not store any material or use Central Texas Communications Inc.'s systems or servers in any manner that constitutes an infringement of third party intellectual property rights, including under US copyright law. In accordance with the Digital Millennium Copyright Act (DMCA) and other applicable laws, it is the policy of Central Texas Communications Inc. to suspend or terminate, in appropriate circumstances, the service provided to any subscriber or account holder who is deemed to infringe third party intellectual property rights, including repeat infringers of copyrights. In addition, Central Texas Communications Inc. expressly reserves the right to suspend, terminate or take other interim action regarding the service of any user or account holder if Central Texas Communications Inc., in its sole judgment, believes that circumstances relating to an infringement of third party intellectual property rights warrant such action. These policies are in addition to and do not affect or modify any other rights Central Texas Communications Inc. may have under law or contract. If you believe that copyrighted material has been used in violation of this policy or otherwise been made available on the service in a

manner that is not authorized by the copyright owner, its agent or the law, you may contact our Designated Agent as follows:

<http://www.copyright.gov/onlinesp/agents/c/centxcom.pdf>

4. Central Texas Communications Inc. may, but is not required to, monitor your compliance, or the compliance of other subscribers, with the terms, conditions or policies of the Service Agreement and AUP. You acknowledge that Central Texas Communications Inc. shall have the right, but not the obligation, to pre-screen, refuse, move or remove any content available on the service, including but not limited to content that violates the law or this Agreement.

## II. SYSTEM PERFORMANCE

Central Texas Communications Inc. provides residential and commercial mass market customers with a choice of data plans to meet their needs. Central Texas Communications Inc. also provides enterprise level services that are custom tailored to a specific project and individually priced based on the needs and criteria established by the Enterprise customer. Central Texas Communications Inc. offers the following mass market services and typical speed ranges. These speeds were calculated based upon internal testing, and use of website speed tests.

<u>Service</u>	<u>Download (Mbps)</u>	<u>Upload (Kbps)</u>	<u>Latency (ms)</u>
Silver	2	512	10
Gold	4	1	10
Platinum	6	1	8
Express	8	1	8

While Central Texas Communications Inc. provisions their network and equipment to ensure that its customers can enjoy the speeds to which they subscribe, Internet speeds generally result from a “best effort” service and are dependent on a number of variables, many of which are outside the control of an Internet Service Provider. Such variables include: the age and processing capability of the user’s terminal device or computer; the number of applications running simultaneously; the presence of viruses or malware; whether the terminal equipment is connected to the network by wire or by wireless; the distance the data packets must travel between the user and the website; the presence of congestion on and technical configuration of any intervening networks; any gating or congestion management schemes employed by websites to limit download or upload speeds in cases where multiple users are served simultaneously. Central Texas Communications Inc. does not guarantee that a customer will achieve the speeds set forth above at all times. Rather, the foregoing data speeds represent the best information available to Central Texas Communications Inc. of the typical speeds a customer can expect to experience under normal operating conditions.

Speed tests that allow customers to test the upload, download and latency performance of their broadband data services are available free of charge from a number sources. Generally, these tests are influenced by the same variables that affect Internet speed set forth above. Accordingly, the speed results would not be expected to match a test of Central Texas Communications Inc.'s network conducted under laboratory conditions. Please note, however, that all speed tests use different methodologies to calculate Internet connection speed so each of the tests would be expected to yield different results. Accordingly, each of these tests should be viewed as a helpful guide rather than as a definitive measurement of performance. The following are several sites, unaffiliated with the ISP, that provide speed testing:

<http://www.speakeasy.net/speedtest/>

<http://www.speedtest.net>

<http://netalyzr.icsi.berkeley.edu>

<http://www.broadband.gov/qualitytest/about/>

### **III. NETWORK MANAGEMENT**

Central Texas Communications Inc. utilizes a fully redundant network architecture that is designed to provide users with true broadband speeds and reliability even during times of peak demand. The network has been constructed to meet projected traffic demands and is fully scalable to allow for capacity to be added to meet customer needs and to support newly developing and increasingly sophisticated applications well into the future. However, congestion can occur on any IP network, and, when it does, packets can be delayed or dropped, leading to service degradation and delays.

Central Texas Communications Inc. does not presently employ any congestion management practices. Central Texas Communications Inc. does not discriminate against particular applications and users remain free to access the websites of their choice and run the applications of their choice consistent with the AUP. Central Texas Communications Inc. reserves the right to implement active congestion management practices in the future in response to new technological developments, the deployment of new services and applications, and customer preferences or demands. Generally, provisioned data speeds for Central Texas Communications Inc.'s mass market services are sufficient to support such applications as Voice over IP (VoIP), gaming, web surfing, or most streaming video. However, because Central Texas Communications Inc.'s residential, mass market broadband service generally does not prioritize such traffic; it is possible that certain applications requiring real time communications may perform at less than optimal levels.

Central Texas Communications Inc. does take measures to protect its network and ensure that its AUP is enforced. For example, ISP has deployed measures to prevent spam, viruses, and other malware and to monitor and prevent denial of service attacks. Central Texas Communications Inc. does not generally interfere with or manage the use of specific protocols or ports. However, in the interests of network security, the following ports may be blocked or unavailable:

Port	Transport	Protocol	Inbound/ Outbound	Reason for block
<b>135-139</b>	TCP/UDP	NetBios	Both	NetBios services allow file sharing over networks. When improperly configured, they can expose critical system files or give full file system access (run, delete, copy) to any malicious intruder connected to the network.
<b>445</b>	TCP	MS-DS, SMB	Both	Security risks; vulnerable to attacks/exploits/worms such as the Sasser and Nimda worms.

With respect to fixed broadband services, users may generally attach the devices of their choice and run the applications of their choice, subject to the limitations of their data plan and the terms of their service agreement and AUP. While many devices such as routers, Bluetooth, WiFi cards, laptops, notebooks and tablets are readily available from third party sources, such as consumer electronics retailers, other devices, such as DSL modems, proprietary network gateways, and WiMax base stations must be provided by Central Texas Communications Inc.. Users are advised to contact technical support before purchasing any third party equipment to ensure compatibility with the network. Central Texas Communications Inc. is not responsible for the compatibility, suitability or functionality of any equipment that is provided by the customer or any third party, and the customer remains fully responsible for ensuring that any such equipment does not cause any harm to the network or degrade the service of other users.

All users are fully responsible for securing their equipment, including wireless routers, to prevent unauthorized access to the network by third parties and will be

held fully responsible for the actions of such third parties that gain unauthorized access to the network through unsecured end user equipment.

#### **IV. COMMERCIAL TERMS**

The rates and service plans for Broadband Internet access can be found at <http://www.centex.net/internet.php>

Your service term is month-to-month; Central Texas Communications Inc. can change the price of your service by providing you at least one billing cycle's notice of the change.

Central Texas Communications Inc. does not have data caps or overage fees for internet usage at this time however we reserve the right to implement these features in the future if the need or service plans change.

#### **Privacy**

We do not share any information about your use of our products and services, and do not employ cookies, or web beacons. However, Central Texas Communications Inc. does not control and is not responsible for how web sites and applications may collect or use information from our customers. Accordingly customers should familiarize themselves with the information collection, retention and disclosure policies of applications they use and the web sites they visit. Central Texas Communications Inc. may use information such as network traffic data, service options you choose, and other similar information to deliver and maintain products and services, or to help you with service-related issues or questions. Such practices may include, but are not limited to, inspection of network traffic (e.g., deep-packet inspection) and storage of network traffic information for network management and network security purposes or to enforce Acceptable Use Policies. Central Texas may also provide network traffic information to law enforcement as required by law.. In addition, subject to any legal restrictions that may apply, this information may be used for other purposes such as providing you with information about product or service enhancements, determining your eligibility for new products and services, and marketing to you based on your use of your products and services. This information may also be used to: (1) manage and protect our networks, services and users from fraudulent, abusive, or unlawful uses; and (2) subject to consent practices described in this policy, help us improve our services, research and develop new products, and offer promotions and other services. This type of information may be aggregated for business and marketing uses by us or by third parties.

If you subscribe to Central Texas Communications Inc. Internet access services, we may automatically measure and monitor network performance and the performance of your Internet connection to improve your, or our, overall service

levels. If you contact us for service support, we also may access information about your computer, wireless device or other device settings to provide customized technical support or to install specific applications or services that you use or that are necessary to the applications or services you use.

Central Texas Communications Inc. will not gather information from your use of our Internet access services to direct customized advertising specifically to you based on your visits over time and across different non-Central Texas Communications Inc. websites, unless we first provide you with notice of our plan and obtain your affirmative consent.

Please note that Central Texas Communications Inc. is not responsible for information, content, applications or services provided by others. Before you access, use, link to or download a service or application on your computer or wireless device, you should review the associated terms of service and privacy policy. Personal information you submit in those contexts may be read, collected or used by the service or application provider and others associated with these forums in a manner different from that described here.

#### Information Provided to Us by Third Parties

When you purchase products or apply for service with us, we may obtain credit information about you from outside credit reporting agencies to help us with customer authentication and credit-related decisions.

Central Texas Communications Inc. may obtain information from outside companies that collect consumer information such as demographic and interest data. We may use this data and combine it with other information we have about you to help us predict customer preferences and to direct marketing offers that might be more relevant to you.

If a customer has complaints or questions about the service, they are urged to contact us at <http://www.centex.net/contactus.php>.